

# STATEMENT OF ENVIRONMENTAL EFFECTS

**s4.55(2) Modification to Approved West Wyalong Solar Farm  
Cartwrights Lane,  
Wyalong NSW 2671**

**Prepared for:**

Providence Climate Capital  
704/99 Bathurst Street,  
Sydney NSW 2000

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**SLR** 

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## BASIS OF REPORT

This report has been prepared by SLR Consulting Australia Pty Ltd (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with Providence Climate Capital (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

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## DOCUMENT CONTROL

| Reference | Date         | Prepared              | Checked           | Authorised |
|-----------|--------------|-----------------------|-------------------|------------|
| V1.0      | 21 July 2023 | Kaveen Wickremaratchy | Anna Kleinmeulman |            |
|           |              |                       |                   |            |
|           |              |                       |                   |            |
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# 1 Introduction

This Statement of Environmental Effects (SEE) is submitted to Bland Shire Council (Council) to accompany a Section 4.55(2) modification application for the addition of a Battery Energy Storage System (BESS) at the approved solar photovoltaic (PV) power generation plant located at Cartwrights Lane, Wyalong NSW 2671 (the site).

The proposal seeks to modify the approved plans/documentation and conditions under DA2022/0004, approved November 2021, to reflect the installation of four (4) BESS units and the relocation of the operation and maintenance (O&M) shed. The amendments will provide for a well-designed, modern facility compliant with relevant environmental standards and guidelines. There is no change to the approved land use proposed under this modification, which is permissible under the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

This Statement of Environmental Effects (SEE) describes the site, its environments, the proposed modification and an assessment of the proposal in terms of the matters for consideration under Section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). The report should be read in conjunction with the supporting information appended to this SEE.

Given the merit of the design and the absence of any significant adverse environmental impacts or planning issues arising from the modification, the application is considered to be in the public's interest and worthy of Council's support.

## 1.1 Providence Climate Capital

Providence Climate Capital (PCC), formerly Providence Asset Group (PAG), is an Australian innovation led investment and asset management firm focusing on ethical investment within an environmental, social and corporate governance framework. Through collaborative partnerships, PCC supports and invests in projects aligned to new forms of renewable and clean energy.

PCC have now secured over 30 solar farm sites in regional NSW and Victoria, including a partnership with Manilla Community Renewable Energy Inc. to develop Australia's first community owned solar farm. Once constructed, the 5MW Manilla project will be able to power the community of Manilla during daylight hours. The project is also a recipient of a NSW Government grant to develop PCC's world first energy storage technology which will enable the Manilla project, and subsequently PCC's solar projects, to provide stable energy well into the early morning and evening peak electricity consumption periods. This modification application pertains to this world first energy storage technology, referred to as Battery Energy Storage Systems (BESS), as well as associated additions to facilitate their operation.

## 1.2 Consultation with Council

A formal pre-development meeting with Bland Shire Council was held on 26 June 2023. Overall, the feedback was positive and confirmed the addition of the BESS units could be facilitated by a modification application. The necessary items to take into consideration for the proposed modification were confirmed as part of the meeting, and include:

- Architectural Plans depicting the approved development and additional items of the modification;

- Visual Impact Assessment including the BESS units and O&M shed;
- Waste Management Plan addressing the construction and operation phases; and,
- Capital Investment Value Report.

## 2 The Site and Surrounds

### 2.1 Site Description

The land is generally referred to Cartwrights Lane Wyalong, NSW 2671 and is legally known as:

- Lots 190, 193, 199, 208, 207, 209, 210, 211, 212, 219, 270, 284 285 in DP750615;
- Lots 3, 4 in DP 111798;
- Lots 40, 41, 42, 43 in DP750617; and
- Lots 14, 15 in DP132661, refer to **Figure 1** and **Figure 2**.

The land is currently used for agricultural purposes and in terms of topography, the site is relatively flat with a gradual slope from south-west to north-east.

The proposed lot boundary site is irregular in shape and comprises approximately 2.39km<sup>2</sup>. The proposed development/lease area is approximately rectangular in shape (with a section to avoid existing vegetation) which is generally flat with limited natural features and comprises approximately 15 hectares. The development site is located in the northern section of the site in Lot 209, Lot 270, and Lot 219 of DP750615, and does not hold a frontage to any public roads.

Vehicular access to the site is proposed via Wargin Road at the north-western corner of the site which will connect through to the development site via Lot 284 and Lot 284 of DP750615, refer to Photo 1.

The development site is heavily cropped and has a lack of trees or vegetation in the area.





## 2.2 Site Location and Context

The site is located approximately 900m southeast of Wyalong town centre, and approximately 4km from West Wyalong town centre, within the Bland Shire Council Local Government Area (LGA). The access road, Wargin Road, is single lane in each direction, unsealed, unmarked with no kerb or guttering on either side. It is noted that part of the proposed access road will utilize crown land. This identified crown land to the west of the site has been closed out.

Surrounding lands are similar to the investigation area consisting of agricultural and primary production land with rural dwellings, sheds, dams, and scattered remnant vegetation. The site is located approximately 540m and 750m from the nearest non-project related dwellings to the west and north-east respectively.

The site is located approximately 5km north-east from West Wyalong airport and 2.2km south-east from Wyalong train station. The development is located approximately 115m south of a railway corridor, namely Cootamundra Lake Cargelligo Railway tracks, which surrounds the site to the north and east and is screened from the site by dense vegetation.



### 3 Modifications to Conditions of Consent

The purpose of this s4.55(2) modification is to modify the approved plans, which requires amendments to the conditions of the consent (DA2022/0004). The amended plans are specified in **Table 1**, deletions shown as strikethrough and additions in red. Amendments to Condition B8 is also shown below.

**Table 1 Amended Condition A1 Approved Plans and Supporting Documentation**

| Plan/Report Title                                     | Reference No.               | Revision        | Prepared By                       |
|---|-----------------------------|-----------------|-----------------------------------|
| <del>General Arrangement Overview</del>               | <del>10190-G-GAD-02-1</del> | <del>B</del>    | <del>Providence Asset Group</del> |
| <b>General Arrangement Overview</b>                   | <b>10190-G-GAD-02-1</b>     | <b>C</b>        | <b>Providence Asset Group</b>     |
| <del>General Arrangement System Detail</del>          | <del>10190-G-GAD-03-1</del> | <del>B</del>    | <del>Providence Asset Group</del> |
| <b>General Arrangement System Detail</b>              | <b>10190-G-GAD-03-1</b>     | <b>C</b>        | <b>Providence Asset Group</b>     |
| <del>Civil Detail</del>                               | <del>10190-G-GAD-04-1</del> | <del>A</del>    | <del>Providence Asset Group</del> |
| <b>Civil Detail</b>                                   | <b>10190-G-GAD-04-1</b>     | <b>B</b>        | <b>Providence Asset Group</b>     |
| <del>Visual Analysis and Reflectivity Statement</del> | <del>631.20527.00000</del>  | <del>V1.0</del> | <del>SLR Consulting</del>         |
| <b>Pine Ridge Solar Farm Visual Analysis</b>          | <b>630.30642.00000</b>      | <b>V.04</b>     | <b>SLR Consulting</b>             |
| <del>Waste Management Plan</del>                      |                             |                 | <del>SLR Consulting</del>         |
| <b>Waste Management Plan</b>                          |                             |                 | <b>SLR Consulting</b>             |

#### Condition B8 Reflection Mitigation Measures

To ensure reflection and glare from the solar panels is minimised, the following shall be implemented:

(a) Installation of the measures outlined in the ~~Visual Analysis and Reflectivity Statement~~ **Pine Ridge Solar Farm Visual Analysis** report prepared by SLR Consulting dated ~~June 2021~~ **July 2023**;

(b) Installation of an anti-reflective coating on the solar panels. Evidence shall be provided to the Certifying Authority.

Details are to be shown on the Construction Certificate plans.

Reason: To ensure the solar panels do not cause a nuisance, disturbance or hazard to adjoining properties, nearby aircraft and the public using nearby public roads from glint and glare.

## 4 Project Description

The West Wyalong (Pine Ridge) Solar Farm project is one of PCC's solar initiatives to be rolled out across regional Australia, with multiple benefits for rural and regional communities.

The approved development includes a no larger than 5MW grid-connected solar PV installation. The solar farm will be connected to the existing Essential Energy Zone Substation at Compton Road Wyalong, NSW 2671 (Lot 3 DP1207405) which is approximately 1.75km north-west of the proposed development site.

The approved development aims to erect an estimated 13,020 solar PV panels with a nameplate rating of 540W. Other electrical generation infrastructure is proposed on the site including a Power Conversion Station (PCS) consisting of inverters, transformer switchgear and auxiliary plant. Due to the capacity of the inverter system, the proposed development will produce less than 5MW. Most of the infrastructure would be prefabricated off-site, delivered and assembled on-site.

The PV arrangement will consist of 165 ground mounted single axis trackers, refer to **Figure 3**. The solar PV panels measuring approximately 2.26m by 1.13m with 600mm clearance above the existing ground surface. The panels will be positioned on single axis-trackers oriented north-south with a spacing of 6.3m. The PV mounting structure will comprise steel posts driven to approximately 1.5m below ground using a small pile driver. Additional support structures will be attached to the piles, which will then support the PV panels.

This modification application is submitted in order to install a Battery Energy Storage System (BESS) and the relocation of an O&M shed at the approved solar site. The BESS and shed will be constructed on an already approved hardstand area.

The development does not require the entire removal of vegetation within the development area, and it is noted that the site has had extensive land clearing for agricultural purposes (cropping) and remnant native ground cover on the site is negligible. The approved proposal will involve clearing of native vegetation that exceeds the Biodiversity Offset Scheme (BOS) threshold for the site however, the site meets the definition of category 1-exempt land under the NSW Local Land Services Act 2013, therefore a BDAR is not required as confirmed under the original assessment. The proposed solar farm, once operational, is expected to re-establish grasslands on site whilst managing dust generation and encouraging continued agricultural activities through livestock grazing. Weed management and control will be included as part of the standard operation procedures of the facility.

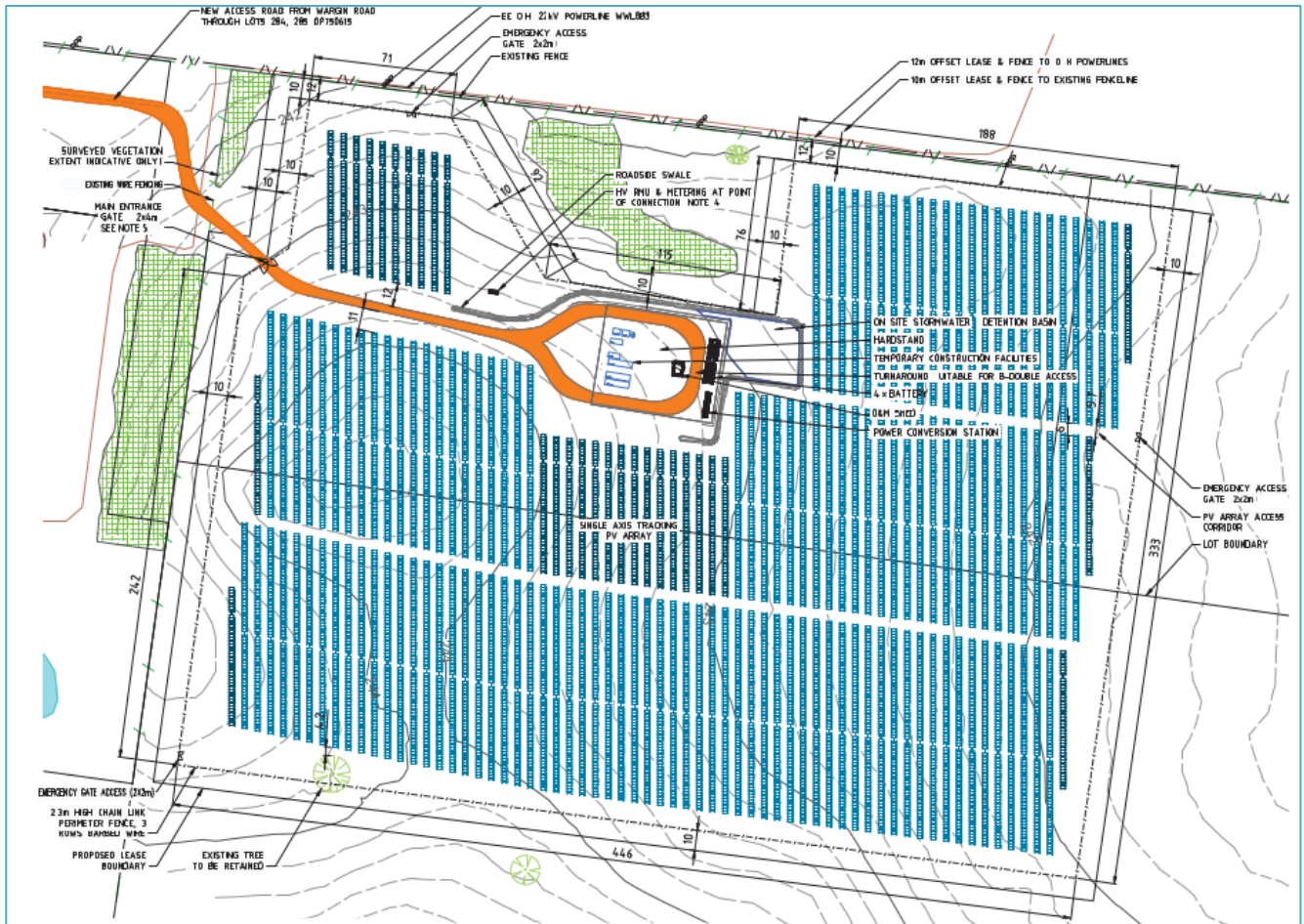
Vehicular access to the site will be via Wargin Road, with the site entrance located in the north-west corner of the site. The solar farm will be fully fenced with a 2.3m security fencing including barbed wire at the top. Gate access is provided on the northern border of the site with emergency access gates on each boundary of the lease area. A temporary construction office area is indicatively shown on the General Arrangement Plan, with expectations that temporary car parking and loading areas to be located within the hardstand area, also identified within the general arrangement plan (refer to **Figure 3**). Motion activated security lighting will be installed at the site.

A stormwater management system has been approved including an onsite detention basin holding a total volume of 165m<sup>3</sup> supported with a low flow outlet. Earthworks for the project are generally limited to the establishment of the access road, drainage swales and batters, laydown area, and detention basin.

The solar PV farm will operate 24 hours a day, 7 days a week, with no permanent staff on site. Maintenance inspections will be undertaken on an as needs basis.

During the construction period there is estimated to be up to 30 personnel on site for up to 6 months.

**Figure 3 Proposed Layout**



## 5 Relevant Legislation and Planning Controls

The following Environmental Planning Instruments (EPIs) and Development Control Plans (DCPs) are relevant to the proposed development as explored within this Section of the report:

- *Environment Protection and Biodiversity Conservation Act 1999;*
- *Environmental Planning and Assessment Act 1979;*
- *National Parks and Wildlife Act 1974;*
- *Biodiversity Conservation Act 2016;*
- *Local Land Services Act 2013.*
- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*

- *Bland Local Environmental Plan 2011;*
- Bland Development Control Plan 2012; and
- Riverina-Murray Regional Plan 2036.

## 5.1 Environmental Protection and Biodiversity Conservation Act 1999

Consideration of the EPBC Act 1999 revealed that impacts on Matters of National Environmental Significance (MNES) are unlikely to occur. No EPBC listed species, ecological communities, migratory species or important habitat for such entities was identified within the subject site. The assessment determined that impacts to Matters of National Environmental Significance (MNES) are unlikely; therefore, an EPBC referral to the Commonwealth Minister for the Environment is not recommended.

Due to a general lack of natural landscape or habitat features, it is unlikely that the site contains important habitat for any EPBC listed biota. The modification items proposed are located entirely within the approved development area of the solar farm and do not result in any further vegetation clearance. No further assessment is deemed necessary as part of this proposal.

## 5.2 Environmental Planning and Assessment Act 1979

It is considered that the modification of the development consent will result in substantially the same development as that for which the original consent was granted. Accordingly, the approval path for the proposed modification is s4.55(2) Other Modifications under the EP&A Act 1979:

### **Section 4.55 Modification of consents - generally**

#### **(2) Other Modifications**

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

*(c) it has notified the application in accordance with:*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

*(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification.*

This application is made pursuant to section 4.55(2) of the EP&A Act 1979 as the proposed modification is 'substantially the same' as the approved development, for the following reasons:

- The proposal retains the approved use, being an 'electricity generating works';
- The proposal results in negligible environmental impacts in addition to those considered and assessed under the original application;
- The proposal does not result in adverse amenity impacts in addition to those considered and assessed under the original application;
- The proposal maintains the development footprint of the development as approved, and is considered to enhance the efficiency and effectiveness of the solar farm; and
- The proposed modifications will not significantly alter the proposal's compliance with the relevant legislation and planning controls, as demonstrated in this report.

### **5.3 National Parks and Wildlife Act 1974**

The National Parks and Wildlife Act 1974 includes provisions for the protection and recording of Aboriginal objects in NSW.

A Due Diligence Aboriginal Archaeological Assessment has previously been undertaken in accordance with the provisions of the National Parks and Wildlife Regulations 2009 and the accompanying Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (OEH 2010) under DA2022/0004. The assessment found no Aboriginal objects or sites in the project area. Due to the high level of disturbance and lack of any undisturbed soils or sensitive landform identified, the project area is deemed to have a low potential for archaeological deposits.

The modification items proposed are located entirely within the approved development area of the solar farm and do not require excavation outside of this footprint. As such, no further assessment of Aboriginal Heritage is deemed necessary under this proposal.



## 5.4 Biodiversity Conservation Act

The Biodiversity Conservation Act 2016 (BC Act 2016) aims to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. To achieve its goals, the BC Act 2016 governs endangered species and communities and provides a framework for a Biodiversity Offset Scheme.

Under DA2022/0004 an assessment was undertaken by Kleinfelder in accordance with Section 7.3 of the BC Act 2016 to determine the significance of potential impacts of the proposed development on any threatened species or communities which are listed within the Act.

The modification items proposed are located entirely within the approved development area of the solar farm and do not pose further adverse impacts on flora and fauna. As such no further assessment is deemed necessary under this proposal.

## 5.5 Local Land Services Act 2013

The *Local Land Services Act 2013* (LLS Act 2013) aims to establish a statutory corporation (to be known as Local Land Services) with responsibility for management and delivery of local land services in the social, economic and environmental interests of the State in accordance with any State priorities for local land services.

### 60H Category 1-exempt land mapping

*(1) Land is to be designated as category 1-exempt land if the Environment Agency Head reasonably believes that—*

*(a) the land was cleared of native vegetation as at 1 January 1990, or*

*(b) the land was lawfully cleared of native vegetation between 1 January 1990 and the commencement of this Part.*

*(2) Land is to be designated as category 1-exempt land if the Environment Agency Head reasonably believes that—*

*(a) the land contains low conservation value grasslands, or*

*(b) the land contains native vegetation that was identified as regrowth in a property vegetation plan referred to in section 9 (2) (b) of the Native Vegetation Act 2003, or*

*(c) the land is of a kind prescribed by the regulations as category 1-exempt land.*

*(3) Land is to be designated as category 1-exempt land if the land is biodiversity certified under Part 8 of the Biodiversity Conservation Act 2016 or under any Act repealed by that Act.*

*(4) However—*

*(a) land described in subsection (1) or (2) is not to be designated as category 1-exempt land if section 60I (2) requires the land to be designated as category 2-regulated land, and*

*(b) land described in subsection (1) (a) is not to be designated as category 1-exempt land if the land was unlawfully cleared of native vegetation after 1 January 1990, and*

*(c) land described in subsection (2) (a) is not to be designated as category 1-exempt land if the land was unlawfully cleared of native vegetation after 1 January 1990.*

*(5) The regulations may make provision for the purposes of determining whether grasslands are low conservation value grasslands for the purposes of this Division.*

The approved development site of Lot 209, Lot 270 and Lot 219 of DP750615 has been under regular cropping, grazing and pasture improvement since prior to 1990. Therefore, in accordance with the *Local Land Services Act 2013*, the full project development area can be considered as category 1-exempt land as previously assessed under DA2022/0004.

The modification items proposed are located entirely within the approved development area of the solar farm and as such classification of the land does not require further assessment.

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

Regional development classification applies to both local and designated development applications exceeding certain criteria defined by Schedule 6 of the *SEPP (Planning Systems) 2021*.

### 5 Private infrastructure and community facilities over \$5 million

*Development that has a capital investment value of more than \$5 million for any of the following purposes—*

*(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*

*(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

The proposed electricity generating works is considered to be private infrastructure with a CIV greater than \$5 million (refer to **Appendix C** for updated CIV report), and as a result, the development is deemed to be regionally significant development. The modification application will be referred to the Regional Planning Panel (RPP) for determination.

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

### Division 4 Electricity generating works or solar energy systems

One of the aims of SEPP (Transport and Infrastructure) 2021 is to provide greater flexibility in the location of infrastructure and service facilities. This SEPP identifies certain electricity generating works that are permitted with consent, without consent, as exempt development, as complying development and works that are prohibited.

In Division 4—

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

*(a) making or generating electricity,*



(b) *electricity storage.*

Division 4 defines solar energy systems as—

(a) *a photovoltaic electricity generating system used for the primary purpose of generating electricity for a land use—*

(i) *carried out on the land on which the system is located, or*

(ii) *carried out by the owner of the system on adjoining land,*

(b) *a solar hot water system,*

(c) *a solar air heating system.*

The proposed BESS units are considered *electricity generating works* as they constitute electricity storage and are not involved in the generation of solar energy for use onsite. The proposal does not require any change of use or additional use for the approved operation.

#### **Clause 2.36 Development permitted with consent**

(1) *Development for the purpose of electricity generating works may be carried out by any person with consent on the following land—*

(a) *in the case of electricity generating works comprising a building or place used for the purpose of making or generating electricity using waves, tides or aquatic thermal as the relevant fuel source—on any land,*

(b) *in any other case—any land in a prescribed non-residential zone.*

In Division 4—

***prescribed non-residential zone*** means any of the following land use zones or a land use zone that is equivalent to any of those zones—

(a) *RU1 Primary Production,*

(b) *RU2 Rural Landscape,*

(c) *RU3 Forestry,*

(d) *RU4 Primary Production Small Lots,*

(e) *E4 General Industrial,*

(f) *E5 Heavy Industrial,*

(g) *IN1 General Industrial,*

(h) *IN2 Light Industrial,*

- (i) IN3 Heavy Industrial,
- (j) IN4 Working Waterfront,
- (k) SP1 Special Activities,
- (l) SP2 Infrastructure,
- (m) W4 Working Waterfront.

The site is zoned RU1 Primary Production, a prescribed non-residential zone, the proposed BESS units are permitted with consent under Clause 2.36 of *SEPP (Transport and Infrastructure) 2021*.

#### **Clause 2.122 Traffic-generating development**

The proposed modification will not generate greater than 50 vehicle movements per hour and as such does not trigger traffic generating development under the SEPP. Referral under this clause to Transport for NSW is therefore not required.

## **5.8 State Environmental Planning Policy (Resilience and Hazards)**

### **Chapter 4 – Remediation of Land**

Chapter 4 of the Resilience and Hazards SEPP states that a consent authority must not consent to the carrying out of any development on land unless:

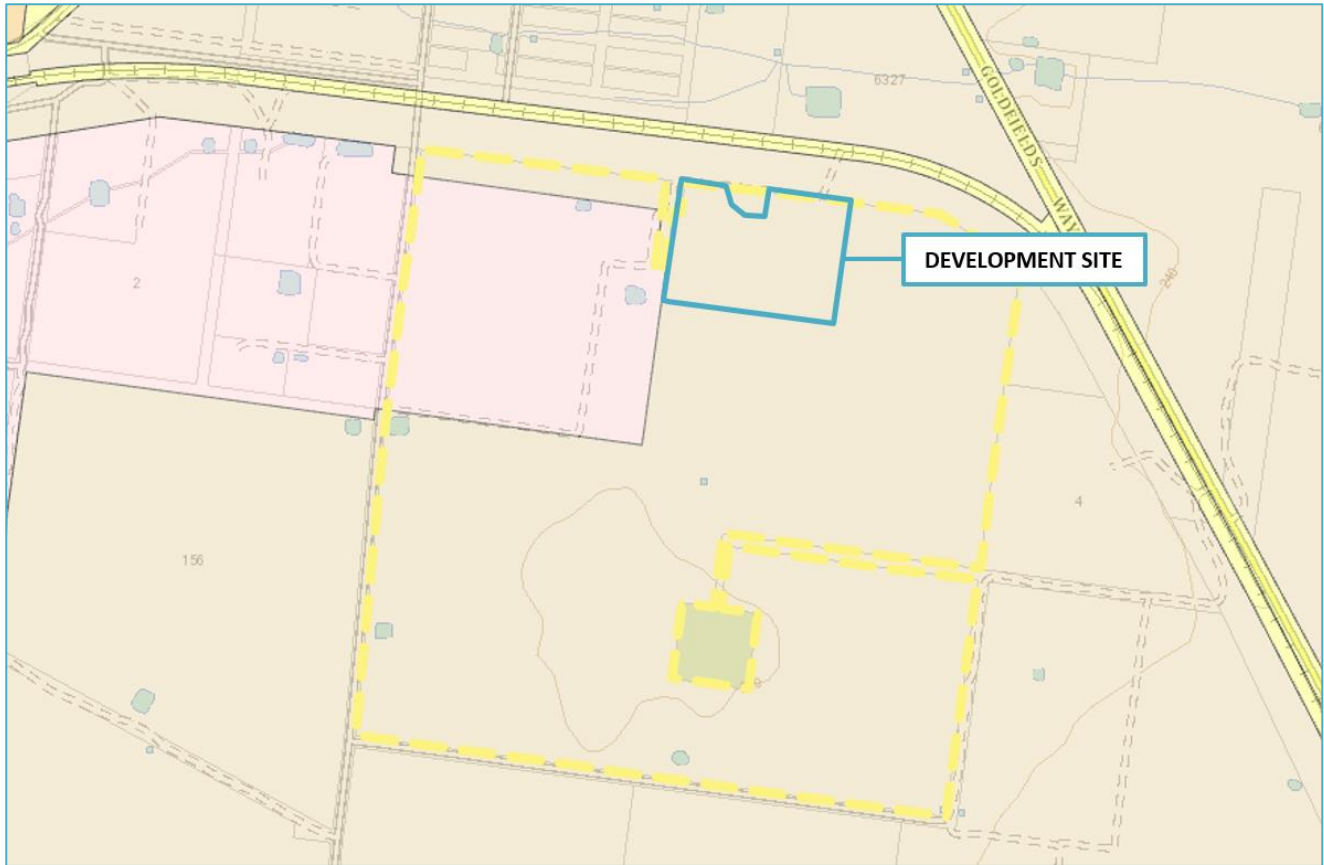
- a. *it has considered whether the land is contaminated, and*
- b. *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- c. *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The status of the land was assessed under DA2022/0004 and therefore is not required for this proposal. All proposed works will be carried out within the applicable guidelines and on land which is approved under the previous development application.

## **5.9 Bland Local Environmental Plan 2011**

The development area is zoned RU1 Primary Production under the Bland Local Environmental Plan 2011 (LEP 2011), see **Figure 4**.

### **Figure 4 Zoning Map Extract (Source: NSW Planning Portal Spatial Viewer)**



The objectives and land use table of the RU1 Primary Production are as follows:

### **Zone RU1 Primary Production**

#### **1 Objectives of zone**

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that development on land within this zone does not unreasonably increase the demand for public services or public facilities.*

#### **2 Permitted without consent**

*Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads*

#### **3 Permitted with consent**

*Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers' dwellings; Veterinary hospitals; Water recreation structures*

#### **4 Prohibited**

##### **Any development not specified in item 2 or 3**

The LEP 2011 defines the proposed modification as:

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

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

The land use, defined as electricity generating works, is prohibited within the RU1 as 'Any other development not specified in item 2 or 3'. However, approval was granted under Division 4 of SEPP (Transport and Infrastructure) 2021.

##### **Clause 4.1 Minimum Subdivision Lot Size**

The minimum lot size for subdivision across the investigation area is 200 hectares. Subdivision does not form part of the scope of works for this application.

##### **Clause 4.3 Height of Buildings**

This clause has not been adopted under LEP 2011.

##### **Clause 4.4 Floor Space Ratio**

This clause has not been adopted under LEP 2011.

##### **Clause 5.10 Heritage Conservation**

The investigation area does not contain a listed heritage item nor are any listed heritage items located in proximity to the area. The area is not mapped as a heritage conservation area under the LEP 2011.

##### **Clause 6.1 Essential Services**

Provision of services relevant to the proposal, such as: water supply, stormwater drainage, and vehicular access suitable for the proposed development has been assessed under DA2022/0004.

## Clause 6.2 Earthworks

The objectives of this clause are:

*(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*

*(b) to allow earthworks of a minor nature without separate development consent*

The modification proposal includes only minor earthworks which are required for the underground cabling, relocation of the O&M shed, and installation of the BESS units. The earthworks proposed will have minimal impact on surrounding lands as they do not result in a change of the ground levels onsite. The modification items will be supported with appropriate sediment and erosion controls as they are to be located on the approved hardstand surface.

## Clause 6.3 Terrestrial Biodiversity

A minor section of the subject site has been identified as being sensitive area according to the LEP 2011 mapping. The provisions of this clause have been assessed under DA2022/0004. The scope of works under this modification will be within the approved development area and will not impact the biodiversity values of the site.

## Clause 6.7 Flood Planning

The investigation area is not mapped within a flood prone land area under the LEP 2011 and the 10.7 Planning Certificate for the site concludes the site is not flood prone. Any potential flood impacts have been assessed previously under DA2022/0004.

## 5.10 Bland Development Control Plan 2012

The Bland Development Control Plan (DCP) 2012 applies to all land within the Bland Shire Local Government Area (LGA), including the subject site. The project has been assessed against Chapter 9 Primary production and Chapter 11 Car Parking and Vehicle Access.

The proposal is consistent with the relevant provisions of the DCP. A full assessment against the relevant components of the DCP is included in table format at **Appendix E**.

## 5.11 Riverina-Murray Regional Plan 2041

The Riverina Murray Regional Plan (the regional plan) provides an overall strategic plan to manage development in the Bland Shire LGA and surrounding LGAs within the Riverina Murray.

The regional plan distinctly highlights the role of renewable energy in the growth of the Riverina Murray region with Objective 13 identifying renewable energy as a priority growth sector in order transition to net zero by 2050.

The proposed development on the subject site will align with the goals of the regional plan as it will provide an enhancement to an already approved renewable energy project in a location with ready access to the electrical network which will support the regional development of West Wyalong and the larger Bland Shire LGA.

## **5.12 Bland Local Strategic Planning Statement**

The Bland Local Strategic Planning Statement (LSPS) encourages renewable energy development and believes it will aid in catalysing population growth in the LGA. The BESS facilities will further cement Bland Shire LGA's status as a renewable energy hub and assist in providing stability for the economy going forward. Therefore, this development is considered to align with Council's vision of the LSPS.

## **5.13 Your Vision, Our Future Community Strategic Plan 2017-2027**

The Your Vision, Our Future Community Strategic Plan 2017-2027 has been formulated as a result of community consultation and engagement to provide a resident-led vision of Bland Shire LGA going forward. The community has explicitly outlined a desire for 'alternative energy resources. The proposed BESS facilities are considered an appropriate means of meeting the desires of the greater Bland Shire community. Therefore, the proposal is considered to align with the public interests and does not pose any adverse impacts to the greater community.

## 6 Assessment of Planning Issues

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this SEE. The assessment considers only those matters under Section 4.15(1) of the EP&A Act 1979 that are relevant to the proposal.

### 6.1 Compliance with Planning Instruments and Controls

Unless otherwise stated, the proposed development either complies with or is consistent with all relevant planning instruments and controls set out in Section 5 of this SEE, in that:

- The development is permissible under *SEPP (Transport and Infrastructure) 2021* in the RU1 Primary Production zone;
- The approved and modified Solar PV Farm will remain consistent with the relevant objectives of the RU1 zone, as it will provide a sustainable rural land use whilst maintaining and enhancing the existing natural resource base;
- The proposed modification items will have no further impacts on flora or fauna under the BC Act 2016;
- The development is classified as Regional Development under *SEPP (Planning Systems) 2021* and will therefore be determined by the RPP;
- The modification proposal complies with the requirements of *SEPP (Transport and Infrastructure) 2021* and referral to the road authority will not be required as the proposal is not classified as traffic generating development; and
- The modification proposal is generally consistent with the objectives and relevant controls within Bland DCP 2012.

### 6.2 Noise

A Noise Assessment (NA) undertaken by Muller Acoustic Consultants Pty Ltd (MAC) measured and modelled the potential noise generation for the approved operation (both during construction and once operational) including sleep disturbance noise emissions. The report concluded that based on the Noise Assessment results, there are no noise related issues which would prevent approval of the project. This assessment is retained for the proposal modification as the additional BESS units do not further the potential for noise generation.

### 6.3 Landscape and Visual Impact

#### Visual Impact

It is relevant to consider the visual impact of the proposed modification given the existing rural landscape character of the area and location of a number of neighbouring properties within 1km radius of the site. SLR Consulting has undertaken a revised Visual Analysis (VA) to assess the potential visual amenity changes which may occur as a result of the modified development, see **Appendix B**.



Based on the appraisal and findings of the Visual Analysis, it can be considered the solar farm, as approved and modified, will have a 'minor-negligible' visual impact rating on the existing landscape character and values of the site and its local context. The site location is isolated from West Wyalong and Wyalong and views of the site are typically not visible from the majority of local roads and the majority of rural areas within the area. This is due to the presence of vegetation and local topographic undulations that screen the site from major viewpoints.

Visibility from the local roads and streets close to the site is generally limited due to the nature of the landform and surrounding vegetation between the site and local development. However, from viewpoints along a limited number of roads such as Wargin Road and Cartwrights Lane, glimpses of the site are possible. Given this limited visibility, to the site for the majority of sensitive receivers in the areas, the effects on landscape character is considered to be limited.

Given the minor visual change to the rural landscape from the viewpoints, no additional mitigation measures are considered necessary.

## 6.4 Glare Analysis

The Reflective Glare Assessment (RGA) of the previous application was assessed under DA2022/0004, and therein considered unnecessary for this proposed modification. These assessments are retained for the proposed modification as the additional BESS units and relocated O&M shed are considered to negligibly alter the reflective glare qualities of the development.

## 6.5 Social and Economic Impacts

The proposed establishment of a solar farm on the site is anticipated to have an ongoing positive social and economic impact on the local Wyalong area and the broader Bland community. These impacts will be enhanced by the additional BESS units which enhance the electrical storage capacity of the approved development.

## 6.6 Traffic, Access, and Parking

A Traffic Impact Assessment (TIA) undertaken by Intersect Traffic was included and assessed as part of DA2022/0004. These assessments are retained for the proposed modification as the additional BESS units and relocated O&M shed are considered to have a negligible impact on traffic, access and parking components at the site.

## 7 Conclusion

The proposed modification to the approved but not yet constructed solar PV electrical generation operation located at Cartwrights Lane, Wyalong NSW 2671 amends the site layout to facilitate the addition of four (4) BESS units and the relocation of O&M shed. The amendments will provide for a well-designed, modern facility compliant with relevant environmental standards and guidelines. There is no change to the approved land use or general operational details, therefore the S4.55(2) modification is considered the most suitable approval pathway under the EP&A Act 1979.

With the growth of the Bland LGA, the enhancement of the electrical storage capacity of the approved solar farm will greatly assist in meeting the growing electrical demands required to support that growth, regardless of solar conditions.

The approved and modified solar PV electrical generation plant is consistent with the objectives of the RU1 Primary Production zone as it will provide a compatible land use which minimises land use conflict in the area whilst contributing to the land use diversity of the area. The amendments will not increase demand for public services or facilities and do not further impact native vegetation, wildlife corridors, waterways, wetlands, or riparian zones. The development remains compliant with the relevant LEP clauses, presenting no variations to any development standard. The approved and modified development is generally compliant with the requirements of Bland DCP 2011.

This SEE retains the assessment of potential impacts arising from the approved development on surrounding properties including traffic, access and parking, noise, ecological, and water management. Furthermore, this modification proposal has provided renewed assessments and considerations of the visual impact of the amended development, and a revised waste management plan.

Given the merit of the design and the absence of any significant adverse environmental impacts or planning issues arising from the modifications, the DA is considered to be in the public's interest and worthy of Council's support.

# APPENDIX A

## ARCHITECTURAL PLANS

*Providence Asset Group*

# APPENDIX B

## VISUAL ANALYSIS

*SLR Consulting Australia Pty Ltd*

# APPENDIX C

## CAPITAL INVESTMENT VALUE REPORT

*RPS Group*

# APPENDIX D

## WASTE MANAGEMENT PLAN

*SLR Consulting Australia Pty Ltd*

# APPENDIX E

## DCP COMPLIANCE TABLE

*SLR Consulting Australia Pty Ltd*



**Table 2 Bland DCP 2012**

| CONTROL  | REQUIREMENT   | COMMENT  | COMPLIANCE |
|--|---|--|------------|
| <b>Chapter 9 Primary Production</b>              |   |  |            |
| Site Integration                                 |   |  |            |
| PPP1   | <b>Adjoining Uses</b><br><i>Consideration is given to the nature of adjoining uses so as to obtain optimum amenity and privacy.</i>           | The location of the BESS development is wholly within the approved solar energy site.  | Y          |
| PPP3   | <b>Existing Opportunities</b><br><i>Developments are located in order to make best use of existing infrastructure and resources.</i>          | The proposed BESS units will be located within the approved development footprint and will facilitate effective connections to the solar farm and electricity grid. No additional access or servicing infrastructure is required to facilitate the modification. | Y          |
| Servicing  |   |  |            |
| PPP6   | <b>Electricity</b><br><i>Access to an electricity supply capable of servicing the proposed development.</i>                                   | The modification does not require additional services.   | Y          |
| Access   |   |  |            |
| PPP9   | <b>Sight Distance</b><br><i>There is adequate sight distance to allow safe manoeuvring to and from the property.</i>                          | There are no alterations proposed to the approved site access arrangements.  | Y          |
| PPP10  | <b>All Weather Access</b><br><i>There is all weather access provided from the development to the public road.</i>                             | No alteration to the approved access arrangements are proposed.  | Y          |
| <b>Chapter 11 Car Parking and Vehicle Access</b> |   |  |            |
| PCP1   | <i>Parking operations are logical, and the circulation pattern clearly defined through the use of appropriate traffic management measures</i> | The proposal aims to utilise car parking provisions approved under DA2022/0004.  | Y          |
| PCP2   | <i>Parking areas are designed to operate in a safe manner for drivers and pedestrians.</i>  | The parking provided is designed to be safe and enable vehicles to leave in forward direction, as approved under DA2022/0004.  | Y          |