

**COUNCIL ASSESSMENT REPORT**  
WESTERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPWES-138 – D22-193
<b>PROPOSAL</b>	Electricity Generating Works (Solar Farm)
<b>ADDRESS</b>	Lot 52, 55, 58 & 72 DP754313 – 261 The Old Road, Geurie
<b>APPLICANT</b>	ITP Development Pty Ltd
<b>OWNER</b>	SJ, LW & NP Dawson & NJ Fleming
<b>DA LODGEMENT DATE</b>	26 April 2022
<b>APPLICATION TYPE</b>	Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 5, Schedule 6 of the SEPP (Planning Systems) 2021
<b>CIV</b>	\$8,667,599.32 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	Not applicable
<b>KEY SEPP/LEP</b>	SEPP (Resilience and Hazards) 2021 SEPP (Transport & Infrastructure) 2021 SEPP (Planning Systems) 2021 SEPP (Primary Production) 2021 Dubbo Regional Local Environmental Plan 2022
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	No submissions received
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects: Project No. 1421, 12 April 2022</li> <li>• Architectural Plans: Plan Nos. 0100, 0400, 2100, 2101, 2200, 4300, 4310, 5300, 5301, 6300, 3400, 4300, 5300 &amp; 5310</li> <li>• Waste and Decommissioning Assessment, Rev 2, dated 22 March 2022</li> <li>• Traffic Impact Assessment Report, Version 2 dated 18 April 2022</li> <li>• Landscape character &amp; visual impact assessment, Revision 2, 12 April 2022</li> <li>• Glint and Glare Assessment, Version 2, dated 21 March 2022</li> <li>• Fire Assessment, Version 2, dated 7 April 2022</li> <li>• Water Assessment, revision 1, dated 4 April 2022</li> <li>• Biodiversity Assessment Report, dated 4 April 2022</li> <li>• Noise Assessment, Final, dated 5 April 2022</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)</b>	Not applicable

<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	2 August 2022
<b>PREPARED BY</b>	Tracie Smart
<b>DATE OF REPORT</b>	22 July 2022

## EXECUTIVE SUMMARY

Council is in receipt of a development application seeking consent for electricity generating works (solar farm) at Lot 52, 55, 58 & 72 DP754313 – 261 The Old Road, Geurie.

The subject land is located within the RU1 Primary Production zone pursuant to the Dubbo Regional Local Environmental Plan 2022 and is permissible with consent under Section 2.36 of the SEPP (Transport and infrastructure) 2021.

The proposed development is comprised of:

- 11,700 solar modules ranging in height from 1.5 metres to 2.75 metres installed in 135 rows running north to south with approximately 6.25 metres centre to centre spacing between each row (each row of modules will rotate to track the sun during the course of the day);
- Two 3.4MW inverter stations that are 3 metres high and each mounted on a 12.2 metre long skid;
- A 2.9 metre high kiosk to convert high and medium voltage to low voltage electricity suitable for connection to the local system;
- A battery energy storage system (BESS) that is 12.2 metres long, 2.4 metres wide and 2.9 metres high;
- A temporary car parking area (40 spaces) and materials laydown area;
- A 1.8 metre high security fence topped with three rows of barbed wire to give a total height of 2.3 metres;
- A 5.5m wide internal road providing access over Lot 58;
- Electricity grid connection within Lot 55; and
- Overhead power lines running north-east to south-west to connect to a 66kV line and on to the Geurie Zone substation.

The site of the proposed development is located within an area predominantly used for cropping and grazing with ancillary residential land uses. The site has a frontage to The Old Road and also the Mitchell Highway with The Main Western Line railway located between the southern boundary of the subject land and the Mitchell Highway. Vehicular access to the site is to be provided from The Old Road. The site is located within a gently undulating landscape which provides the proposed development with a natural visual buffer from the Highway and also adjoining residential properties.

The key issues identified as part of the assessment of the development application are, visual amenity; waste management; noise and vibrations; electromagnetic emissions; glint and glare; biodiversity; karst; traffic and access; and bushfire. Each of the key issues have been resolved either with the submission of specialist's reports or by imposing conditions of consent.

The proposed development was publicly notified. No submissions were received.

The proposed development is consistent with the objectives of the *Environmental Planning and Assessment Act 1979* and the relevant environmental planning instruments.

The proposed development is considered generally consistent with the public interest and consequently it is recommended the development application be granted conditional consent in terms set out in **Attachment A** to the this report.

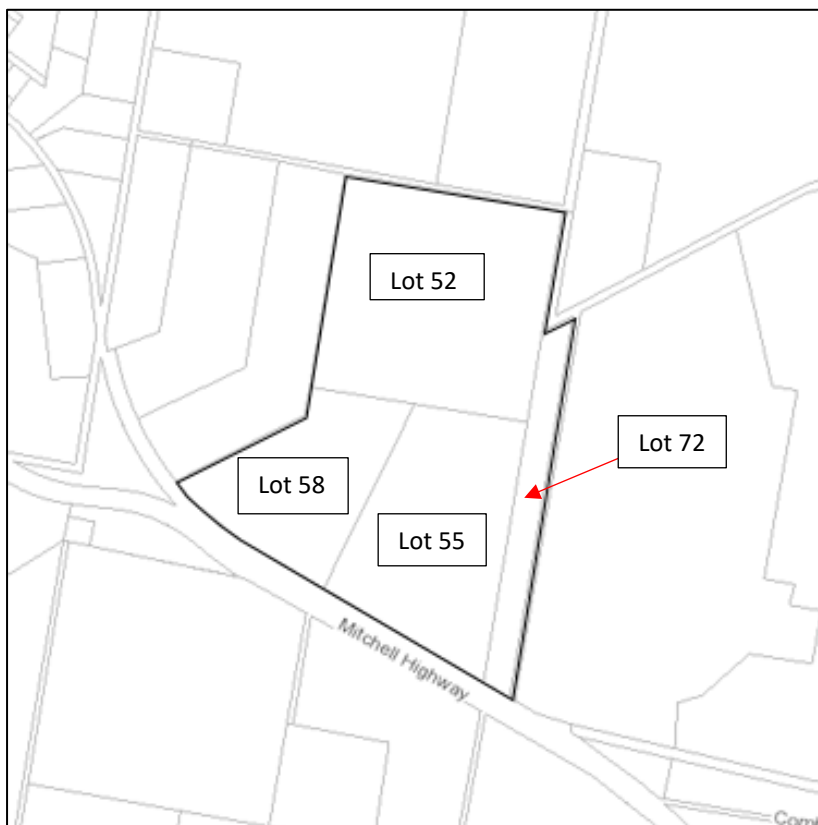
## 1. THE SITE AND LOCALITY

### 1.1 The Site

The subject land is located approximately 2.7kms south east of the Geurie township on the northern side of the Mitchell Highway and The Old Road as shown in **Figures 1, 2 & 3**. The overall site has an area of 164.41ha, slopes gently from the north east down to the south (towards the Mitchell Highway) and has a frontage to both The Old Road (315m) and the Mitchell Highway (381m). The Main Western Line railway is located between the southern boundary of the subject land and the Mitchell Highway.

The site is used for agricultural purposes (largely cropping), with a dwelling located within the south eastern portion of the site.

Due to its historical and current land use for agricultural purposes the site is generally void of significant native vegetation with only a small number of isolated trees in the southern portion of Lot 52.



**Figure 1:** Location plan of subject land.



**Figure 2:** Aerial image of the subject land



**Figure 3:** View looking north east from proposed compound entrance/driveway location (view indicated by blue arrow in Figure 2)

## 1.2 The Locality

The adjoining and surrounding sites feature rural and rural residential land uses including cropping and grazing farm land. There are two dwellings adjoining and adjacent to the subject land approximately 1.2km south and 900m south east of the site of the proposed solar farm development. There are no similar development in the surrounding area.

## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

The proposed development (within the fenced area) has an area of 12.68ha and features the following characteristics:

- 11,700 solar modules ranging in height from 1.5 metres to 2.75 metres installed in 135 rows running north to south with approximately 6.25 metres centre to centre spacing between each row (each row of modules will rotate to track the sun during the course of the day);
- Two 3.4MW inverter stations that are 3 metres high and each mounted on a 12.2 metre long skid;
- A 2.9 metre high kiosk to convert high and medium voltage to low voltage electricity suitable for connection to the local system;
- A battery energy storage system (BESS) that is 12.2 metres long, 2.4 metres wide and 2.9 metres high;
- A temporary car parking area (40 spaces) and materials laydown area;
- A 1.8 metre high security fence topped with three rows of barbed wire to give a total height of 2.3 metres;
- A 5.5m wide internal road providing access over Lot 58;
- Electricity grid connection within Lot 55; and
- Overhead power lines running north-east to south-west to connect to a 66kV line and on to the Geurie Zone substation.

The expected operating life of the proposed solar farm ('Geurie Solar Farm') (excluding the construction and decommissioning phases) is expected to be approximately 35 years depending upon market conditions, however, the applicant is seeking a flexible approach in relation to any time limits imposed on the consent.

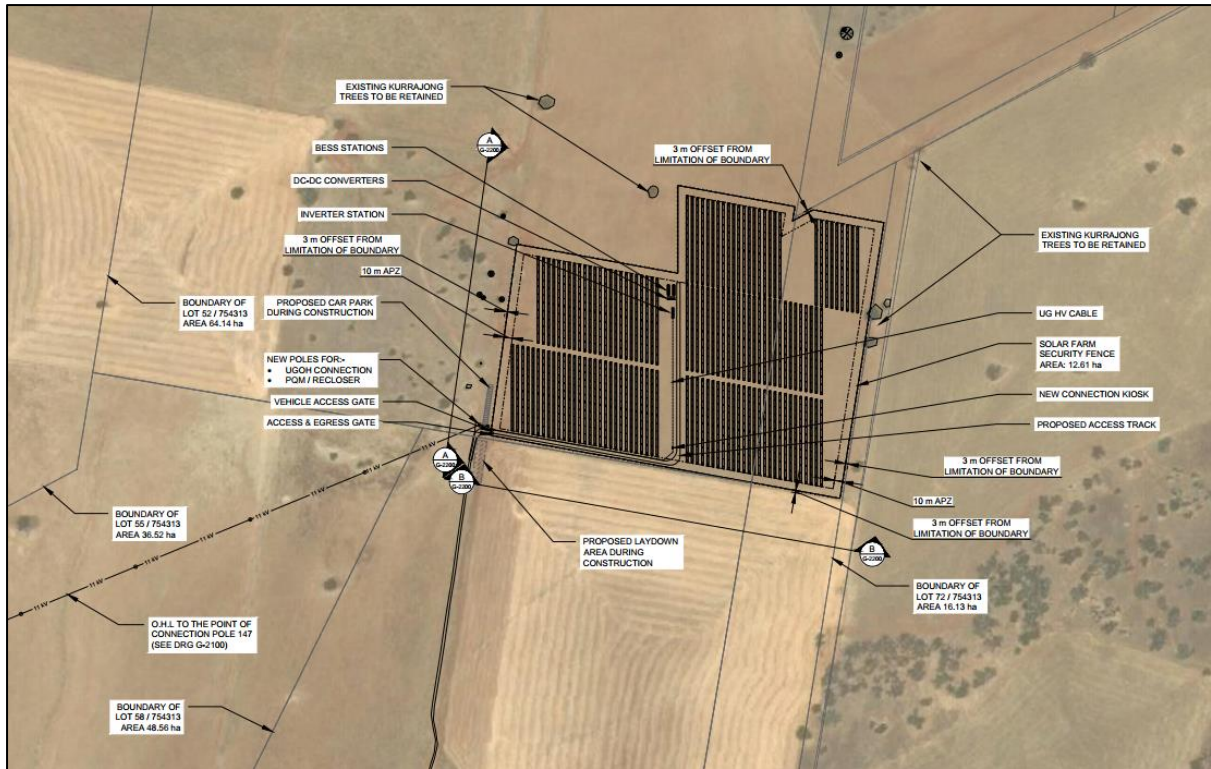
For visual reference a detailed site plan is provided in **Figure 4**.

The proposed development will require less than 1 hectare of native grasses to be cleared with no remnant trees being removed.

The applicant has confirmed that during construction 50 personnel will be on site working from 7.00am – 4.00pm Monday to Friday. The construction is expected to take approximately three (3) months. Standard construction hours condition is recommended.

Once operational the site will be unmanned. Maintenance is to be undertaken by a crew of up to three (3) people every three (3) months or as required. Cleaning of the panels will be carried out annually and undertaken by transporting water to the site.





**Figure 4:** Detailed Site Plan of the proposed solar farm development (architectural plans found in **Attachment B**).

**Table 1: Development Data**

Control	Proposal
Site area	164.41 hectares
GFA	Not applicable
FSR (retail/residential)	Not applicable
Clause 4.6 Requests	No. Not applicable
No of apartments	Not applicable
Max Height	<ul style="list-style-type: none"> <li>• Fence: 2.3 metres,</li> <li>• Array maximum height: 2.8 metres,</li> <li>• Battery Energy Storage FSystem: 2.9 metres ,</li> <li>• Power poles: 11 metres (11kv) &amp; 18.1 metres (66kv)</li> </ul>
Landscaped area	None proposed nor required
Car Parking spaces	40 spaces calculated at a rate of 0.8 spaces per worker (temporary only)
Setbacks	<p>Solar farm compound is provided with a security fence along all boundaries.</p> <p><b>North:</b> The fence is to be setback 454 metres from the northern boundary of Lot 52, and 3 metres at the</p>

	<p>northern extent of the array at the junction of Lots 52 and 72.</p> <p><b>East:</b> The fence is to be setback 3 metres to the eastern boundary of Lot 72,</p> <p><b>South:</b> The fence is to be setback 3 metres from the southern boundary of Lot 52,</p> <p><b>West:</b> The fence is to be setback 487 metres from the western boundary of Lot 52</p> <p>The array is to be setback 10 metres from the security fence around the entire perimeter which will provide an asset protection zone.</p>
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## 2.2 Background

Informal planning advice was provided to the applicant from Council on the 9 December 2021 in which a number of matters were raised.

A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Aboriginal archaeology;
- Vehicular access, traffic generation, and impacts on the local road infrastructure. The preference is for access to be off The Old Road rather than the Mitchell Highway. If access is proposed directly off the Mitchell Highway it is recommended you consult with Transport for NSW regarding their requirements;
- Biodiversity, including considerations under the Biodiversity Conservation Act;
- Glare impacts, particularly noting the developments close proximity to the Mitchell Highway;
- It appears there are no natural water courses within the development footprint, however it needs to be considered if vehicular access crosses any of these waterways and make the appropriate assessment of impacts;
- The land is considered potentially bushfire prone due to the grassland risk. Therefore consideration should be given to Section 8.3.5 of the Planning for Bushfire Protection Guidelines 2019; and
- Landscaping around the perimeter of the compound.

The development application was lodged on **26 April 2022**. A chronology of the development application since lodgement is outlined below including the Panel's involvement with the application:

**Table 2: Chronology of the DA**

Date	Event
<b>26 April 2022</b>	DA lodged
<b>28 April 2022</b>	Exhibition of the application
<b>28 April 2022</b>	DA referred to external agencies
<b>28 April 2022</b>	DA referred to internal referral officers
<b>10 May 2022</b>	Internal referral provided to Assessing Officer (Building Services)

<b>19 May 2022</b>	Internal referral provided to Assessing Officer (Infrastructure)
<b>24 May 2022</b>	Internal referral provided to Assessing Officer (Environmental Control)
<b>26 May 2022</b>	Internal referral provided to Assessing Officer (Environmental Planner)
<b>7 June 2022</b>	Request for Information from Council to applicant
<b>8 June 2022</b>	Applicant response to Council's request for further information
<b>22 June 2022</b>	Panel briefing & site visit
<b>2 August 2022</b>	Determination meeting

### 2.3 Site History

The subject land is currently and historically used for agricultural purposes (including grazing and cropping). There are no noteworthy factors in relation to the history of the site that would impact the proposed development.

### 3. STATUTORY CONSIDERATIONS

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

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

Due to the nature of the development application it is noted that the proposal is not considered to be:

- Integrated Development (s4.46),
- Designated Development (s4.10),
- Requiring concurrence/referral (s4.13), or a
- Crown Development (s4.33)

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

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
  - *Chapter 3 Hazardous and offensive development*
  - *Chapter 4 Remediation of land*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*



- Chapter 2 Infrastructure
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Primary Production) 2021
  - Chapter 2 Primary production and rural development
- Dubbo Regional Local Environmental Plan 2022

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable State Environmental Planning Policies**

EPI	Matters for Consideration	Comply (Y/N)
SEPP (Resilience and Hazards) 2021	<p><i>Chapter 3 Hazardous and offensive development</i></p> <p><b>Section 3.10</b> The proposed development includes a battery storage facility which may be considered to be potentially hazardous industry which is defined as follows:</p> <p><b>potentially hazardous industry</b> means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or <i>likely future development on other land, would pose a significant risk in relation to the locality—</i></p> <p><i>(a) to human health, life or property, or</i></p> <p><i>(b) to the biophysical environment,</i></p> <p><i>and includes a hazardous industry and a hazardous storage establishment.</i></p> <p>The SEPP requires a preliminary hazard assessment be prepared for potentially hazardous or offensive development which has been provided. The proposed development is consistent with the SEPP and is satisfactory subject to conditions.</p> <p><i>Chapter 4 Remediation of land</i></p> <p><b>Section 4.6</b> Contamination and remediation has been considered in the Statement of Environmental Effects. The proposed development is consistent with the SEPP and is satisfactory subject to conditions.</p>	Yes
SEPP (Transport and Infrastructure) 2021	<p><i>Chapter 2 Infrastructure</i></p> <p><b>Section 2.36(1)</b> - Development is permitted with consent as the proposal is for electricity generating works.</p> <p><b>Section 2.48</b> - Determination of development applications—other development – electricity transmission. The proposal is satisfactory subject to conditions/notations.</p> <p><b>Section 2.118</b> - Development with frontage to classified road</p>	Yes

	<b>Section 2.121 &amp; Schedule 3</b> - Traffic generating development - should the development generate 200 or more vehicles per hour (site with access to road) or 50 or more vehicles per hour (site with access to classified road or to roads that connects to classified road if access within 90m of connection), the development would be considered to be traffic generating development. The proposed development is not considered to be traffic generating.	
SEPP (Planning Systems) 2021	<b>Clause 2.19(1)</b> declares the proposal as regionally significant development pursuant to <b>Clause 5(a) of Schedule 6</b> .	Yes
SEPP (Primary Production) 2021	<b>Section 2.8</b> – State significant agricultural land. The subject land is identified as state significant agricultural land within the Draft State Significant Agricultural Land Mapping.	Yes

#### State Environmental Planning Policy (Resilience and Hazards) 2021

- *Chapter 3 Hazardous and offensive development*

The SEPP requires a preliminary hazard assessment be prepared for potentially hazardous or offensive development. Further, the consent authority must consider all current circulars or guidelines. In this regard, Planning Circular PS21-031 dated 2 December 2021 and the Hazardous and Offensive development Application Guidelines ‘Applying SEPP 33’ have also been considered as part of the development assessment.

The applicant has undertaken a hazard analysis and risk screening as required in the submitted Fire Assessment document to determine whether the proposed development was indeed a hazardous or offensive industry based on the thresholds identified in Appendix 4 of the Guideline. The assessment considered:

- the properties of the substance(s) being handled or stored;
- the conditions of storage or use;
- the quantity involved;
- the location with respect to the site boundary;
- and the surrounding land use.

The assessment concluded that the proposed development complied with the threshold requirement and as such the proposal is not considered to be a hazardous or offensive development. Consequently, a Preliminary Hazard Assessment was not required. The document made a number of recommendations in relation to management and mitigation (Section 4.4) which will form a condition of consent.

No further assessment or action required.

- *Chapter 4 Remediation of Land*

The subject land has been historically used for agricultural purposes, predominantly grazing and cropping, with this use continuing to the present day. A number of agricultural practices are

potentially contaminating activities and as such an assessment of the site and proposed development in relation to contamination and remediation was undertaken by Council's Environmental Systems Planner who states in the memo dated 26 May 2022:

*There are no known contamination issues relating to this property, it is not recorded on Council's potentially contaminated land register. However as with all agricultural land, there is potential for contamination from past agricultural chemical uses. As such Council's standard unexpected contamination condition will be applied.*

Due to the nature of the proposed development it is considered that the site is suitable for the proposed use in its current state. No further investigation or assessment is required subject to the imposition of standard conditions.

#### State Environmental Planning Policy (Transport and Infrastructure) 2021

- *Chapter 2 Infrastructure*

##### *Section 2.36(1)*

In accordance with Section 2.36(1) the proposed development is permitted with consent as the proposal is for electricity generating works within a prescribed rural zone. The subject development application has been lodged as required.

##### *Section 2.48 (1) & (2)*

This section applies to the proposed development as it will penetrate ground within 2m of an underground electricity power line and also undertake works within 5m of an exposed overhead electricity power line. Given the nature of the development application is it a necessity for the development to connect into the existing electrical network.

A referral to Essential Energy was undertaken to which a response dated 25 May 2022 was provided. The response raised no objections to the proposed development. The requirements specified by Essential Energy will be included on the development consent as notations, as Council is unable to enforce such requirements.

##### *Section 2.118*

This section applies as the subject land has a frontage to a classified road. The objectives of this section are to ensure that new development does not compromise the effective and ongoing operation and function of classified roads and to prevent or reduce the potential of traffic noise and vehicle emission on development adjacent to classified roads.

In this regard, a Traffic Impact Assessment accompanied the application. The assessment provides details in relation to traffic routes, traffic generation and it is considered that the proposed development will not adversely impact the effective and ongoing operation of the classified road as all construction traffic will utilise The Old Road. The proposed development is not sensitive to road/traffic noise.

A condition of consent will prohibit construction vehicles accessing the site directly via the Mitchell Highway.

Further, the development application was accompanied by a 'Glint and Glare Assessment, Version 2, dated 21 March 2022,' which concluded that *no glare potential was found to affect dwellings and transport routes within 2km of the Project.*

No further action required.

### *Section 2.121 & Schedule 3*

Although the application proposes the site be accessed from The Old Road via Paxton and Narragal Streets, the site does have access from The Old Road off the Mitchell Highway and over The Main Western Rail Line and such, this section applies. The proposed development is not expected to generate 200 or more vehicles per hour or 50 or more vehicles per hour where access is via classified road or a road that connects to a classified road.

In this regard, the closest access to the site from the intersection of the classified road is approximately 74 metres as such, Schedule 3, 'Any other purpose', Column 3 applies.

Based on the number of vehicles being 80% of the workforce, the proposed development is expected to generate:

- 40 construction worker vehicles (light vehicles/shuttle bus) daily entering the site between 6.30am and 8am and leaving between 4pm and 5pm; and
- 4 trucks daily accessing the site between 10am and 2pm.

As such, the proposed development is not considered to be a traffic generating development. No further action required apart from imposing a condition of consent in relation to the recommendations of the Traffic Impact Assessment including prohibiting vehicles accessing the site directly from the Mitchell Highway.

### State Environmental Planning Policy (Planning Systems) 2021

Pursuant to Clause 2.9(1), the proposal is a regionally significant development as it satisfies the criteria in Clause 5(a) of Schedule 6 as the proposal is development for *electricity generating works* with a CIV over \$5 million. Accordingly, the Western Region Planning Panel is the consent authority for the application.

The proposal is consistent with this Policy.

### State Environmental Planning Policy (Primary Production) 2021

#### *Section 2.8*

The subject land is identified as state significant agricultural land within the Draft State Significant Agricultural Land Mapping. The objectives of this section

- (b) to provide for the protection of agricultural land—*
  - (i) that is of State or regional agricultural significance, and*
  - (ii) that may be subject to demand for uses that are not compatible with agriculture,*  
*and*
  - (iii) if the protection will result in a public benefit.*

Although the proposed development will utilise 12.68 hectares of state significant agricultural land for a non-agricultural purpose the remaining 151.73 hectares will continue to be used for agricultural purposes.

As the draft mapping has not yet been adopted the draft document is noted. No further action required.

## Dubbo Regional Local Environmental Plan 2022

The relevant local environmental plan applying to the site is the *Dubbo Regional Local Environmental Plan 2022* ('the LEP'). The relevant aims of the LEP are:

...

*(h) to protect and conserve agricultural land, in recognition of the contribution of agriculture to regional economies, ...*

*(n) to improve resilience to the effects of climate change.*

As detailed above, although the proposal requires the use of 12.68 hectares of agricultural land for a non-agricultural purpose it is considered that the development remains consistent with (h) above as the remaining 151.73 hectares (92%) of land will continue to be used for agricultural purposes.

The proposed development is consistent with (n) above as it provides a renewable energy source.

### *Zoning and Permissibility (Part 2)*

The site is located within the RU1 zone pursuant to Clause 2.2 of the LEP as shown in **Figure 4**.

According to the definitions in Clause 1.4 (contained in the Dictionary), the proposal satisfies the definition of *electricity generating works* which is a prohibited land use in the Land Use Table in Clause 2.3. However, the proposed development is permissible under Section 2.36 of the SEPP (Transport and infrastructure) 2021 as RU1 Primary Production is identified as one of the prescribed zones. Where an inconsistency exists, the provisions of the SEPP apply.

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

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

The zone objectives relevant to the proposal are as follows: (pursuant to the Land Use Table in Clause 2.3):

- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposed development will result in a diversity of land uses within the zone that does not prevent agricultural land being used for agricultural purposes.
- The proposed development has been designed and will be operated in a manner that will result in minimal/negligible land use conflict.





**Figure 4:** Extract of zoning map

*General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

**Table 4: Consideration of the LEP Controls**

<b>Control</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Comply</b>
Heritage Conservation (CI 5.10)	<i>(a) to conserve the environmental heritage of the Dubbo Regional local government area, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</i>	The applicant has conducted and provided appropriate studies which fulfil the Due Diligence Code of practise for the Protection of Aboriginal Objects in NSW.  No concerns raised subject to the imposition of a standard <u>condition</u> in relation to unexpected finds.	Yes
Terrestrial biodiversity (CI 7.1)	<i>(a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for the continued existence of native fauna and flora, and (c) encouraging the conservation and recovery of</i>	The applicant has conducted and provided appropriate studies which address the objectives of the clause.  No concerns raised subject to the imposition of a standard <u>condition</u> in relation to unexpected finds.	Yes

	<i>native fauna and flora and their habitats.</i>		
Earthworks (Cl 7.2)	<i>(a) to ensure 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, (b) to allow earthworks of a minor nature without requiring separate development consent.</i>	The applicant has conducted and provided appropriate studies which address the objectives of the clause.  Further consideration is provided below however, no concerns raised.	Yes
Karst Topography subsidence risk (Cl 7.4)	<i>(a) does not disturb the underlying geotechnical conditions of the land, and (b) is restricted on unsuitable land, and (c) does not endanger life or property.</i>	The applicant has conducted and provided appropriate studies which address the objectives of the clause.  No concerns raised subject to the imposition of a standard <u>condition</u> requiring the applicant provide documentary evidence from an appropriately qualified and experienced Geotechnical Engineer in which the potential impacts of on the karst environment are to be considered when designing the piles for the solar panel structures.  Further consideration is provided below.	Yes
Groundwater vulnerability (Cl 7.5)	<i>(a) maintain the hydrological functions of key groundwater systems, and (b) protect vulnerable groundwater resources from depletion and contamination as a result of inappropriate development.</i>	The applicant has conducted and provided appropriate studies which address the objectives of the clause.  Such groundwater is not anticipated to be impacted by the proposal as designed.	Yes

#### Clause 7.1 Terrestrial biodiversity

Council's Environmental Systems Planner in the memo dated 26 May 2022 states:

*The site has been cropped regularly as a result biodiversity values on the site are currently minimal. Installation of solar panels over the site will encourage germination of a perennial native grass groundcover which will offer a small element of biodiversity value thereby improving the stability and biodiversity value of the site.*

No concerns raised subject to conditions.

#### Clause 7.2 Earthworks

The proposed development will require earthworks to be undertaken to install the piles for the solar panels, to upgrade and construct the access, laydown area and parking, and also the installation of the compound fence/boundary landscaping.

Council's Environmental Systems Planner in the memo dated 26 May 2022 states:

*The proposal has been appropriately designed and located within the landscape to avoid impact to waterways, with adequate buffers retained to protect water quality leaving the site. In this regard, the large grassed area surrounding the laydown and parking areas would act as sediment buffers. There are no immediate streams or waterways likely to be impacted by any sedimentation.*

*Additionally construction works have been designed to minimise soil disturbance thereby minimising potential erosion issues. Establishment of solar panels will eliminate cropping from the site and encourage the establishment of a stable perennial native pasture covering the site which will further reduce soil erosion from the site.*

No concerns raised.

#### Clause 7.4 Karst Topography subsidence risk

The site is mapped as part of the Karst landscape, an area of limestone derived soils and underlying limestone rock which has the potential to form caves, caverns or sinkholes. Such landscapes are potentially unstable and are also potentially sensitive to changes in volume and quality of surface water infiltrating to ground water.

Council's Environmental Systems Planner in the memo dated 26 May 2022 states:

*In this instance the proposal is unlikely to change the volumes or quality of water infiltrating to the sub surface aquifer and is therefore unlikely to change existing sub-surface conditions. While it is impossible to categorically state that no activity is occurring below the surface in the underlying limestone the site is visually and structurally stable and the proposal is unlikely to either impact underlying Karst landscapes or be impacted by sub-surface changes in that underlying landscape.*

No concerns raised subject to conditions.

The proposal is considered to be generally consistent with the LEP.

### 3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no instruments which have been the subject of public consultation under the EP&A Act that are relevant to the proposed development.

### 3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application and is considered in **Table 5**:

- *Wellington Development Control Plan 2013* ('the DCP')

**Table 5: Consideration of the DCP Controls**

Control	Requirement	Proposal	Comply
<b>Section B</b>			
Soil and Water Management	<ul style="list-style-type: none"> <li>• To minimise erosion and sedimentation associated with development</li> <li>• To maintain or improve, where practical, pre-development water quality during and after development. Where existing water quality is a problem, take the opportunity to improve on site storm water treatments and erosion control.</li> </ul>	As detailed above under Clauses 7.2 & 7.5 of the LEP this control is satisfied subject to conditions of consent.	Y
Vegetation and Fauna Protection	<ul style="list-style-type: none"> <li>• Development in urban areas should ensure native vegetation and fauna are protected and conserved to retain their intrinsic urban values for passive recreation, scenic corridors and wildlife habitat.</li> </ul>	As detailed above under Clause 7.1 of the LEP this control is satisfied subject to conditions of consent.	Yes
<i>Waste Management and Recycling</i>	<ul style="list-style-type: none"> <li>• To safeguard and improve the quality of public and environmental health with the Wellington LGA.</li> </ul>	The applicant has submitted appropriate documentation in relation to waste management and recycling being, 'Waste and Decommissioning Assessment, Rev 2, dated 22 March 2022'. Standard <u>conditions</u> of consent have been included in <b>Attachment A</b> to address	Yes

		waste management requirements.	
<i>Ecologically Sustainable Development</i>	<ul style="list-style-type: none"> <li>All development within the Wellington LGA should strive to achieve ecological sustainability in accordance with the objectives of the EP&amp;A Act 1979.</li> </ul>	The proposed development will provide a renewable energy source which will contribute to ecological sustainable development.	Yes
<i>Protection of the Karst Environment</i>	<ul style="list-style-type: none"> <li>To protect sensitive karst landscapes from impacts associated with inappropriate development and to protect development from subsidence risk associated with karst environments.</li> </ul>	As detailed above under Clause 7.4 of the LEP this control is satisfied subject to conditions of consent.	Yes
<b>Section C</b>			
<i>Bushfire Hazard</i>	<ul style="list-style-type: none"> <li>To minimise risk to life, property and the environment from bushfire hazard</li> </ul>	The solar farm has been provided with a 10m APZ from the compound boundary fence to the array. A condition of consent will require a Bushfire Management and Operations Plan be submitted with the Construction Certificate application.	Yes
<i>Land Contamination</i>	<ul style="list-style-type: none"> <li>To safeguard and improve the quality of public and environmental health within the Wellington by ensuring that any land contamination issues are resolved early in the planning process</li> </ul>	As detailed under <i>Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021</i> , no further action is required subject to the imposition of standard conditions which have been included in the draft conditions	Yes
<b>Section D</b>			
<i>Car parking</i>	<ul style="list-style-type: none"> <li>To provide a relationship between the intensity of use of a development and the number of off-street parking spaces provided on the site to alleviate undue</li> </ul>	The applicant has included a temporary carpark south and west of the compound area. This area will provide 40 spaces calculated at a	Yes



	congestion in adjacent streets	rate of 0.8 spaces per worker (temporary only). This provision is considered satisfactory for the nature of the proposed development. Once operational, workers will access the site in light vehicles and will move around the site in their vehicles rather than parking and walking. Draft <u>conditions</u> of consent in relation to parking recommended.	
<i>Landscaping</i>	<ul style="list-style-type: none"> <li>To provide advice, guidelines and controls relating to design, construction and maintenance of landscapes and vegetation associated with development</li> </ul>	Due to the location of the proposed development being in a low point within the landscape minimal adverse impacts in relation to visual amenity is expected. As such, no landscaping is proposed nor required.	Yes
<i>Social and Economic impacts</i>	<ul style="list-style-type: none"> <li>To ensure applicants for development properly consider any potential social and economic impacts associated with proposed development</li> <li>To promote equitable social and economic development</li> </ul>	As stated above, there will be minimal removal of any vegetation and as such negligible impact on the natural or built environment. There are only beneficial social and economic impacts resulting from the proposed development.	Yes

Section F of the Wellington DCP 2013 provides controls for standard development types including residential development and rural industries within the rural zones. No other types of development within the rural zone is considered. Section F7.3.2 of the DCP directs readers to the LEP to resolve any other land use permissibility and controls for development within rural zones. This report undertakes this.

#### Section B Waste Management

Council's Environmental Projects Officer in the memo dated 24 May 2022 states:

*Details of waste generated by the proposed development and the means to manage the waste are provided in the Waste Management and Decommissioning Assessment prepared by ITP Development Pty Ltd which includes:*

*The Project will predominantly generate waste during the construction and decommissioning phases, rather than during operation.*

*To comply with the NSW legislation and policies, waste will be recycled or re-used where possible and only disposed of if no alternative is available. Cardboard, scrap metal and wood from the construction phase can be recycled. Plastics and general waste will require disposal at the local waste facilities.*

*Technology for recycling of PV panels is advancing rapidly worldwide and while recycling options currently exist, they are likely to be more advanced and readily available at the time of decommissioning. Options for recycling of PV panels should be reviewed as the project progresses.*

*The SEE states:*

*It is expected that a more detailed waste management plan will be required to be prepared as a condition of consent to elaborate on means to dispose of and recycle waste.*

*All solid wastes likely to be generated will therefore need to be assessed in accordance with the Environmental Protection Authority Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes. Details of the volumes of each type of waste and the proposed methods of disposal need to be provided to Council in a more detailed waste management plan.*

Standard waste management conditions are recommended in **Attachment A** including requirement for a waste management plan to be submitted and approved by Council prior to commencement.

#### Section C – Bushfire Hazard

The subject property is designated as being Bushfire Prone Land under section 4.14 of the EP&A Act and thus compliance with “Planning for Bush Fire Protection 2019” applies.

The subject land is designated as being Bushfire Prone by reason that the development falls within the 100 m buffer of a Bushfire Vegetation Category 1 designated area under the RFS Commissioner’s Bushfire Prone Land Map. As a consequence, the provisions of section 4.14 of the EP&A Act are invoked. This necessitates assessment of the development under the NSW Government’s publication “Planning for Bushfire Protection 2019”.

In accordance with Section 8.3.5 of the Planning for Bushfire Protection 2019 document, wind and solar farms should be provided with a minimum 10 metre Asset Protection Zone (APZ) for the structures and associated building/infrastructure, and a Bush Fire Emergency Management and Operations Plan to be developed.

A 10 metre APZ has been provided between the compound fence and the solar panel arrays and associated structures as required. A condition of consent will require a Bushfire Management and Operations Plan be submitted with the Construction Certificate application. Further, a condition will require an Emergency Management Plan for First Responders and Emergency Services to be submitted prior to the issue of a Construction Certificate.

The proposal is considered to be generally consistent with the DCP.

The following contribution plans are applicable to the proposed development pursuant to Section 7.18 of the EP&A Act.

- Section 94A Development Contributions Plan 2012

The contributions levied are based on the cost of works of development as follows:

<b>Proposed cost of development</b>	<b>Contribution rate</b>
Proposed cost of development \$100,000 or less	Nil
Proposed cost of development is between \$100,001 and \$200,000	0.5% of the proposed cost of development
Proposed cost of development exceeds \$200,001	1% of the proposed cost of development

The proposed development has a capital investment value of \$8,667,599.32 and as such contributions are levied at 1% of the proposed cost of development as follows:

$$\begin{aligned} \text{Contribution} &= 1\% \times \$8,667,599.32 \\ &= \mathbf{\$86,675.99} \end{aligned}$$

This Contributions Plan has been considered and is included in the recommended draft consent conditions.

- Wellington Council Development Servicing Plan No. 1, November 2006

The subject land is not connected to reticulated sewer or water and the proposed development does not include any provision or requirement for connection to occur. As such, the Plan does not apply to the proposed development.

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

Council Policy ‘*Planning Agreement Policy for Solar and Wind Energy farms*’ dated 28 April 2021 is applicable to the proposed development. A notation is included as part of the draft conditions to ensure the applicant is aware of the policy.

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

Section 62 (consideration of fire safety), 63 & 64 (consent authority may require upgrade of buildings) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. In relation to the proposed development Sections 62 & 64 are not relevant however Section 63 (Considerations for erection of temporary structures is relevant and considered as follows:

Council’s Senior Building and Development Certifier in the memo dated 10 May 2022 states:

The definition of temporary structure under the EP&A Act is:-

*temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.*

A 'building' is defined under the EP&A Act as:-

*building includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure.*

The deemed-to-satisfy (Dts) provisions of the BCA do not require the provision of fire services in the form of fire hydrants and fire hose reels to be provided to Class 10 buildings. Neither is the provision of portable fire extinguishers required under the BCA. Exposure to fire source features is not relevant to this proposal. Fire compartmentalisation is not relevant to this proposal. Emergency lighting and exit signs are not relevant to this structure. Smoke hazard management is not relevant to this proposal. Excluding the water storage tank for bushfire fighting purposes, the proposed works do not propose or require the installation any water plumbing.

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

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

- Context and setting – The proposal is considered to be generally consistent with the context of the site, in that the proposed solar farm will include landscaping and will be provided with a vegetation buffer by such landscaping and also the isolated and scattered stands of trees along the Mitchell Highway/railway line. The site is which the solar farm is to be installed is generally flat and will not be visually obtrusive from the highway/The Old Road or surrounding properties.
- Access and traffic – During construction, the proposed solar farm will be provided access from The Old Road, a local unsealed road. A condition of consent will prohibit construction vehicles accessing the site from the Mitchell Highway and the railway. Conditions of consent as provided in **Attachment A** will require the access to the site be upgraded, detail maximum size vehicles to access the site, require all vehicles to enter and exit the site is forward direction, require all loading and unloading be undertaken within the confines of the subject land, and a dilapidation report for The Old Road be undertaken prior to and upon completion of the construction works. All rectification of the roads shall be the responsibility of the developer. Further, a condition of consent will require a Traffic Management Report be submitted prior to any construction works commencing.
- Public Domain – Not applicable to the proposed development.
- Utilities – Apart from electricity the site is not provided with any reticulated services. Water, effluent and stormwater are managed onsite. A condition of consent will require temporary closet accommodation be provided to the site prior to construction works commencing. The proposed development will require water to be stored onsite for fire-fighting purposes.
- Heritage –The site does not contain any known heritage significance. A condition in relation to unexpected find has been included in **Attachment A**.
- Other land resources – The site does not contain any other known land resources.
- Water/air/soils impacts – As detailed above, under *Chapter 4, State Environmental Planning Policy (Resilience and Hazards) 2021* no concerns are raised in relation to contamination. Conditions in relation to unexpected finds and site rubbish facilities have been included in

**Attachment A.** Further, as detailed above under Clause 7.1 (Terrestrial biodiversity), Clause 7.4 (Karst topography) and Clause 7.5 (Groundwater) no concerns are raised in relation to water/air/soil impacts.

- Flora and fauna impacts – As detailed above, the proposed development will require less than 1 hectare of native grasses to be cleared with no remnant trees being removed. No concerns are raised.
- Natural environment – The proposed development will not result in any significant changes to the contours of the land.
- Noise and vibration – Conditions of consent (as detailed in **Attachment A**) will limit construction work hours to ensure minimal impact is caused to adjoining and surrounding properties.
- Natural hazards – The site is identified as bushfire prone. The application was accompanied by a Fire Assessment dated 07/04/2022. As detailed above, a 10m APZ is to be provided between the compound fence and solar panel arrays. Conditions of consent detailed in **Attachment A** also address bushfire safety in relation to water storage requirements, the submission of relevant documents prior to the issue of a Construction Certificate, and access.
- Safety, security and crime prevention – The proposed development is located on private land, approximately 3kms from the township of Geurie and will be provided with a 2.4m high security fence around the compound area. No concerns in relation to safety, security and crime prevention are raised.
- Social impact – Due to the location of the site and the nature of the development there will be little interaction between the development and the public. Positive social impacts in relation to the additional renewable energy source is expected.
- Economic impact – The proposed development is likely to employ approximately 50 workers which may access Geurie, Wellington and Dubbo for accommodation, food and the like during the construction phase. The proposed development incurs Section 7.12 contributions that will be used to maintain and enhance the facilities within the Local Government Area. No negative economic impact is expected.
- Site design and internal design – The proposed development has been designed to minimise native vegetation clearing, to utilise the existing access and internal driveway location (subject to upgrade requirements).
- Construction – Construction hours are to be conditioned as per **Attachment A**. As detailed above, the infrastructure associated with the solar farm are considered to be temporary structures and as such a Construction Certificate is not required. Council's Senior Building and Development Certifier has recommended a condition of consent requiring the applicant to submit certificate from an appropriately qualified persons which demonstrates that such structures have been provided with a footing and anchorage system suitable to withstand the site's wind design loading and proposed use. Standard conditions in relation to principle certifying appointment and Building Code of Australia compliance is to be imposed and provided in **Attachment A**. No other concerns in relation to noise are raised.



- Cumulative impacts – due to the nature, scale and location of the development and the adjoining and surrounding uses no concerns are raised in relation to cumulative impacts. Should a development application be lodged for a similar development within the vicinity of the subject land cumulative impacts in relation to visual amenity would need to be considered.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### 3.7 Section 4.15(1)(c) - Suitability of the site

As detailed above, it is considered that the proposed development is suitable for the site. The proposed development does not require any additional upgrades to services apart from access and internal driveway provision. The development has considered natural hazards in its design to ensure the hazard is managed appropriately. There are no site factors that are considered inconsistent with the proposed development.

### 3.8 Section 4.15(1)(d) - Public Submissions

The Council did not receive any unique submissions during the notification period.

### 3.9 Section 4.15(1)(e) - Public interest

Generally, the proposed development is considered in the public interest. As detailed in the report any potential impacts have been mitigated or conditions to mitigate have been imposed. The proposed development is generally consistent with the relevant planning controls. No adverse impacts on society, the environment or the economy are expected to result from the proposed development.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the *Environmental Planning & Assessment Act 1979* and outlined below in **Table 6**.

**Table 6: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b>			
Not applicable	Not applicable	Not applicable	N/A
<b>Referral/Consultation Agencies</b>			
Electricity supply authority	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>  Cl 2.48 - Development near electrical infrastructure	The application was referred to Essential Energy in accordance with Clause 2.48 for which they responded in correspondence dated 25 May 2022, raising no objection to the proposed development.	Yes

		The requirements specified by Essential Energy will be included on the development consent as notations, as Council is unable to enforce such requirements.	
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
Not applicable	Not applicable	Not applicable	N/A

#### 4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 7**.

**Table 7: Consideration of Council Referrals**

Officer	Comments	Resolved
Infrastructure	The Senior Building & Development Officer in the report dated 19 May 2022 raised no concerns with the proposed development. The report recommends standard conditions and notations for the Development Consent.	Yes
Building Services	The Senior Building & Development Officer in the report dated 10 May 2022 raised no concerns with the proposed development. The report recommends standard conditions and notations for the Development Consent.	Yes
Environmental Control	The Environment & Health Project Officer in the report dated 24 May 2022 (copy on file) raised no concerns with the proposed development. The report recommends standard conditions and notations for the Development Consent.	Yes
	The Environmental Systems Planner in the report dated 26 May 2022 raised no concerns with the proposed development. The report recommends standard conditions and notations for the Development Consent.	Yes

There are no outstanding issues raised by Council officers to be consider further.

#### 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 28 April 2022 until 18 May 2022.

The notification included the following:

- An advertisement in the local newspaper [Daily Liberal from 4 – 18 May 2022];
- Notification letters sent to adjoining and adjacent properties (13 in total);

The Council received a total of 0 unique submissions.

## 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 5.1 Visual amenity

A landscaping plan was not submitted with the application and due to the consistent wet weather a site inspection had to be postponed. Council requested the applicant submit a Landscaping Plan to which the applicant responded with the following comments on the 16 June 2022:

- *This particular development is setback deep within the landowner's property, away from the public and the roads;*
- *The solar array is not located near any residential dwellings nor proposed residential development;*
- *The terrain is gently undulating but direct views over the site are obstructed by vegetation, landform, the rail line and public roads;*
- *The siting of the array and the relatively flat topography will mean that the development will not be visible from any public place or any habitable room on a neighbouring property. The nearest dwelling is 1.1 kilometres away and the Mitchell Highway is about 800 metres from the southern edge of the array;*
- *The presence of the rail line between the Mitchell Highway and the site obstructs visibility to users of the Mitchell Highway and land to the south;*
- *There would be no direct line of sight to the development from other local roads due to trees and structures on intervening land and topography. The development would not be visible from any other public place other than the rail line which is used for freight;*
- *The submitted DA, without any proposed landscaping, was presented to 15 neighbours from which no submissions were received;*
- *It is of the applicant's view a landscaping corridor in this particular scenario is not appeasing/ameliorating anyone's concerns;*
- *As a landscaping corridor would not be addressing or alleviating any concerns, it would be adding an unnecessary cost to the development over its life, as well as consuming resources such as water, nutrients, mulch and herbicides to maintain the vegetation;*
- *There is no strategic plan of Dubbo Regional Council or the NSW Government that identifies the importance of any views in the vicinity of Geurie. It is not mapped as a scenic landscape or as visually sensitive land in Wellington LEP 2012.*

Resolution: upon undertaking a site inspection it was confirmed the proposed development was suitably sited to minimise adverse visual amenity impacts and as such, no additional landscaping to the boundary of the compound was considered necessary.

### 5.2 Waste Management

The proposed development will predominantly generate waste during the construction and decommissioning phases rather than operation. The application was accompanied by a Waste Management and Decommissioning Assessment prepared by the applicant however a more comprehensive and detailed waste management plan is required. Such plan shall detail how waste will be classified and then recycled/reused where possible and disposed where there is no other alternative.

It should be noted the applicant states, 'Technology for recycling of PV panels is advancing rapidly worldwide and while recycling options currently exist, they are likely to be more advanced and readily available at the time of decommissioning. Options for recycling of PV panels should be reviewed as the project progresses.'

**Resolution:** The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

### 5.3 Noise and Vibration Assessment

It is expected that the proposed development will generate a level of noise during the construction phase (both via equipment and vehicles). Noise sensitive receivers are not located adjacent however are present nearby which means noise impacts are possible at construction stage. The application was accompanied by a Noise Assessment Report dated 5 April 2022 which demonstrates:

- Maximum predicted noise level for each of the construction scenarios (trenching, piling and assembly) satisfy recommended noise guidelines at all identified receivers during standard construction hours.
- Predicted noise levels for all operational sources both day and night are expected to satisfy the recommended noise guidelines at all identified receivers.
- That project related road traffic noise levels would satisfy the relevant Road Noise Policy criteria at any residential receiver along the proposed transport routes and not increase existing noise LAeq levels by more than 2dB.

**Resolution:** The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

### 5.4 Electromagnetic Emissions

The Statement of Environmental Effects submitted with the application states:

*Naturally occurring electromagnetic fields (EMF) are associated with atmospheric processes such as ionospheric currents, thunderstorms and lightning.*

*Artificial sources are the dominant sources of electromagnetic fields (EMF) and are usually associated with the generation, distribution and use of electricity at the frequency of 50 or 60 Hz. The widespread use of electricity means that people are exposed to electric and magnetic fields in the home, in the environment and in the workplace.*

The SEE demonstrates that the proposed solar farm, inverter, transformers and battery will not impact on sensitive receivers due to the buffer distances.

Appropriate WHS procedures will protect workers from the EME generated when large voltages of electricity move through the system.

**Resolution:** The submitted documentation has adequately addressed any concerns in relation to public safety. The health and safety will be managed by Work Health and Safety practices as is not controlled by Local Government. No further action required.

## 5.5 Glint and Glare

Solar farms have the potential to generate glint and glare that can impact surrounding properties and road users. The development application was accompanied by a 'Glint and Glare Assessment, Version 2, dated 21 March 2022,' which concluded that *no glare potential was found to affect dwellings and transport routes within 2km of the Project.*

Resolution: The submitted documentation has adequately addressed any concerns in relation to glint and glare. No further action required.

## 5.6 Biodiversity

The proposed development requires less than 1 hectare of native grasses to be cleared with no remnant trees being removed. The site has been cropped regularly, as a result biodiversity values on the site are currently minimal. Installation of solar panels over the site will encourage germination of a perennial native grass groundcover which will offer a small element of biodiversity value thereby improving the stability and biodiversity value of the site.

Resolution: The issue has been resolved through the submitted documentation. No further action or conditions required.

## 5.7 Karst Environment

The site is mapped as part of the Wellington Karst landscape, an area of limestone derived soils and underlying limestone rock which has the potential to form caves, caverns or sinkholes. Such landscapes are potentially unstable and are also potentially sensitive to changes in volume and quality of surface water infiltrating to ground water.

In this instance the proposal is unlikely to change the volumes or quality of water infiltrating to the sub surface aquifer and is therefore unlikely to change existing sub-surface conditions. While it is impossible to categorically state that no activity is occurring below the surface in the underlying limestone the site is visually and structurally stable and the proposal is unlikely to either impact underlying Karst landscapes or be impacted by sub-surface changes in that underlying landscape.

Resolution: A condition of consent as outlined in **Attachment A** will require appropriate certification by a geotechnical engineer to determine potential impacts on the karst environment and means to avoid, minimise or mitigate any impacts.

## 5.8 Traffic Generation and Vehicular access

During the three (3) month construction phase, the proposed solar farm will be provided access from The Old Road, a local unsealed road. The application has proposed this to be the only access to ensure impacts on the Mitchell Highway and minimised. Vehicles to access the site will include heavy vehicles up to 26m long. The existing access is not adequate to cater for such vehicles. Additionally, due to the large volume of traffic generated by the development during the construction phase it is considered likely that a certain level of impact on The Old Road will occur.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

## 5.9 Bushfire

The subject land is considered to be bushfire prone. The submitted documentation has demonstrated the solar panel compound will be provided with a 10 metre APZ as required however has not addressed access or water storage for firefighting purposes.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

## 6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The proposed development is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality.

The proposed development is consistent with the objectives of the applicable Environmental Planning Instruments, Development Control Plan 2013 and Council policies and is therefore recommended for approval subject to the conditions of consent attached.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

## 7. RECOMMENDATION

That the Development Application [DA No 22/193] for electricity generating works (solar farm) at Lot 52, 55, 58 & 72 DP754313 – 261 The Old Road, Geurie be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report as **Attachment A**.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Architectural Plans