

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPSWES-7</b>
<b>DA Number</b>	<b>2019/47</b>
<b>LGA</b>	<b>Narromine</b>
<b>Proposed Development</b>	<b>Electricity Generating Works – 5MW Solar Farm</b>
<b>Street Address</b>	<b>6 Euromedah Road, Narromine</b>
<b>Applicant/Owner</b>	ITP Developments Pty Ltd
<b>Date of DA lodgement</b>	18 July 2019
<b>Number of Submissions</b>	<b>One (1)</b>
<b>Recommendation</b>	<b>Approved subject to conditions</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	<b>5 Private infrastructure and community facilities over \$5 million</b>
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• Narromine Local Environmental Plan 2011</li> <li>• Narromine Shire Council Development Control Plan</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Plans</li> <li>2. Statement of Environmental Effects</li> <li>3. Bushfire Assessment Report</li> <li>4. Noise Assessment</li> <li>5. Traffic Study</li> <li>6. Submissions</li> </ol>
<b>Report prepared by</b>	<b>C O'Connor</b>
<b>Report date</b>	<b>September 2019</b>

### 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 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?  
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions **Not Applicable**

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**  
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

## DEVELOPMENT ASSESSMENT REPORT

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### 1. Application Details Summary

Development Application No:	2019/47
Description of Development:	Electricity Generating Works (5 MW)
Applicant:	ITP Developments Pty Ltd
Landowners:	MA & LA Feddersen
Capital Investment Value:	\$6,600,000

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### 2. Property Description Summary

Legal Description:	Lots 41 & 46 DP 752581
Existing Improvements	Rural Farmland
Current Land-use:	RU1 Primary Production

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### 3. Executive Summary

Council is in receipt of the abovementioned development application lodged with Council by ITP Developments Pty Ltd on 18 July 2019. The proposed *electricity generating works* (solar farm) is located at 6 Euromedah Road, Narromine - Lots 41 & 46 DP 752581.

The proposed development involves the construction and indefinite operation of a five Megawatt solar farm and two inverter stations, security fencing, a temporary car parking area for 40 vehicles and the widening of the northern shoulder of the Euromedah Road opposite the intersection of the access road to the site.

Pursuant to Section 4.5(b) of the *Environmental Planning and Assessment Act 1979*, the consent authority for the Development Application is the Western Regional Planning Panel. The development is regionally significant development pursuant to Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, which requires that private infrastructure development with a capital investment value of over \$5 million be determined by a Regional Planning Panel.

Pursuant to Section 34(7) of *State Environmental Planning Policy (Infrastructure) 2007* *electricity generating works* may be carried out by any person with consent on any land. The proposed development is located in the RU1 Primary Production Zone and is therefore permissible with consent.

The subject land has been identified within the Study Area of the Narromine to Narrabri (N2N) section of the Federal Government's Inland Rail project. The Inland Rail project is a freight rail connection between Brisbane and Melbourne, it is expected that the Narromine to Narrabri section of this project will be the subject of a State Significant Development Application lodged with the State Government later this year. The Australian Rail Track Corporation has advised Council that the Study Area will eventually be narrowed to a 150m wide corridor and after that a 30m wide corridor. The Applicant has advised that whilst it is anticipated that the 30m wide corridor will eventually traverse Lots 41 and 46, the applicant expects that it will be outside of the location of the proposed solar farm.

Council has obtained legal advice regarding the consideration of development applications within or within the vicinity of the inland rail corridor. This advice concluded that Council should continue to perform its assessment obligations in accordance with the existing planning controls until such time that further information about the location of the N2N Project and any determination has been made.

The proposed development is "locally significant development" and was notified to adjoining landowners and publicly exhibited for a period of 14 days from Wednesday 31 July 2019 until Wednesday 14 August 2019. At the end of the prescribed period one submission was received (Attachment 6).

The proposal has been assessed pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) and is considered to be suitable. Approval of the Application is recommended, subject to conditions.

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#### 4. Site and Locality Description

The location of the proposed Solar Farm is on land described as 6 Euromedah Road, Narromine – Lots 41 & 46 DP 752581, Parish of Euromedah, County of Ewenmar.

The subject land is located to the east of the town of Narromine and south of Euromedah and Eumungerie Roads. The land is zoned RU1 Primary Production pursuant to the *Narromine Local Environmental Plan 2011* and is 163.5 hectares in area. The site is surrounded predominately by land zoned RU1 Primary Production to the north, south, east and west. Land immediately to the north of the development site is zoned R5 Large Lot Residential, however remains undeveloped. The eastern boundary of the land is straddled by the Macquarie River.

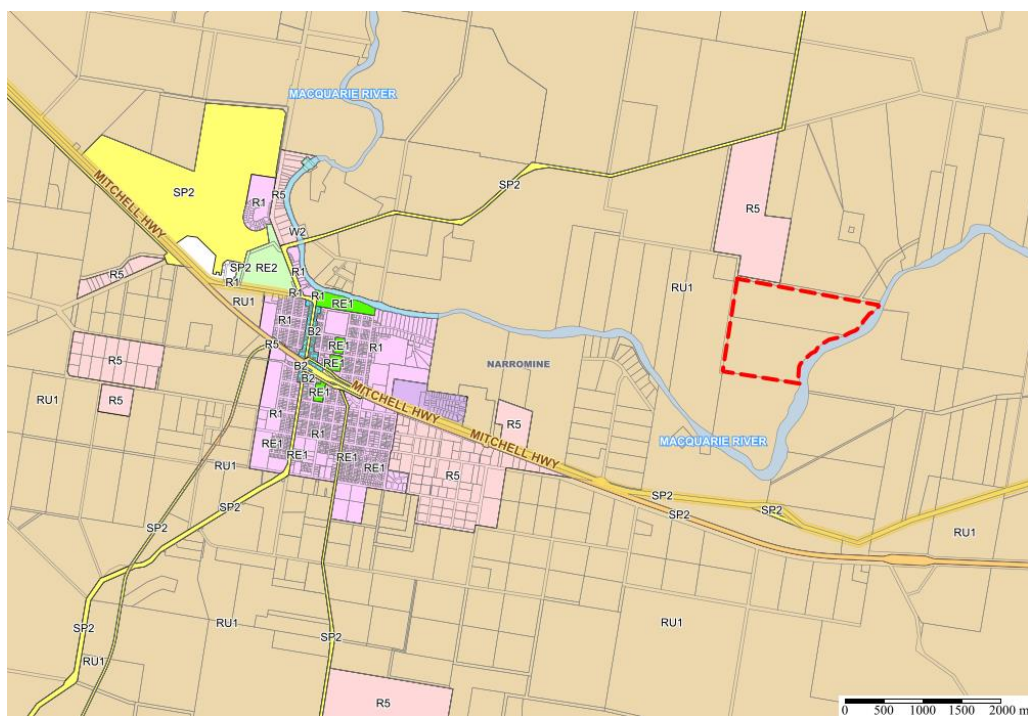


Figure 1 Locality Plan

Access to the development site is via an unsealed track that traverses through Lot: A DP: 376726 and Lot: 52 DP: 661453 as per Figure 2.

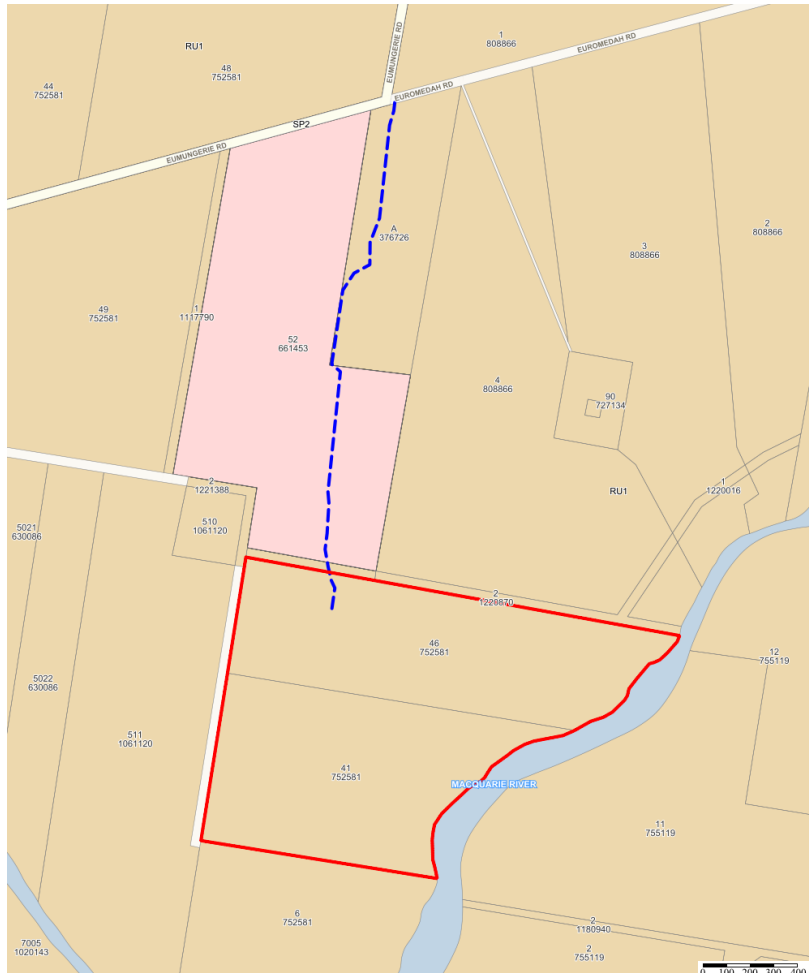


Figure 2 Proposed Vehicular Access

The subject site has been actively grazed and predominately cleared of native vegetation with the exception of scattered, remnant vegetation consisting predominately of agricultural weeds and grasses.

The site is not connected to Council's reticulated water or sewerage network. Electrical and telecommunications infrastructure transects the land. The land is slightly undulating and falls gently to the south towards the Macquarie River.

Macquarie Manor Quarry at 116 Euromedah Road is located approximately 2kms north east of the subject site and a development application has been lodged with Council to regularise its operation. This application is currently being assessed and will be determined by the Western Region Planning Panel (PPSWES-4).

A Rural Fire Service shed is situated on the Euromedah Road reserve at the proposed access point to the solar farm.

## 5. The Proposal

The Panel's consent is sought for the construction of a 5 Megawatt (MW) solar farm lodged with Council by ITP Developments Pty Ltd on 18 July 2019. The proposed solar farm is located at 6 Euromedah Road, Narromine, Lots 41 & 46 DP 752581.

The proposed development involves the construction and indefinite operation of a 5 MW solar farm and two inverter stations, security fencing, a temporary car parking area for 40 vehicles and the widening of the northern shoulder of the Euromedah Road opposite the intersection of the access road to the site.

The total site area of the proposal is approximately 32.3 hectares and the development footprint is approximately 15.6 hectares.

The proposal involves the installation of 15,708 solar modules, in 88 rows 60 m or 88 m long and 2 m wide. The panels are of a similar design and appearance to those panels used for domestic purposes and will operate as a single-axis tracking system which will tilt and follow the sun. The total energy generation of the proposed solar farm is 5 MW, with the capability of generating 12.98GWh per annum.

The solar farm is proposed to be surrounded by a 1.8 m security fence topped with three rows of barbed wire, raising the height to 2.1 m. The height of each tracker will be 1.526 m above ground level; with the panel attached, the maximum height above ground level will be 2.9 m when at a 60 degree angle.

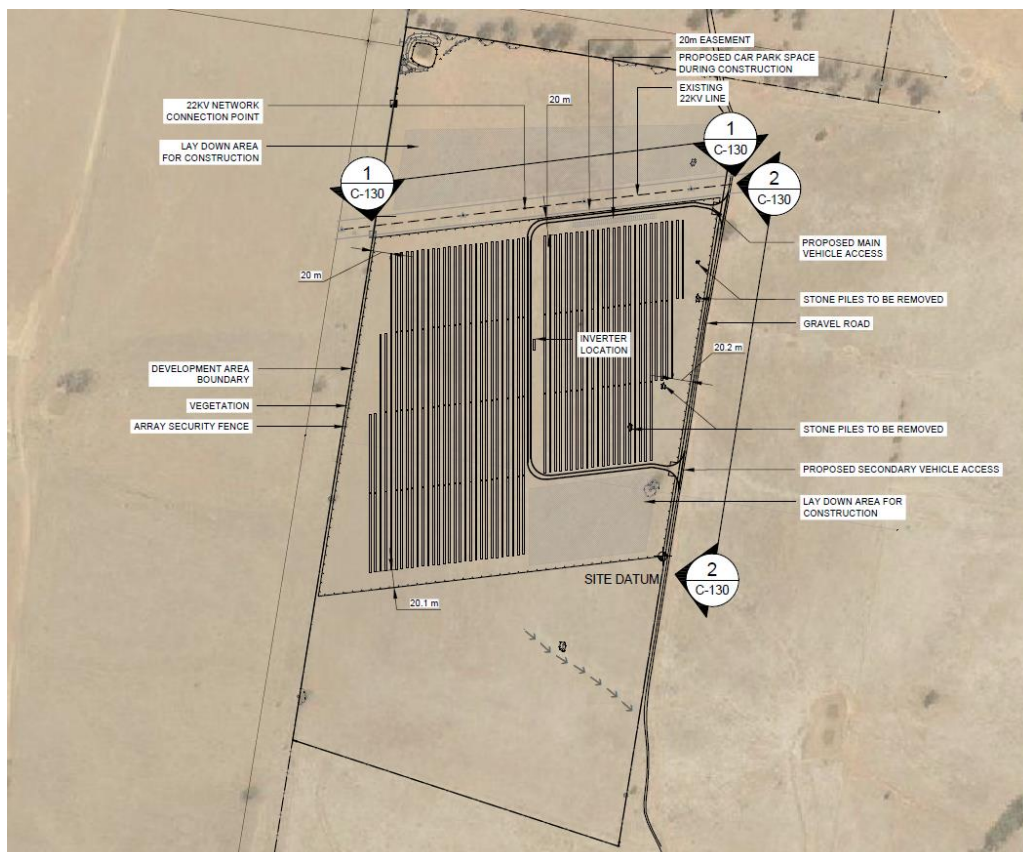


Figure 3 Development Site



Two inverters will be installed amongst the solar panels on a 6m skid and will be connected by underground cables to the 22kV feeder line that traverses the development site. The electricity will then be exported into the network by the overhead transmission lines into the substation located in Narromine.

#### *Construction*

It is estimated that the proposal will generate up to 63 semi-articulated truck movements during its 12 week construction phase including a maximum of 6 construction vehicles per day during peak construction periods. These movements are expected to occur outside of peak AM and PM periods (Traffic Impact Assessment Report, Premise, July 2019).

It is anticipated that the construction phase will take approximately 3 months and involve 50 construction workers (around 40 motor vehicle movements) who will travel daily to the site Monday to Friday, working between 7:00 am to 4:00 pm. After construction is complete, the site will be unmanned with maintenance staff accessing the site quarterly (Traffic Impact Assessment Report, Premise, July 2019).

Access to the site is via an internal unsealed track that transects Lot: A DP: 376726 and Lot: 52 DP: 661453. An easement created under Section 88B of the Conveyancing Act is proposed to secure legal right of access to the site.

The Applicant is not intending to landscape the site due to the topography of the land mitigating the visual effects.

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## **STATUTORY REFERRALS**

### **SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT**

No statutory referrals were considered as part of the assessment of the Application. Whilst part of the subject land has been identified as being Bushfire Prone Land, the development does not constitute integrated development. The proposal has been assessed under Section 4.14 of the Environmental Planning and Assessment Act 1979, which requires the development to comply with the *Planning for Bushfire Protection Guideline 2006* (PBP).

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## **MATTERS FOR CONSIDERATION**

### **S4.15 (1) (A) (I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT**

#### **STATE ENVIRONMENTAL PLANNING POLICIES**

##### **State Environmental Planning Policy (State and Regional Development) 2011**

Pursuant to Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, the development is considered to be regionally significant development as the capital investment value is over \$5 million. Pursuant to Section 4.5(b) of the *Environmental Planning and Assessment Act 1979*, the development is required to be determined by the Western Regional Planning Panel.

Pursuant to Schedule 1, Clause 20 of the SEPP, the proposal is not State Significant Development as the development will have a capital investment value of less than \$30 million. The Western Region Planning Panel is the consent authority and not the Minister pursuant to Section 4.36 of the Environmental Planning and Assessment Act, 1979.

#### **State Environmental Planning Policy (Infrastructure) 2007**

##### **Clause 34      *Solar energy systems***

The proposed development is located in the RU1 Primary Production Zone and is therefore permitted with consent.

##### **Clause 45      *Determination of development applications – other development***

Pursuant to Clause 45 of SEPP (Infrastructure) 2007, the local electricity supply authority (Essential Energy) was notified of the Application due to overhead powerlines which operate in the vicinity of the development site.

Essential Energy responded on Wednesday 14 August 2019 confirming that there are overhead powerlines operating in the vicinity of the development. Essential Energy raised no objection to the proposed development subject to conditions. The comments of Essential Energy are included as a notation on the consent.

##### **Clause 85      *Development adjacent to rail corridors, and***

##### **Clause 86      *Excavation in, above, below or adjacent to rail corridors***

The subject land has been identified within the Narromine to Narrabri (N2N) Study Area of the Inland Rail project which will be the subject of a State Significant Development Application lodged with the NSW Department of Planning later this year.

Clauses 85 and 86 of SEPP Infrastructure requires that certain development applications in or within proximity to a rail corridor be referred to the relevant rail authority. Council's legal advice confirms that Council should continue to perform its assessment obligations in accordance with the existing planning controls until such time that the State Significant Development Application for the N2N section of the Inland Rail Project is determined by the Minister.

#### **State Environmental Planning Policy No 55 – Remediation of Land**

The property is not listed on Council's Potentially Contaminated Lands Register. Pursuant to Clause 7 of the SEPP, Council must consider whether the land is contaminated and whether the land is suitable for the proposed use.

While noting the land is potentially contaminated given its past use for agricultural purposes, the proposal is considered to be a non-sensitive land use. In this regard, the potential contamination status of the land is considered to not adversely impact on the proposed use or those persons utilising the development. Therefore, no further investigations in relation to contamination/SEPP 55 are required.

#### **State Environmental Planning Policy (Rural Lands) 2008**

The proposal responds to the aims of the Rural Lands SEPP as it involves only a 163.5 hectare parcel of rural land. The proposal is not located in close proximity to an existing dwelling

and it will not impact the ability of adjoining farmers to carry out normal farming operations.

The proposal responds to the rural planning principles by providing a sustainable economic activity in a rural area, which provides economic benefits to a rural community and it will not result in adverse environmental outcomes.

The proposal will not result in demands on water resources. Local flooding, drainage, and erosion risks can be managed as part of the recommended conditions. The proposal is consistent with Direction 9 of the Central West and Orana Regional Plan to increase renewable energy.

## Narromine Local Environmental Plan 2011

### Clause 1.2 Aims of the Plan

The proposed solar farm is considered to be broadly consistent with the aims of the Plan:

- The proposal has the potential to encourage economic development through the temporary employment of construction workers.
- There are no aspects of this development that would compromise the principles of sustainable development. The subject land is located in a rural zone. Conditions are proposed to mitigate environmental impacts.
- Conditions are proposed to ensure rehabilitation of the site following the cessation of operations.

### Clause 1.4 Definitions

**electricity generating works** means a building or place used for the purpose of making or generating electricity.

### Clause 1.7 Maps

<b>Land Zoning Map</b>	RU1 Primary Production
<b>Lot Size Map</b>	Minimum Lot Size 400 hectares
<b>Heritage Map</b>	No
<b>Flood Map</b>	Yes
<b>Terrestrial Biodiversity Map</b>	Yes
<b>Groundwater Vulnerability Map</b>	Yes
<b>Watercourse Map</b>	No
<b>Wetlands Map</b>	No

Those matters that are of relevance are addressed in detail in the body of this report.

### Clause 1.9A Suspension of covenant, agreements and instrument

Council staff are not aware of the title of the subject property being affected by any of suspension of covenant, agreements or instruments.

### Clause 2.1 Land use zones

The subject land is zoned RU1 Primary Production.



### **Clause 2.3 Zone objectives and Land Use Table**

While not contrary to the zone objectives, none are specifically applicable in this instance.

The proposed development can be defined as electricity generating works under the Narromine Local Environmental Plan 2011. This is defined as:

*"A building or place used for the purpose of making or generating electricity."*

Electricity-generating works are permissible in the RU1 zone and pursuant to Clause 34(1) of State Environmental Planning Policy (Infrastructure) 2007.

### **Clause 6.1 Earthworks**

The earthworks being undertaken for the development include road/access point construction and trenching for service installation. Conditions are proposed to address issues regarding erosion and sedimentation.

### **Clause 6.2 Flood planning**

The subject site is identified as being partially flood prone in accordance with Narromine LEP 2011 Planning Map, however the solar farm is proposed to be located outside of the inundation area. Should the site become inundated, the elevated nature of the array will allow for floodwater to flow freely underneath the panels and will not adversely obstruct the natural flow of the floodwater. As the accuracy of the flood mapping should be considered with caution a condition is proposed to ensure solar panels are located above the 1:100 ARI flood level.

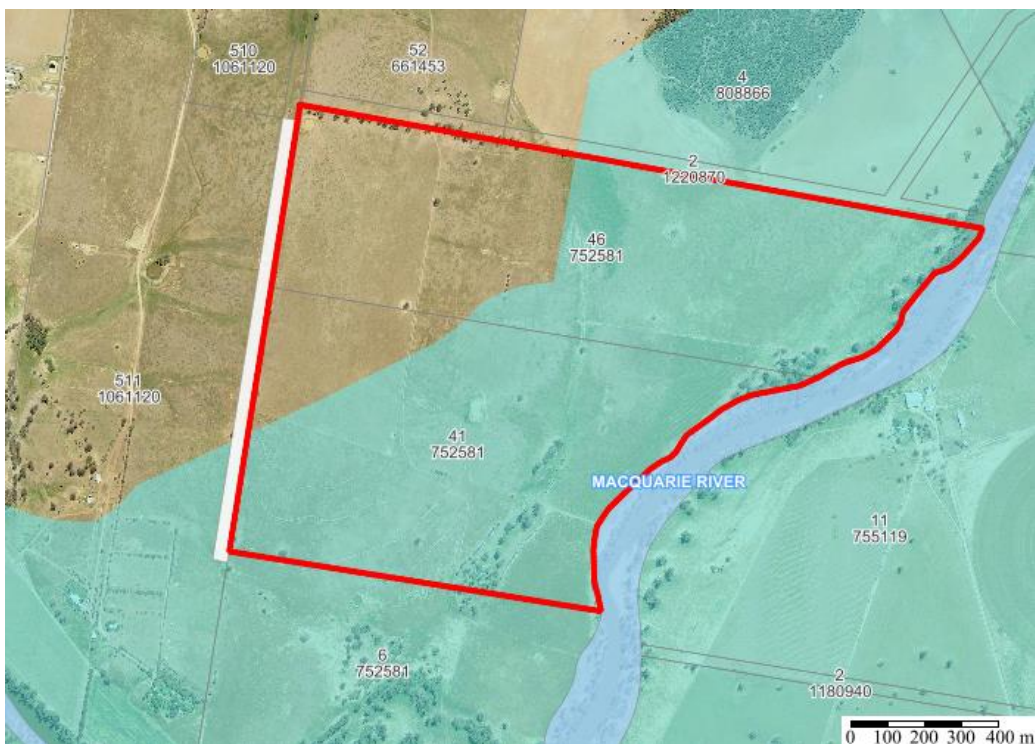


Figure 4 Flood Planning Area

#### **Clause 6.4 Terrestrial biodiversity**

The subject site is identified as partially subject to terrestrial biodiversity in accordance with Narromine LEP 2011 and is part of a "Sensitive Area" of riparian vegetation situated along the riverbank of the Macquarie River.

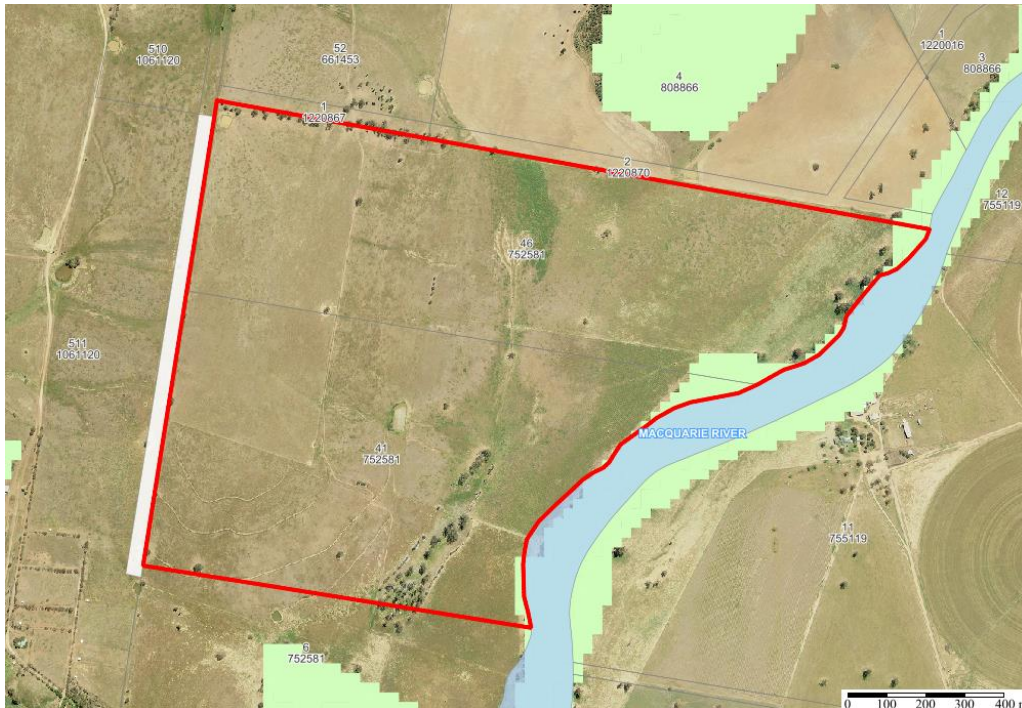


Figure 5 Terrestrial Biodiversity Map

The ecological assessment submitted with the Application identifies a remnant area of PCT 82 Western Grey Box - Poplar Box - White Cypress Pine tall woodland listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* and is identified as an Endangered Ecological Community under the *Biodiversity Conservation Act 2016 (NSW)*.

The proposed development is located approximately 800m from the riparian land and a site inspection confirms that the site has been actively grazed and predominately cleared of native vegetation.

#### **Clause 6.5 Riparian land and watercourses**

The proposed development is unlikely to adversely impact watercourses or riparian land. The development is sited well in excess of 40m of the top bank from the Macquarie River and does not involve the extraction of water.

To protect the quality of receiving waters, a condition is proposed requiring the preparation of an Erosion and Sediment Control Plan including mitigation measures to be employed during the construction and operation of the solar farm and access road.

## **Clause 6.6     Groundwater Vulnerability**

The subject land is identified as “Vulnerable Land” on the Narromine LEP Groundwater Vulnerability Map. The proposed development has the potential to alter water quality within the site due to a minor increase in the impervious area of the solar array. There is also the potential for an increase in surface runoff and peak discharge which can cause erosion and sedimentation of downstream waterways. It is unlikely for the development to involve the discharge of toxic chemicals, and is therefore considered unlikely to contaminate the hydrological functions of key groundwater systems.

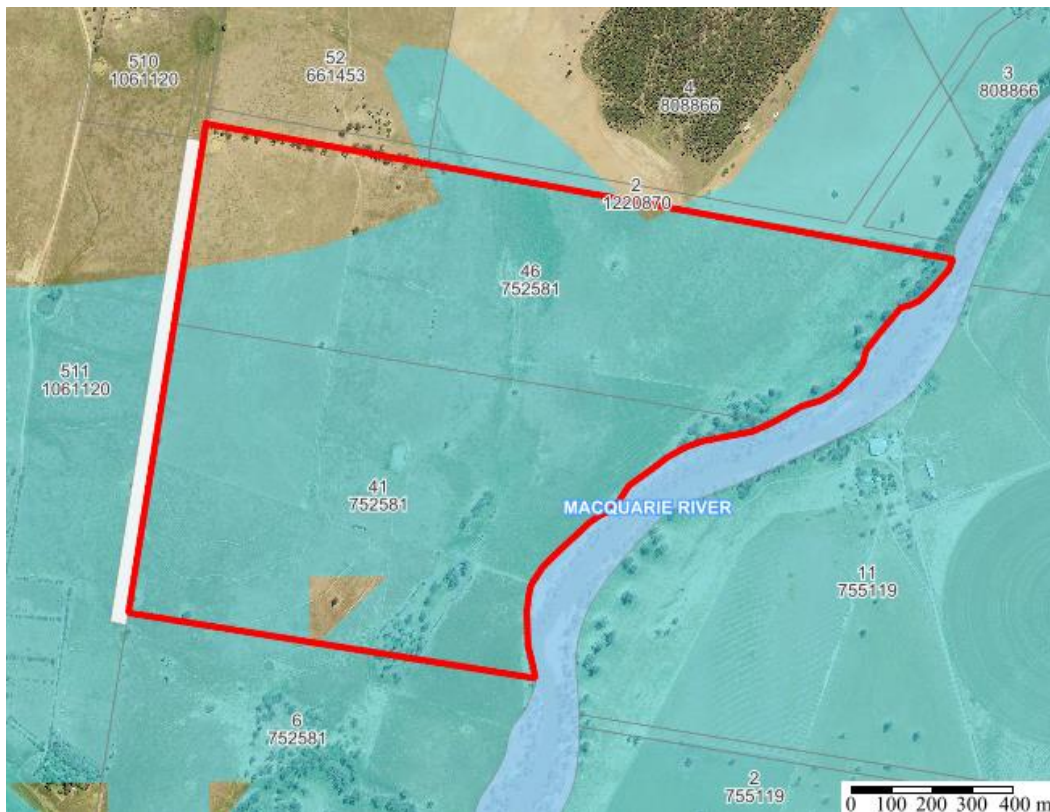


Figure 6 Groundwater Vulnerability Map

A Water Assessment submitted in support of the application concluded that the proposed activity is not expected to materially contribute to any regional groundwater issues, particularly those associated with nearby irrigation districts. A condition is proposed requiring mitigation measures including the implementation of a Construction Environmental Management Plan.

## **Clause 6.8     Essential Services**

### *Water and Sewer*

The supply of water and the disposal and management of sewage are not required to support the development. The applicant has proposed that during the construction phase, portaloos will be provided to dispose of sewage and portable water tank/cart will be provided for the supply of water. A condition of consent has is proposed requiring the supply of toilet facilities on the site are the rate of one (1) toilet for every 20 persons employed at the site.



### *Electricity*

Electrical infrastructure is available to the site via a 22kV feeder line that traverses the subject land.

### *Access*

Access to the subject site is proposed via a private access road off Euromedah Road, close to its intersection with Eumungerie Road. This intersection is also used by heavy haulage vehicles associated with the operation of the Macquarie Manor Quarry to the north of the subject site. Further details regarding access arrangements is provided in the following sections of this report.

## **Clause 6.9     Airspace Operations**

The subject site is located approximately 6.3 km from the Narromine Aerodrome and does not fall within the Obstacle Limitation Surface Map. There are no civil aviation regulations or rules regarding the assessment or installation of solar farms. It is considered that the likelihood of the panels impacting the aerodrome is low and unlikely to present a hazard to air navigation.

### **S4.15(1)(A)(II) THE PROVISIONS OF ANY PROPOSED ENVIRONMENTAL PLANNING INSTRUMENT**

There are no draft environmental planning instruments that apply to the subject land or proposed development.

### **S4.15(1)(A)(III) THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN**

There are no specific development controls for *electricity generating works*. However, Chapter 5c Rural Development, is considered to be specifically relevant to the assessment of the proposal.

### *Access*

*All development applications are required to clearly identify the means of vehicular access, access points and the standard of access provided (all weather access). Vehicular access will be required to comply with relevant engineering standards*

Access to the subject site is proposed via a private access road off Euromedah Road, close to its intersection with Eumungerie Road. Access issues are addressed in Traffic, Transport and Access in the following section.

### **S4.15 (1)(B) THE LIKELY IMPACT ON THE NATURAL AND BUILT ENVIRONMENT(S) AND THE LIKELY SOCIAL AND/OR ECONOMIC IMPACT ON THE LOCALITY**

The likely impacts of the development have been considered in the foregoing assessment of this report. It is considered that the likely impacts of the proposed development are acceptable and can be adequately managed through conditions of consent.

The potential impacts of the development are considered below:

### Context and Setting

The subject land is located in a rural locality and is otherwise vacant. The proposal will be confined to an area of approximately 15 hectares and involves the construction and installation of 16,000 solar modules in 187 rows.

The land is clear of any built structures and is characterised by open grasslands and isolated trees. The site is surrounded predominately by land zoned RU1 Primary Production to the north, south, east and west. Land immediately to the north of the development site is zoned R5 Large Lot Residential, however remains undeveloped.

The eastern boundary of the land is straddled by the Macquarie River and there are no dwellings located within 500m of the subject land. It is not expected that the development will create significant adverse impacts on the context and setting of the area. The proposal is considered to be acceptable within the existing rural landscape and setting.

### Visual Amenity

The subject site is an isolated rural paddock located to the north east of the Narromine Township. The topography of the land is relatively flat with some undulations. Facing south, the development site slopes downwards towards the Macquarie River.

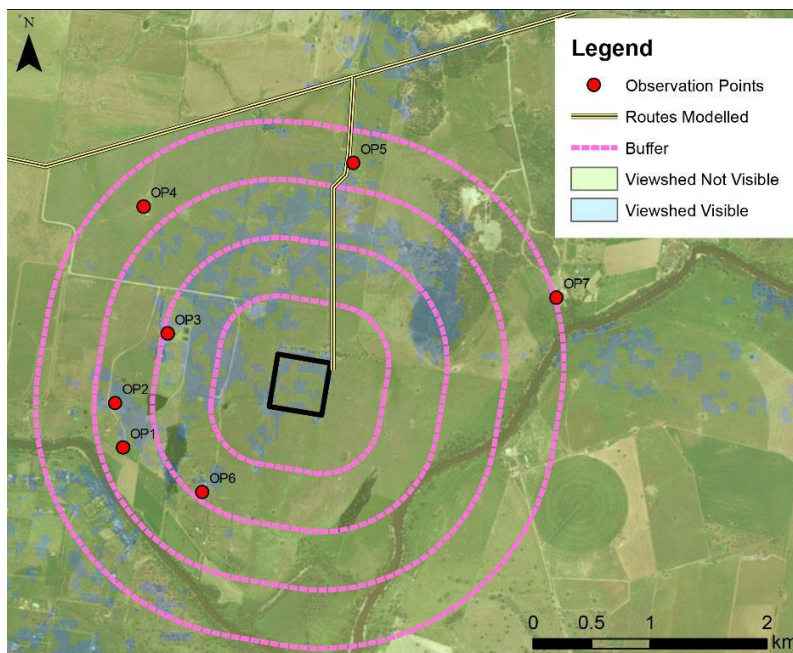


Figure 7 Viewshed Analysis

There are five dwellings located in the vicinity of the proposed development site, the nearest being 760 metres. Land approximately 200m to the north is zoned R5 Large Lot Residential however remains undeveloped.

The viewshed analysis (Figure 9) provided by the Applicant indicates that the solar farm will not be visible from the Mitchell Highway, the Eumungerie or Euromedah Roads nor from any dwelling located in the vicinity of the development site.

Whilst this analysis indicates that the site can be viewed from certain locations to the west of the site, the Solar Glare Hazard Analysis Tool provided by the Applicant indicates that



the persons occupying the properties are unlikely to be affected by glare. The dense vegetation associated with the riparian area adjacent to the Macquarie River further assists with mitigating potential visual impacts on properties to the west. Taking into consideration the topography of the land and the isolation of the development, the visual impacts are considered to be insignificant. The trees located on the northern boundary of the development site also provide a reasonable screening between the development site and the R5 Large Lot Residential Zone. The development benefits from being sited in a topographically high position above nearby sensitive receptors where the existing vegetation is of a density and height that will screen and mitigate the visual impacts of the solar farm.

#### Traffic, Transport & Access

Access to the site of the proposed solar farm is via an unsealed private access road that traverses Lot: A DP: 376726 and Lot: 52 DP: 661453 with direct access onto the Euromedah Road and in close proximity to its intersection with Eumungerie Road.

The Development Application for Macquarie Manor Quarry (PPWES-4) submitted to Council indicates that it is anticipated to generate on average, 26 heavy vehicle movements (13 loads) per day up to a maximum of 88 heavy vehicle movements (44 loads) at full production.

Whilst the proposal will only generate significant traffic movements during its 3 month construction phase, the heavy vehicle movements associated with the operation of the Macquarie Manor Quarry are significant and will include the use of the Euromedah and Eumungerie Road intersection. To ensure the safety of road users using this intersection and construction vehicles accessing the site, Council's Engineers propose several conditions regarding construction and maintenance traffic including:

- relocation of the access point for the site to be no closer than 50m to the intersection of Eumungerie and Euromedah Roads,
- the construction access road to be perpendicular to Euromedah Road,
- for a holding lane for entry from access to Euromedah Road,
- a passing lane along Euromedah Road, and
- a holding lane for the exit from Eumungerie Road onto Euromedah Road and entry onto Eumungerie Road from Euromedah Road.

A condition is also proposed requiring an easement to be created under Section 88B of the Conveyancing Act to formalise a legal right of access to Eumungerie Road.

The proposed access to the solar farm site is via an unsealed private access road that traverses Lot: A DP: 376726 and Lot: 52 DP: 661453. To ensure a legal right of access to the site in the event property fronting Euromedah Road is sold, the Applicant proposes to register a 'right of carriageway' over this track. A condition of consent is proposed requiring the submission of documentary evidence that this easement is registered on title prior to the issue of the Occupation Certificate.

#### Ecological

The development site has been actively grazed and predominately cleared of native vegetation with the exception of scattered, remnant vegetation consisting predominately of agricultural weeds and grasses.

There are no recorded threatened or migratory species, or threatened ecological communities on the development site. As the proposal does not involve the clearing or removal of native vegetation or habitats, it is unlikely to fragment or disturb the biodiversity structure or ecological functions of the development site or surrounding lands and is therefore not required to be referred to the Commonwealth.

#### Flooding

The subject site is identified as partially flood prone in the Narromine LEP, however the location of the proposed solar farm is outside of the inundation area. The development does not contain a habitable component and is unlikely to require a regular onsite human presence, as such the risk to life is minimal. The elevated nature of the array will allow for floodwater to flow freely underneath the panels and will not adversely obstruct the natural flow of floodwater.

#### Bushfire

The subject site is identified as partially bushfire prone in accordance with the Narromine LEP 2011. All land within 140m of the proposed development is managed grazing land which presents as a low bushfire risk. This vegetation type is equivalent to grassland vegetation as determined by the AUSLIG Pictorial Analysis in AS 3959-2009. The recommendations made in the Bushfire Assessment Report submitted in support of this application have been included in the proposed conditions of consent.

#### Water Quality

It is unlikely for the development to involve the discharge of toxic chemicals, and is therefore considered unlikely to contaminate the hydrological functions of groundwater systems or nearby water catchments.

Conditions are proposed regarding the management of dielectric fluid to prevent contamination and the provision and implementation of an Erosion and Sediment Control Plan.

#### Air Quality

During the construction phase, there is the likelihood that dust will be generated through site preparation works, vehicular movements, and road upgrades. Once the development is operational there are no anticipated impacts on air quality. Conditions are proposed to ensure dust suppression techniques are employed during the construction phase.

#### Noise

Noise will be generated during the construction phase of the solar farm, however the Noise Assessment Report submitted in support of this application indicates that noise generated during the construction phase is appropriate and complies with all management levels.

Conditions are recommended to assist in minimising noise impacts including the preparation of a Construction Noise Management Plan prior to the issue of a Construction Certificate.

### Social and Economic Effect

The proposed development has the potential to generate positive social and economic benefits to the Narromine Shire. The capital investment value of the development is \$6.6 million and will generate local employment opportunities of up to 50 people.

### Utilities

The development site is not connected to Council's reticulated water or sewerage network. The applicant has proposed to provide portaloos for wastewater disposal during the construction as well as providing a water tank or cart for the supply of water.

A condition is recommended requiring the supply of toilet facilities on the site at the rate of one (1) toilet for every 20 employees.

Electricity is available to the site via a 22kV feeder line that transects the subject land.

### Heritage

The applicant has undertaken a due diligence assessment in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*. It is understood that the Narromine Local Aboriginal Lands Council was also involved in undertaking a cultural site survey.

The cultural site survey found two possible artefacts on the site; a possible axe head and a hammer stone. An AHIMS report submitted with the proposal found no known items of Aboriginal heritage on the subject site.

A condition is proposed to ensure that in the event an item of Aboriginal Heritage is found during works, all work is to cease immediately and the Local Aboriginal Lands Council and the NSW National Parks and Wildlife Services is to be notified.

### Waste

Solid waste will be generated during the construction phase of the development. Once operational, the waste generated will be minimal. A condition is proposed to require the Applicant to enter into a waste agreement with Council to ensure the waste generated during the construction phase can be disposed of at local facilities.

### Quarries

Council asked the Applicant to address the potential impact of two quarries located to the north east of the development site (Lot 90 DP 727134 and Lot 3 DP 808866). The applicant confirmed that they do not foresee any impacts from the nearby quarries.

### Cumulative Impacts

There are no potential cumulative impacts associated with the proposal. There are no other solar farms proposed in the vicinity of the site and it is not visible from a public road.

#### **S4.15 (1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The proposed development is located in the RU1 Primary Production Zone and is prohibited in the Zone. Pursuant to Clause 34(7) of State Environmental Planning Policy (Infrastructure) 2007 *electricity generating works* may be carried out by any person with consent on any land in a prescribed rural or residential zone. As the site is in a prescribed rural zone, it is permissible with consent under the SEPP.

The suitability of the site has been addressed in the above sections of the report.

The development of the site will not create significant adverse impacts on the context and setting of the area. Additionally, the development of the site will not detrimentally affect adjoining land and is unlikely to lead to land use conflict.

- The development is compliant and permissible by virtue of Clause 34(7) of State Environmental Planning Policy (Infrastructure) 2007 and is consistent with the relevant provisions of the Narromine Local Environmental Plan 2011.
- The proposal is considered to be satisfactory in regard to Section 4.15 of the Environmental Planning and Assessment Act 1979.
- The potential impacts of the development are considered to be minor and can be managed appropriately through Conditions of Consent.
- There are no planning or environmental concerns surrounding the development that would warrant refusal.

#### **S4.15 (1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

The proposed development is defined as "locally significant development" and was notified to adjoining landowners and publicly exhibited for a period of 14 days from Wednesday 31 July 2019 until Wednesday 14 August 2019. At the end of the prescribed period, one (1) submission was received. The issues raised in the submission are summarised below:

*Submission 1: Richard Short on behalf of Narromine Clay Target Club*

*"The direction of the solar panels will create a problem with reflection from the panels..."*

Applicant Response:

*"We have had numerous discussions with Richard Short of the Narromine Clay Target Club to resolve their concerns of reflection from the solar panels in the direction of their club house and shooting ranges. Following a meeting on the 24<sup>th</sup> August 2019, we are happy to report that we have resolved their concerns. We have agreed to install a shade cloth along the western boundary fence of our proposed solar farm. Further, we will maintain the shade cloth until the planted vegetation reaches a height of at least 2 metres..."*

Council response:

Solar panels do not reflect but rather absorb sunlight. It is unlikely that the Clay Target Club will be affected by glare and reflection; however, a Condition of Consent is proposed in

accordance with the Applicant's discussions requiring that a shade cloth be temporarily installed by the applicant along the western boundary of the development site until such time that the planted vegetation is at least two (2) metres in height.

#### **S4.15 (1)(E) THE PUBLIC INTEREST**

The proposed development is considered to be of only minor interest to the public due to the relatively localised nature of the potential impacts. The economic and social benefits generated as a result of this development are considered to be in the public interest.

### **6. Contributions Assessment**

The development proposal is subject to the Narromine Shire Council Section 94A Development Contributions Plan 2014.

The maximum levy payable in accordance with this Plan is calculated based on the table below.

<b>Estimated Cost of Development</b>	<b>Levy Payable (%)</b>
<\$100,000	0
\$100,001 - \$200,000	0.25
\$200,001 - \$500,000	0.5
> \$500,001	1.0

As the capital investment value of the development is \$6.6 million, a condition has been included in the recommendation requiring the payment of \$66,000.

### **Internal Referrals**

Council's engineers raised concerns regarding the proposed access point and site distances associated with the Euromedah and Eumungerie Road intersection during the construction phase of the proposal and recommended conditions to address this issue in a Construction Traffic Management Plan prior to the issue of a Construction Certificate.

#### **S4.15(1)(A)(IIIA) 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**

No planning agreements, draft or otherwise, are known to exist in relation to the site or development. The applicant has not requested Council to enter into any form of Planning Agreement.

#### **S4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

Division 8 of Part 6 of the Environmental Planning and Assessment Regulation 2000 specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is provided below:



**Clause 92 – Government Coastal Policy** – Not applicable to the Narromine Shire Local Government Area.

**Clause 92 – Building Demolition** – Not relevant.

**Clause 94A – Temporary Structures** – Not relevant.

**Clause 95 – Deferred Commencement** - Not relevant.

**Clause 96 – Ancillary aspects of the development** – Not relevant.

**Clause 97 – Modification or surrender of development consent or existing use** – Not relevant.

**Clause 97A – Fulfilment of BASIX commitments** – Not relevant.

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## **7. Assessment Conclusion/Recommendation**

Having considered the matters raised and discussed in the assessment of the Application, the subject Development Application D47-19 for a solar energy system at Lots 41 and 46 of DP: 752581, 6 Euromedah Road Narromine is recommended for approval subject to the proposed conditions.