

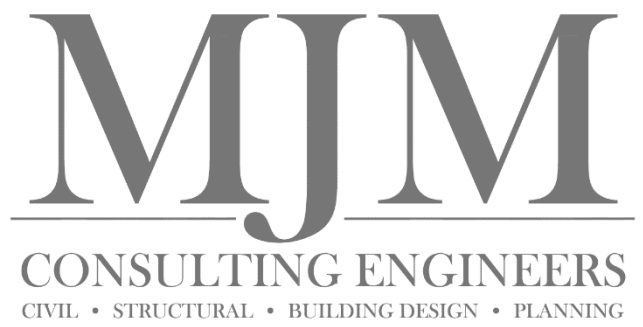
Proposed 5MW distribution battery energy storage system (DBESS)


116 Cremasco Road, Yenda NSW 2681

Lot 1080 DP257229

Statement of Environmental Effects

Prepared for ACEnergy Pty Ltd





CONSULTING ENGINEERS
CIVIL • STRUCTURAL • BUILDING DESIGN • PLANNING

Project
Proposed 5MW distribution battery energy storage system
116 Cremasco Road, Yenda

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1 INTRODUCTION

1.1 OVERVIEW

This Statement of Environmental Effects (SEE) has been prepared on behalf of ACEnergy Pty Ltd (the client) to form part of a Development Application seeking consent for a 5MW distribution battery energy storage system (DBESS) to be located at 116 Cremasco Road, Yenda (the property). The property consists of a number of allotments however the development will be concentrated within the north western portion of Lot 1080 DP257229 (the site). The project will support the efficiency of the electrical network by charging from the grid during periods of low demand and discharging back to the grid during periods of higher demand. An aerial image of the site and surrounds is provided in **Figure 1** and **Figure 2**.

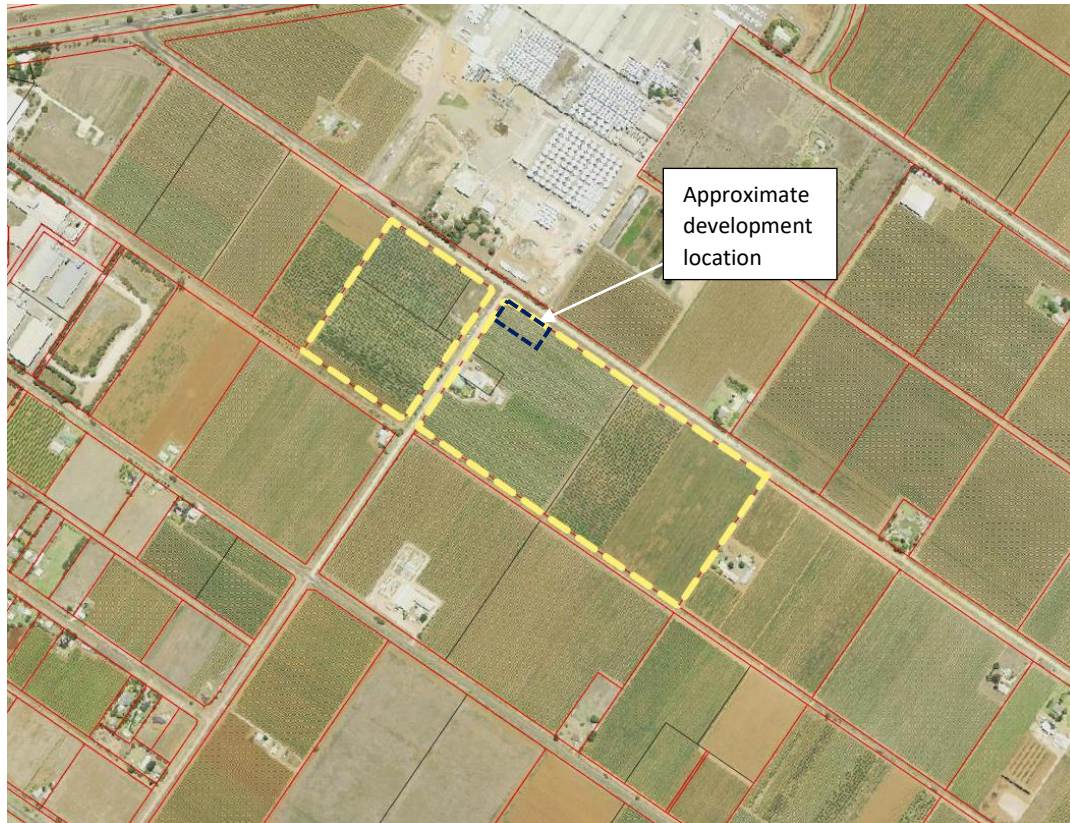


Figure 1 The site (yellow outline) and associated Lot 1080 DP257229 (Source: NSW Planning Portal Spatial Viewer)



Figure 2 Close up aerial image of approximate development location (white outline) within subject allotment (Source: NSW Planning Portal Spatial Viewer)

The property contains a number of structures including a dwelling and associated ancillary structures, and commercial sheds utilised in conjunction with the onsite viticulture undertaking. The development area has previously been utilised for viticulture activities however the landowner has cleared the subject area of the site.

The DBESS will be located within a securely fenced area of approximately 0.5 hectares (Ha) and will contain ten containerised batteries, a medium voltage power station (MVPS) and high voltage switch gear. It will connect to nearby Essential Energy infrastructure via a new overhead line. The facility will be remotely monitored and therefore will be unmanned except for the attendance of maintenance staff to the site on a regular basis. Dedicated access will be provided to the development via the Cremasco Road frontage.

1.2 SCOPE OF STATEMENT OF ENVIRONMENTAL EFFECTS

This Statement of Environmental Effects accompanies a development application for the proposed development. It has been prepared on behalf of the client and includes the matters referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act) and the matters required to be considered by Council.

The purpose of this SEE is to:

- Identify the strategic context of the development;
- Describe the land to which the DA relates and the character of the surrounding area;
- Describe the proposed development;

- Assess the proposal against the relevant heads of consideration as defined by Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act).

2 STRATEGIC CONTEXT

2.1.1 NSW ELECTRICITY INFRASTRUCTURE ROADMAP

In November 2020 the NSW Government released the NSW Electricity Infrastructure Roadmap (the roadmap). The roadmap is the state governments 20 years plan to transform the NSW electricity system into one that is cheap, clean and reliable. It will lay the foundations for future generations to enjoy more secure, reliable and affordable electricity.

One of the five foundational pillars of the roadmap refers to delivering energy storage infrastructure. Energy storage infrastructure allows energy to be stored and released on demand when it is needed, creating stability and reliability in the electricity system. Whilst the development is not of a large scale, it will assist in the provision of electricity to approximately 1,000 homes during times of high demand and will contribute to the stability and reliability of the electrical network.

2.1.2 RIVERINA MURRAY REGIONAL PLAN 2041

The NSW government department of Planning released the Riverina Murray Regional Plan 2041 (the plan) in January 2023. The plan's core vision notes that:

"... The region is a leader in both production and manufacturing, while helping to progress the state's goal of achieving net zero by 2050."

The vision is supported by 18 objectives across three parts. The following parts and objectives are relevant to the proposed development:

- Part 1 – Environment
 - Objective 1 – Protect, connect and enhance biodiversity throughout the region
- Part 2 – Communities and places
 - Objective 11 – Plan for integrated and resilient utility infrastructure
- Part 3 - Economy
 - Objective 13 – Support the transition to net zero by 2050

In the context of the specific plan objectives identified above, the following is noted:

- With respect to Part 1; Environment:
 - Objective 1 involves the identification of biodiversity values to inform land use decision-making throughout the development process and avoid and minimise biodiversity loss. The site and surrounds are not identified as having any biodiversity sensitivities and therefore the proposal will not result in detrimental impacts on biodiversity within, or external to, the boundaries of the site.
- With respect to Part 2; Communities and places.
 - In relation to Objective 11, the proposal will contribute to the provision of sustainable and reliable power sources within the region which will assist with accommodating new economic development.

- With respect to Part 3; Economy
 - Objective 13 notes that the transition to renewable energy requires fundamental changes in how electricity is generated, transported, stored and used. The development will assist in the availability of energy during times of high demand by storing it from the grid during times of low demand and discharging into the grid when required. Further to this, the development provides the opportunity for diversification of the use of the site and therefore an additional income stream through leasing of the development area to the developer.

2.1.3 GRIFFITH LOCAL STRATEGIC PLANNING STATEMENT

The Griffith Local Strategic Planning Statement (LSPS) establishes a vision for the Griffith City Council (GCC) Local Government Area (LGA) supported by Planning Priorities, including the following which are relevant to the proposed development:

- Priority 4 – Protect prime agricultural land and lessen land use conflict
- Priority 5 – Use and manage resources wisely
- Priority 6 – Protect and enhance the natural environment

The proposed development will not result in significant impacts on agricultural land (Priority 4) as discussed in **Section 7.11**. In relation to Priority 5, the proposed development will utilise land within the GCC LGA for electricity storage without detrimental impacts on Griffith's economy as it will not affect prime agricultural lands as discussed in **Section 7.11**. With respect to Priority 6, the development will not result in detrimental impacts on native vegetation as discussed in **Section 7.5**.

3 SITE DESCRIPTION

3.1 DEVELOPMENT SITE

The property is known as 116 Cremasco Road, Yenda. It consists of a number of allotments however the development will be undertaken on Lot 1080 DP257229 (the site).

The site is irregular in shape as it surrounds a smaller lot of the overall property which has frontage to Cremasco Road. It has frontage to Cremasco Road to the north west of approximately 114 metres, and Wood Road to the north east of approximately 280 metres. It adjoins another allotment making up the overall property to the south east, and an associated lot to the south west which contains an irrigation channel.

The site is surrounded by other similar properties utilised for viticulture and associated residential activities. Casella Wines is located opposite part of the sites north eastern boundary. The locality of the site is depicted in **Figure 3**.

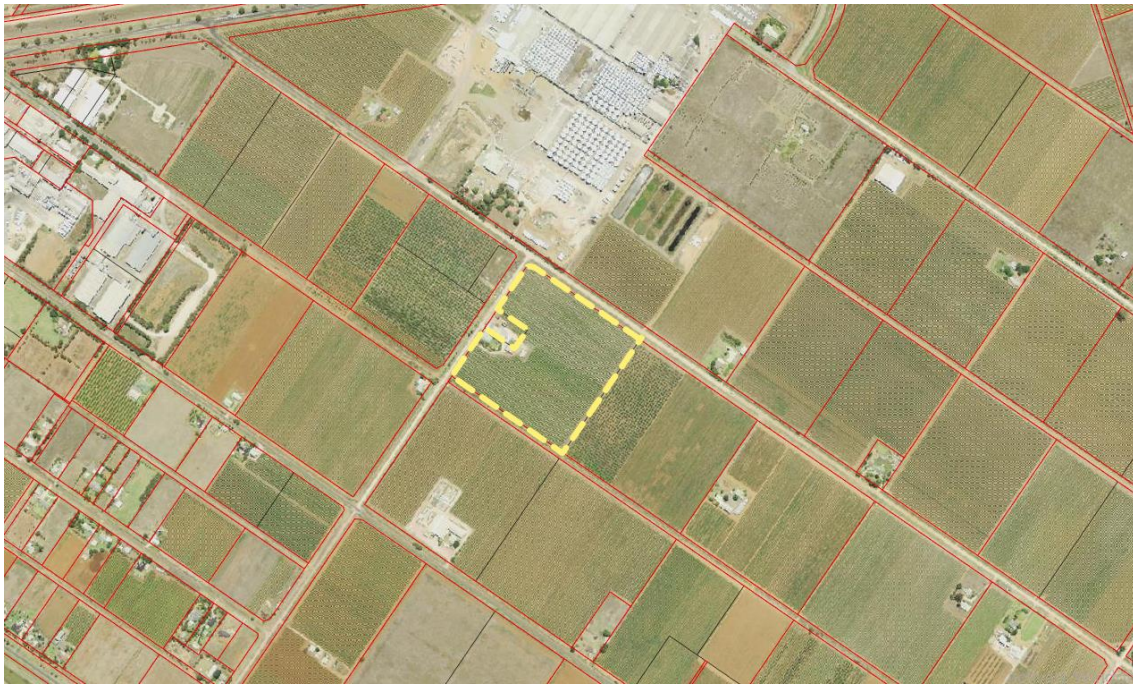


Figure 3 Locality Plan (Source: NSW Planning Portal Spatial Viewer)

The site is located approximately 870 m south east of the Burley Griffin Way and Wood Road intersections, and approximately 1.9km east of the Yenda township centre as depicted in **Figure 4**.

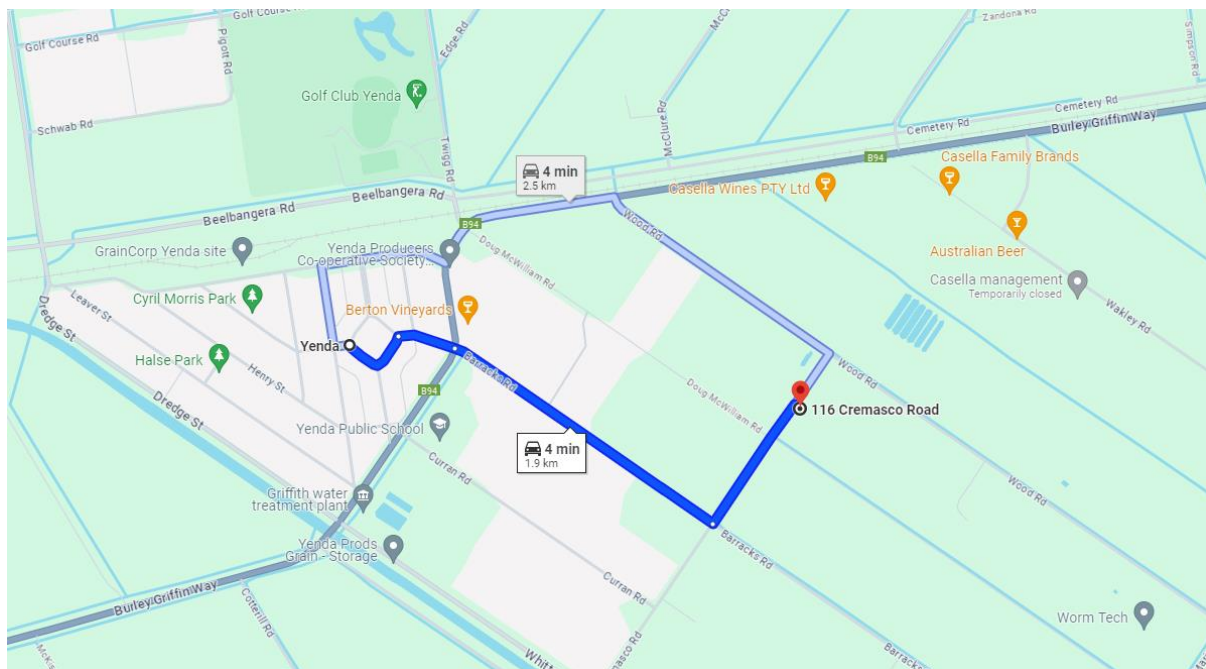


Figure 4 Distance from Yenda township centre (Source: Google Maps)

The site is zoned RU1 Primary Production under the provisions of the Griffith Local Environmental Plan 2014 and contains a residential dwelling and ancillary structures, and viticulture grapevines. The development will be located within a 0.5 Ha area within the north western portion of the site which has previously been utilised for viticulture activities however is currently vacant. The development area contains remnants from the previous viticulture use. It does not contain native vegetation or trees. The site is relatively level due to the irrigation area location.

The site is not encumbered by any easements according to the Certificate of Title for the overall property. It

is serviced by electrical infrastructure and potable water via a reticulated network connection. Telstra telecommunications infrastructure and Jemena gas infrastructure are located within the Cremasco Road road reserve within the vicinity of the site. Council drainage assets are located within the Wood Road road reserve to the north east.

3.2 PRESENT AND PREVIOUS USES OF THE SITE

The site forms part of the overall property known as 116 Cremasco Road which is currently being utilised for viticulture and associated commercial and residential uses. The property has been used for these activities for a number of decades. The development area has historically been utilised for viticulture activities, as evidenced by aerial imagery – refer **Figure 2**.

3.3 NATURAL HAZARDS

3.3.1 BUSHFIRE

The site not identified as being bushfire prone land according to the NSW RFS bushfire prone land checking tool – refer **Figure 5**.

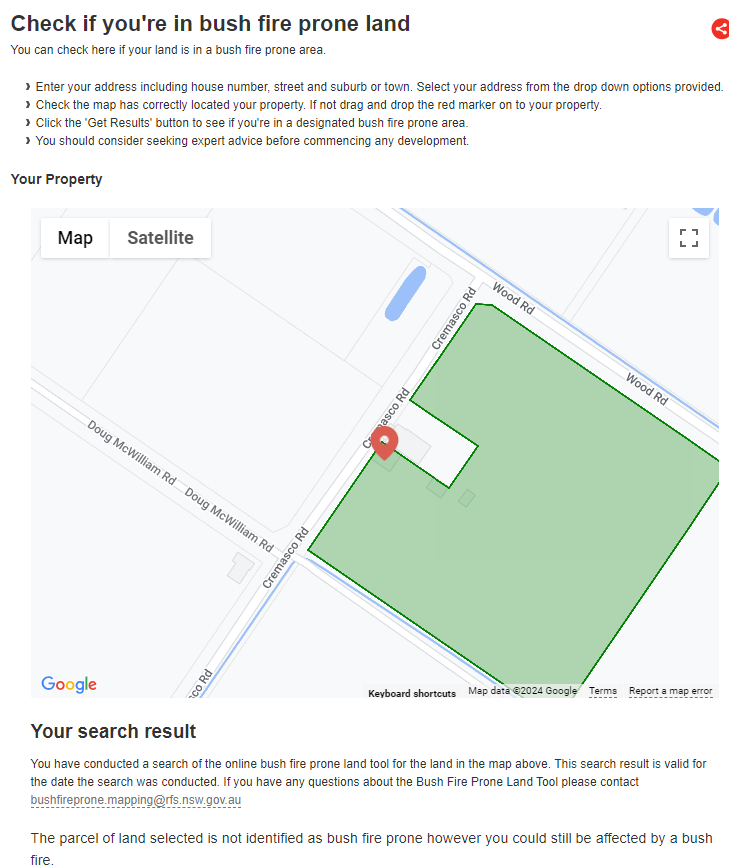


Figure 5 NSW RFS bushfire prone land checking tool results (Source: NSW RFS website)

The RFS tool notes that although the site is not identified as bushfire prone, it could still be affected by bushfire. A review of vegetation surrounding the development on the site, and surrounding the site itself, notes no significant stands of natural vegetation. The surrounding area is characterised by cultivated viticulture undertakings and as such the development is unlikely to be exposed to a bush fire threat.

3.3.2 FLOODING

The site is not identified as being affected by flooding within and up to a 1% AEP flood event according to Council's *Griffith Main Drain J and Mirrool Creek Flood Study* updated in 2021.

4 PROPOSED DEVELOPMENT

The development proposes the construction of a 5MW distribution battery energy storage system (DBESS) within the north western corner of the site. The development will have a footprint of approximately 0.5ha and will include ten containerised batteries, an MVPS, high voltage switch gear, and associated connection infrastructure including a power pole and overhead line connecting to existing Essential Energy infrastructure located north of the site within Wood Road.

The DBESS and associated infrastructure will be surrounded by a fully secured 1.8 metre high steel wire fence with a landscaped vegetation buffer located on the exterior to assist in lessening the visual impact of the development on the surrounding area.

A new access will service the development from the Cremasco Road frontage as shown in the accompanying plans. The gates will be set back from the Cremasco Road roadway approximately 16 m and will remain open when workers are on site during construction to ensure that a 19 metre semi trailer, the largest construction vehicle, is able to enter the site without the need to idle in a location which would affect traffic within the Cremasco Road roadway. A carpark will be located within the site, adjacent to the north western property boundary as identified in the accompanying plans.

To reduce potential acoustic impacts of the MVPS on nearby dwellings acoustic barriers with a height of 3.6m will be constructed adjacent to the MVPS as identified in the accompanying plans.

The development will be remotely monitored and therefore will be unmanned except for the attendance of maintenance staff to the site on a regular basis.

4.1 EQUIPMENT

Battery energy storage systems

Ten Battery Energy Storage Systems (BESS) will be installed on concrete footings as depicted in the accompanying plans prepared by ACEnergy. They will appear visually similar to a mounted shipping container measuring approximately 6m long, 2.4m wide and 2.9m high. The BESS are only able to be accessed externally – refer **Figure 6**.



Figure 6 Typical BESS container (Source: ACEnergy)

MVPS and connections

The facility contains a MVPS consisting of two inverters and a transformer – refer **Figure 7**.



Figure 7 Typical MVPS (Source: ACEnergy)

The MVPS will be prefabricated off-site and have dimensions of approximately 12m long, 2.5m wide and 2.5m high. It will be located as identified in the accompanying ACEnergy development plans and will be utilised as the primary conduit for electricity transmitted between the batteries to a HV switch board.

The HV switchboard, which will house the HV switch gear and associated safety features, will receive electricity from the power station via underground cables. The switchboard will be fixed on the platform beams and the platform will be placed on footings as identified in the accompanying ACEnergy plans. **Figure 8** depicts a typical HV switchboard and associated platform.



Figure 8 Typical HV switchboard and platform (Source: ACEnergy)

The HV switchboard will connect via underground cables to a new power poles constructed within the development which will then transfer the electrical load via overhead powerlines to the nearby Essential Energy infrastructure located north of the site within Wood Road.

The accompanying development plans prepared by ACEnergy provide additional details of the proposed MVPS including typical elevations, footings and connection details.

4.2 LANDSCAPE BUFFER

The landscape buffer will consist of two rows of plantings located approximately 1.5 m from the security fence and will have an anticipated combined width at maturity of approximately 5 metres. The vegetation will include trees with a mature height of approximately 5 m however the majority of vegetation will have a height of approximately 3 m to 3.5 m. A stockproof post and wire fence with a height of 1 m will be located to the exterior of the vegetation buffer to protect the vegetation from stock should the landowner decide to graze stock within the surrounding lot in future, and to assist in protection from predation from pests.

4.2.1 PLANTING

The planting area will be treated, if required, to eradicate broadleaf, woody and noxious weeds using selective, non-residual herbicides. If required, larger woody weeds will be removed manually. The planting area will be ripped along the planting line to 2m wide to minimum of 300mm depth with a Yeomans/Keyline plough with tynes at a maximum of 750 mm centres to break up/aerate natural subgrade and to relieve compaction, grade and level. Fertilisers and additives will be applied at rates recommended by soil test results and planting lines will be cultivated to break up soil clods and provide an appropriate planting medium. Any deleterious material brought to the surface will be removed and soil will be consolidated and the surfaces graded evenly to ensure it is free of any depressions or undulations.

Individual holes will be dug with a tree planter, mini-auger, or the like, in the prepared planting areas of sufficient size to easily accommodate the plant's root system and relieve any polishing. Broad, shallow watering bowls with a minimum 5 litre capacity will be created to all plants to facilitate effective watering and the plants will be watered-in immediately after planting and at such times during the establishment period as is required to maintain growth free of water stress. Weed mats and tree/plant guards will be installed as appropriate. Should additional grassing be required, this will be seeded.

4.2.2 ESTABLISHMENT AND MAINTENANCE

Once planted, the buffer will be maintained by a contractor to ensure establishment, and thereafter to ensure survival. Any failing, failed or dead plants will be replaced as necessary. Maintenance, including slashing, watering as required, weed control, pest and disease control and management, tree/plant guard adjustment or replacement and rubbish removal will be undertaken on a periodical basis.

Watering will be localised to each plant to limit weed/grass growth between planting rows. It will be undertaken either manually via watercart/hose as required or via a drip irrigation system as detailed in the accompanying landscape plans. All plants will be watered as required for at least the first two summers to aid in establishment of healthy root systems and foliage growth, with further waterings if required during late spring and/or early autumn or at any other time of the year based on prevailing climatic conditions.

Further waterings may be needed beyond this minimum establishment watering schedule should prevailing climatic conditions deteriorate with potential to lead to deterioration of plant growth, health or plant deaths (e.g. severe drought, El Niño conditions, etc.).

Plants will be fertilised at least once in the first year, and again in the second year following planting. They will be regularly monitored for evidence of pest and/or disease attack. Any problems identified will be treated as applicable. Any predation by rabbits, hares and other pests with potential to damage or destroy the landscape works will be identified and all necessary steps will be taken within local authority regulations, guidelines and the like to limit or eradicate predation.

All tree guards will be maintained in good condition to limit rabbit/hare/kangaroo/other damage to plants with installed guards.

4.3 CONSTRUCTION

Construction of the development will be undertaken over an approximate four-week period. Drainage, roadworks, fencing and concrete footing installation will occur during the first week. Cable installation, delivery of battery shipping containers and MVPS and their subsequent installation will be undertaken in week 2. Electrical installation, cable termination and electrical testing will be undertaken in week 3, while week 4 will consist of commissioning and demobilisation.

4.4 OPERATION

Once operational the development will be remotely monitored in real-time allowing for constant surveillance without the requirement for staff to be regularly on site. The development contains critical infrastructure which requires a high degree of security. Upon identification of potential issues, action can be taken indirectly from the control centre or directly by chosen contractors who will travel to the subject site if required. During the operational phase, two light vehicles will attend the subject site fortnightly for general maintenance of equipment and the landscape buffer.

4.5 DECOMMISSIONING

Decommissioning of the facility will occur at the end of the useful life of the infrastructure, anticipated to be approximately 40 years. At the end of the project lifecycle the facility will be decommissioned in a manner to ensure the land is left in a suitable state for a return to primary production purposes based on the current zoning.

It is proposed that no later than 12 months prior to the cessation of operation a decommissioning plan be prepared and provided to Council for review and approval. The objective of such a plan will be to restore the land to its pre-existing state suitable for agricultural use. It will include, but not be limited to, the following details:

- Expected timeline for rehabilitation completion;
- Decommissioning of all above and below the ground infrastructure, fencing and any other structures or infrastructure relating to the approved development; and
- Programme of site restoration to return the land back to a suitable state for agricultural production.

5 PRE-DA ADVICE

A pre-DA meeting was held with Council on 9th May 2024 to discuss the proposal. Council's comments in relation to the proposal have been summarised and considered in **Table 1**.

Table 1 Pre-DA advice received from Council

COUNCIL ADVICE	COMMENTS
<i>Calculations to be provided in relation to pre- and post- development stormwater flows from the site.</i>	Calculations have been undertaken and are included in Section 7.7 of this report.
<i>A development cost summary report will be required to accompany the DA lodgement and this will determine the approval pathway for the application.</i>	Noted. A development cost summary report prepared by MCG Quantity Surveyors accompanies this application.
<i>In relation to the level of contamination assessment</i>	Noted. A Preliminary Site Investigation for

<i>required, a desktop assessment needs to be undertaken as a minimum. Should this determine further investigation is required then this will be needed.</i>	contamination has been undertaken by McMahon Earth Science and accompanies this report as a separate cover attachment.
<i>Utilise the RFS website to determine if the site is bushfire prone land. If the property is not identified as bushfire prone land it may still require assessment depending on the surrounding vegetation type and the hazard it presents.</i>	Noted. This has been addressed in Section 3.3.1 of this report.
<i>Agricultural assessment can be undertaken as part of the SEE due to the size of the development and the fact the remaining parts of the property will continue to be used for existing viticulture activities. Should the SEE agricultural assessment not provide enough information for Council to be satisfied this can be addressed in further detail as part of an additional information request.</i>	Noted. This has been considered in Section 7.11 of this report.
<i>BCA classification of batteries to be confirmed. Council asked if these would be a 10b.</i>	Following a review of the BCA building classifications it has been determined that the most appropriate classification is 10b as a structure. The battery containers can only be accessed externally and therefore do not constitute a building.
<i>Acoustic assessment to address noise during both construction and operation. If the assessment identifies potential for acoustic impacts on neighbours then suitable mitigation measures will need to be proposed to manage impacts.</i>	Noted. The accompanying Acoustic Report prepared by Watson Moss Growcott Acoustics considers noise and vibration impacts during both construction and operation. This is considered in Section 7.4 of this report.
<i>Maintenance schedule to be included for landscape buffer.</i>	Noted. Section 4.2 of this report includes details relating to establishment and maintenance of the landscape buffer.
<i>TIA to include construction management plan in relation to carparking</i>	Noted. The accompanying Traffic Impact Assessment prepared by Trafficworks considers parking requirements during both construction and operation. The accompanying development plans include parking location for both construction and operation.
<i>Confirm when fencing will be erected as the development will need to be secured during both construction and operation.</i>	Fencing will be erected during the first week of construction to ensure security of the site from the very beginning of construction. Refer to Section 4.3 of this report which details the intended construction schedule.

Council's advice has been considered in finalisation of the proposal as detailed in this report and accompanying plans and documentation.

6 STATUTORY PLANNING FRAMEWORK

6.1 PLANNING APPROVAL PATHWAY

The Griffith Local Environmental Plan 2014 (LEP) applies in the Griffith City Council Local Government Area. The proposed DBESS is characterised as electricity generating works which is defined under the LEP as:

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

(a) making or generating electricity, or

(b) electricity storage.”

Development for the purposes of electricity generating works are prohibited in the RU1 Primary Production zone, which applies to the site under clause 2.3 of the LEP. Nevertheless, electricity generating works may be carried out within any land in a prescribed non-residential zone under clause 2.36(1)(b) of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Infrastructure SEPP). The Infrastructure SEPP prevails over any other environmental planning instrument to the extent of any inconsistency under clause 2.7 of that SEPP.

As the definition of a prescribed non-residential zone includes Zone RU1 Primary Production, development for the purposes of electricity generating works is permitted with consent in the zone.

The proposed DBESS is not designated development as it does not supply, nor is it capable of supplying, more than 30 MW of electrical power under clause 7, Schedule 3 of the *Environmental Planning and Assessment Regulation 2021*.

The development cost does not exceed \$5M and therefore is not state significant development or regionally significant development according to the State Environmental Planning Policy (Planning Systems) 2021 – refer to accompanying Development Application Cost Plan prepared by MCG Quantity Surveyors.

6.2 SECTION 1.7 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Section 1.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) states that the EP&A Act has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* (the BC Act) and Part 7A of the *Fisheries Management Act 1994* (the Fisheries Act). Part 7 of the BC Act relates to biodiversity assessment and approvals under the EP&A Act. Under Section 7.2(1) of the BC Act, there are three triggers for development or activities to be considered as “likely to significantly affect threatened species”. Under Section 7.7(2) of the BC Act, the development application is required to be accompanied by a biodiversity development assessment report (BDAR) if it meets one or more of conditions for “likely to significantly affect threatened species”.

The proposed development is considered against the three triggers in **Table 2**.

Table 2 Section 7.2 (1) of the BC Act

DEVELOPMENT THAT IS LIKELY TO SIGNIFICANTLY AFFECT THREATENED SPECIES:	COMMENTS
<i>(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or</i>	The accompanying Flora and Fauna Report prepared by Waratah Ecology states that the development is unlikely to adversely impact threatened species or ecological communities or their habitats.
<i>(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme</i>	The accompanying Flora and Fauna Report prepared by Waratah Ecology states that less than 1Ha of native

<i>applies to the impacts of the development on biodiversity values, or</i>	vegetation will be removed and as such the vegetation clearing threshold is not exceeded.
<i>(c) it is carried out in a declared area of outstanding biodiversity value.</i>	The site is not mapped on the Biodiversity Values Map as containing high biodiversity value.

Based on the triggers assessed in **Table 2**, a BDAR is not required.

6.3 SUBORDINATE LEGISLATION

The EP&A Act facilitates the preparation of subordinate legislation and policy, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP)), Local Environmental Plans (LEP), and deemed EPIs; and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation and policy includes:

- Griffith Local Environmental Plan 2014 (the GLEP 2014);
- State Environmental Planning Policy (Resilience and Hazards) 2021 (the Hazards SEPP);
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (the Infrastructure SEPP); and
- Griffith Development Control Plan No 1 – Non-Urban Development (the GDCP).
- Griffith City Council Draft Solar Energy Farms and Battery Energy Storage Systems Policy

The requirements of these are discussed in **Section 6.4** of this report.

6.4 PLANNING INSTRUMENTS

6.4.1 LOCAL ENVIRONMENTAL PLAN

The Griffith Local Environmental Plan 2014 (LEP) is the applicable local environmental plan applying to the land. The relevant LEP clauses applicable to the development are considered in **Table 3**.

Table 3 LEP clauses relevant to the development

PART 2: PERMITTED OR PROHIBITED DEVELOPMENT		
	CLAUSE	COMMENTS
2.3	<i>Zone objectives and Land Use Table</i>	<p>The site is zoned RU1 Primary Production under the provisions of the LEP. Development for the purposes of electricity generating works are prohibited in the RU1 zone however the development is permitted with consent by way of clause 2.36(1)(b) of the Infrastructure SEPP as discussed in Section 0.</p> <p>The development is consistent with the objectives of the RU1 zone as identified in</p> <p>Table 4.</p>

Table 4 LEP clauses relevant to the development

ZONE OBJECTIVES	COMMENTS
<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	The development is consistent with this objective as it will not impede the existing viticulture use of the site outside the development area.

<i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>		The development is consistent with this objective as it provides diversity to the existing agricultural undertaking on the site by providing an additional income stream via lease of the development area. The benefits of the additional income stream flow through to the community from both the landowner and locally hired staff involved in the maintenance of the facility.
<i>To minimise the fragmentation and alienation of resource lands.</i>		The development is consistent with this objective as it does not result in fragmentation or alienation of resource lands as at the end of the development lifespan it will be decommissioned and the land will be transitioned back to a pre-development state in agreement with the landowner.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>		The development is consistent with this objective as it does not impact on the continued use of adjoining properties for agricultural purposes.
<i>To permit a range of activities that support the agricultural industries being conducted on the land and limit development that may reduce the agricultural production potential of the land.</i>		The development is consistent with this objective as it does not impact on the remaining area of the site which will continue to be used for existing viticulture activities. Further to this, upon decommissioning of the facility at the end of its lifecycle the land will be returned to its existing agricultural potential via agreement with the landowner.
<i>To permit tourist facilities that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land.</i>		This objective is not applicable to the development proposal.

7.1	Earthworks	<p>Clause 7.1(2) provides that development consent is required for earthworks unless they are exempt under the LEP or another environmental planning instrument or if they are ancillary to development that is permitted without consent under the LEP or development for which consent has been granted. Where development consent is sought, GCC is prevented from granting development consent unless it has considered the matters set out in clause 7.1(3) of the LEP.</p> <p>The earthworks associated with the proposal will include construction of a new vehicle access from Cremasco Road; footings for the battery containers, MVPS, and HV switch gear; and installation of security fence posts and a power pole. The matters in clause 7.1(3) are considered in</p> <p>Table 5.</p>
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Table 5 Earthworks considerations	
MATTERS FOR CONSIDERATION	COMMENTS
(a) the likely disruption of, or any detrimental effect on, drainage	As discussed in Section 7.7 of this report, there is no significant difference between pre and post-development

	<i>patterns and soil stability in the locality of the development,</i>	condition in terms of flood peak discharge as a consequence of the proposed development.
	<i>(b) the effect of the development on the likely future use or redevelopment of the land,</i>	Earthworks associated with the development do not prevent its decommissioning at the end of its lifespan and the transition of the land back to a pre-development state.
	<i>(c) the quality of the fill or the soil to be excavated, or both,</i>	Filled and excavated soil is to be managed in accordance with GCC standards and applicable policies and legislation.
	<i>(d) the effect of the development on the existing and likely amenity of adjoining properties,</i>	Proposed earthworks are minimal and will not impact the amenity of adjoining properties.
	<i>(e) the source of any fill material and the destination of any excavated material,</i>	The source and destination of fill and excavated material is to be in accordance with GCC standards and applicable policies and legislation.
	<i>(f) the likelihood of disturbing relics,</i>	The Aboriginal Heritage Due Diligence Assessment included in this SEE (refer Section 7.9) provides that there are no recorded Aboriginal sites within the property, nor are there any landscape features which would suggest their existence.
	<i>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i>	Proposed earthworks do not intersect with, or are anticipated to impact on, any mapped waterway, drinking water catchment or environmentally sensitive areas.
	<i>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	No measures are required to avoid, minimise or mitigate the impacts of proposed earthworks on the basis that they will have minimal impacts as outlined above. Typical sediment and erosion control measures will be in place prior to construction beginning and will be maintained throughout to ensure continued performance.
7.10	<i>Essential services</i>	This clause prevents GCC from granting development consent unless it is satisfied that the supply of water and electricity, disposal and management of sewage, stormwater drainage or on-site conservation and suitable vehicular access is available, or that adequate arrangements have been made to make them available when required. The proposed development will be provided with suitable vehicular access from Cremasco Road as identified in the accompanying development plans and detailed in the TIA. The development does not have need for a water or electricity supply or sewage connection as the development does not include any buildings and, once operational, visitors are expected to be limited to occasional maintenance staff. Stormwater will remain within the site, as is currently the case.

6.4.2 STATE ENVIRONMENTAL PLANNING POLICY

6.4.2.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 3 Hazardous and offensive development

Clause 3.2 of the SEPP defines “potentially hazardous industry” as:

“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 likely future development on other land, would pose a significant risk in relation to the locality—

(a) to human health, life or property, or

(b) to the biophysical environment,

and includes a hazardous industry and a hazardous storage establishment.

In determining whether a development meets the definition of a potentially hazardous industry, clause 3.7 of the SEPP requires consideration of current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development. The current guidelines are the *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* (the guideline). The guideline sets out screening tests by reference to the Class and Packing Group under the Australian Dangerous Goods Code and quantity of dangerous goods (DG). Lithium batteries are classified as a class 9 dangerous good under the Australian Dangerous Goods Code. Class 9 goods do not exceed the screening threshold under the guideline as they “pose little threat to people or property” (p. 33). Accordingly, no further assessment is required.

Chapter 4 Remediation of land

Clause 4.6(4) provides that the clause relates to land that is:

- Within an investigation area;
- On which development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines is being or is known to have been carried out; or
- Being used for specified sensitive use and:
 - There is none or incomplete knowledge about development for a purpose referred to in Table 1 of the *Contaminated Land Planning Guidelines*; or
 - It was lawful to carry out any uses referred in Table 1 of the *Contaminated Land Planning Guidelines* during any period in which there is no or incomplete knowledge of the use of the land.

Where the clause applies, clause 4.6(1) prevents the consent authority from granting development consent to the carrying out of development unless it has considered, among other things, whether the land is contaminated. If the land is contaminated, it must be satisfied that the land is suitable in its contaminated state or will be made suitable after remediation.

The site is not within an investigation area however it has been utilised for activities identified in Table 1 of the *Contaminated Land Planning Guidelines* being agricultural/horticultural activities in the form of viticulture. As such a Preliminary Site Investigation (PSI) for contamination has been undertaken by McMahon Earth Science and accompanies this report as a separate cover attachment. The PSI concludes that contamination from agricultural chemicals is not present on the site and that the site is suitable for the proposed development.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

As discussed in **Section 6.1**, the proposed development is permitted with consent by way of clause 2.36(1)(b) of the Infrastructure SEPP.

It is noted that the proposed development will require notification to the electricity supply authority, being Essential Energy, in accordance with clause 2.48 as it involves works in close proximity to and connection to an overhead electricity power line.

6.4.3 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are applicable to the proposal.

6.4.4 DEVELOPMENT CONTROL PLANS

6.4.4.1 GRIFFITH DEVELOPMENT CONTROL PLAN NO 1 – NON URBAN DEVELOPMENT

The Griffith Development Control Plan No 1 – Non Urban Development (DCP) applies to the site. Relevant matters identified within the DCP have been considered in **Appendix A**. As outlined at **Appendix A**, the development is generally compliant with all relevant provisions of the DCP.

6.4.5 COUNCIL POLICIES

6.4.5.1 DRAFT SOLAR ENERGY FARMS AND BATTERY ENERGY STORAGE SYSTEMS POLICY

Council's *Draft Solar Energy Farms and Battery Energy Storage Systems Policy* is on exhibition until 26th June 2024. It is noted that should submissions be received in relation to the draft policy, a report with recommendations will be presented back to an Ordinary Council Meeting for final endorsement, however should no submissions be received, the policy is considered to be endorsed the day after the close of the exhibition period.

Although still in draft form, the policy has been considered in relation to the proposal in the following sections.

Site selection

The site is not located in a low-lying area which would make it visually prominent from elevated perspectives from visual receivers; nor is it located on a classified or arterial road. The site is identified as containing Class 3 soil as depicted on the NSW Land and Soil Capability mapping however this does not result in detrimental impacts on the agricultural viability of the site, nor does it preclude existing viticulture undertakings from continuing on the remaining portion of the site – refer **Section 7.11**.

The site has a delivery entitlement and volume of water available for the purpose of intensive plant agriculture and this will continue to be utilised for irrigation of the viticulture undertaking on the site as required with the development having no impact on this. The remaining portions of the site currently utilised for viticulture undertaking will continue to be utilised for such.

The site is located approximately 600m north east of R5 Large Lot Residential zoned land and 300m north west of the nearest dwelling however given that the site and surrounding area includes viticulture undertakings and associated commercial structures associated with these undertakings, the proposal is not considered to be out of context nor will it result in detrimental impacts on residential zones or dwellings. It is noted that the surrounding area also includes E4 General Industrial zoned land which includes a number of industrial undertakings, including Casella Wines. It is considered that the development will have less impact than the existing industrial undertakings within the nearby E4 zone and as such the vicinity to the residential

zoned land and associated residential dwellings is not considered to be unreasonable.

Further to the above, the site is considered to be suitable for the development due to the lack of environmental constraints and for further reasons identified in **Section 0** of this report.

Mandatory assessment requirements

It is considered that this application, including this report and all separate cover attached documents and plans, considers the relevant assessment issues and requirements identified in Council's policy consistent with the scale of the development.

Development Controls

Relevant controls have been considered in **Appendix B**. As outlined at **Appendix B**, the development is generally compliant with all relevant controls identified in Council's policy however reasonable variations are proposed in relation to setbacks and landscape buffer width based on the scale of the development.

7 IMPACT ASSESSMENT

7.1 CONTEXT AND SETTING

The site is located within an area containing agricultural and industrial zoned land with surrounding land uses mainly consisting of viticulture undertakings. A major winery is located opposite the sites Wood Road frontage. The DBESS will not be out of context with the agricultural / industrial character of the area and will include a landscape screening buffer which at maturity will screen views of the infrastructure from the site.

7.2 SAFETY AND SECURITY

7.2.1 SITE SECURITY

As described in previous sections of this report, the site will be fenced by a 1.8m high chain wire mesh security fence and gates. The fencing will be erected during the first week of construction activities to ensure the site is secured from the beginning of construction and throughout operation.

The site will be remotely monitored during operation via equipment within the development components as well as security cameras which will be installed on the site.

7.2.2 FIRE MONITORING, DETECTION AND SUPPRESSION

Although the particular brand of the battery equipment has not yet been selected, any BESS proposed for the project will comply with relevant fire detection and suppression requirements. The batteries are not placed in outdoor conditions, being stored in a secure lockable steel container/cabinet. Battery cells within the container are sealed in an aluminium enclosure and as such the risk of the spread of fire should a fault occur is extremely low.

Each BESS container will have a built-in ventilation and air/liquid cooling system to prevent thermal runaway in battery cells and will also include an automatic fire detection and extinguishing system. They will also be designed to isolate any thermal runaway and fire from adjacent DBESS containers.

The built-in fire extinguishing system in each BESS container will be checked and maintained as per Australian standards. Adequate training will be provided to all staff in order for fire safety hazards to be reported and monitored.

Adequate ventilation of the DBESS installation area will be provided where required under Australian Standard *AS5139 Electrical Installations – Safety of battery systems for use with power conversion equipment*; the manufacturer's requirements and/or safety data sheets for battery storage.

Further to the above, fire extinguishers will be provided near the site entrance and BESS installations. A static water supply will be provided on the site to ensure adequate water is available for firefighting activities and vegetation within 10 metres of all containers will be managed, including grasses. The landscape buffer will be located a minimum of 10 metres from all battery containers.

Should a fire ignite within a BESS container, an alarm signal would be sent to the operation and maintenance (O&M) team that constantly monitors the facility via real-time signals and security cameras. In the unlikely event where a fire cannot be suppressed by the automatic suppression system, the O&M team would notify local fire authorities immediately.

Battery installations will be kept free of extraneous materials and combustible materials of all kinds. Regular inspections and housekeeping will be undertaken to ensure materials do not accumulate and manufacturer's recommended safe operating conditions will be strictly followed.

7.3 AIR QUALITY

Given the rural setting of the project, air quality in the locality is expected to be reasonable and consistent with rural environments in NSW. Likely existing sources of air pollution include emissions from vehicles, dust from agricultural operations, and, potentially, emissions from wood heaters used in residential properties.

Primary air quality impacts associated with the development relate to the construction and decommissioning phases of the DBESS, and would include dust generation resulting from excavation, earthworks and vehicle movements. These impacts will be managed through the application of mitigation measures including routine spraying of all access roads, exposed dusty surfaces, stockpiled topsoil and other materials that generate significant dust emission or, if spraying proves to be ineffective, implementation of stabilising techniques and/or environmentally acceptable dust controls.

Once operational, air quality impacts are expected to be limited to dust emission from occasional light vehicle movements by maintenance crews. These impacts would not be any greater than agricultural vehicle movements which currently occur within and around the site.

7.4 NOISE & VIBRATION

An Acoustic Report prepared by Watson Moss Growcott Pty Ltd accompanies this report as a separate cover attachment and provides an assessment of the noise and vibration impacts anticipated during the construction and operational phases of the development. The report concludes that noise due to construction vehicle movements is predicted to be below noise level criteria nominated within the Road Noise Policy. Noise emissions due to some construction activities have been predicted to exceed NMLs at several receptors in which case noise mitigation strategies as identified in the report will be implemented as applicable to minimise the potential for adverse impacts on the relevant sensitive receptors.

It is noted that predicted noise levels at the associated dwelling on the site and the dwelling located further south east along Wood Road, identified as *R04* in the report, have the potential to be higher than the Project Trigger Noise Levels in the evening and night assessment periods should no mitigation measures be employed. To reduce acoustic impacts and ensure noise emitted does not exceed relevant levels, construction of two 3.6m tall acoustic barriers is proposed within the site as identified in the report and accompanying development plans. Given the topography of the surrounding area, the proposed location of the barriers within the development and the anticipated mature height of the landscape buffer, the barriers are not anticipated to be visually prominent within the development.

It is noted that the project construction and operational phase will not include any vibration intense activities and as such vibration impacts have not been considered further. The noise impacts, with the implementation of specified mitigation and management strategies, are considered to be acceptable.

7.5 VISUAL IMPACTS

The vegetation buffer detailed in **Section 4.2** of this report is considered to adequately screen the site from the public domain at maturity. The BESS containers are not considered to be visually inconsistent with surrounding development considering the development will be located within proximity to commercial sheds located on the site which are utilised as part of the sites associated viticulture undertaking.

Noise barriers with a height of 3.6m are proposed to be constructed as detailed in **Section 7.4** of this report. Given the generally level topography of the site and surrounding area and the barriers being located towards the centre and southern extent of the development area, it is considered that the landscape buffer will assist in lessening their appearance at maturity. It is also noted that the nearby commercial sheds located south of the development area have a height of approximately 6m and as such the noise barriers will not be out of context with structures within surrounding land.

7.6 FLORA AND FAUNA

The site and surrounds are not identified as having any biodiversity sensitivities according to available public information. Further to this the site has historically been utilised for viticulture activities and therefore does not include native vegetation. Notwithstanding this, a Flora and Fauna Report was prepared by Waratah Ecology and accompanies this report as a separate cover attachment. The report concludes that no threatened flora or fauna species were recorded within the study area during the site survey and that the study area is unlikely to contain suitable habitat for threatened species, primarily due to historical clearing of the area, as well as the site being utilised as crop fields for agricultural purposes.

No vegetation clearing is required to undertake the development therefore no significant impact to a species listed under the BC Act is likely to occur. The Biodiversity Offset Scheme is not triggered, and a Biodiversity Development Assessment Report is not required.

7.7 FLOODING AND STORMWATER

A Flood Risk Report prepared by Water Technology accompanies this application as a separate cover attachment. The objectives of the report are to provide a better understanding of the flooding and drainage behaviour within the site. The report notes that an existing flood study prepared by GCC exists for the site and surrounding area which includes information on flood flows, velocities, levels and extents for a range of flood events. The flood study identifies the site as being located outside the 1% AEP flood event extent.

The Flood Risk Report found that in the modelled 1% AEP storm event the maximum depth within the site is approximately 130 mm. Due to the flat terrain around the area, the main flow path is shallow sheet flow, flowing from the northeast to the southwest of the site. The flood depths on the site are relatively shallow ranging from 50 – 130 mm. Modelled peak velocities within the proposed facilities extent are relatively low, with a maximum of approximately 0.07 m/s.

A flood hazard map included in the report, based on both depth and velocity, classifies the site and facilities as '*H1 Generally safe for vehicles, people, and buildings*' which is to be expected of shallow water with low velocity, ponding across the site rather than traversing it.

Critical infrastructure included in the development will be located above the identified 1% AEP storm event flood depth.

In relation to stormwater flows from the site, a Stormwater Management Strategy has been prepared by Planit Consulting and accompanies this report as a separate cover attachment. The strategy determined the lawful point of discharge for the development to be the Wood Road open drain which is consistent with existing conditions. The flow regime for pre and post development conditions was determined to remain

generally consistent. The increase in peak flow due to the development was determined to be negligible and accordingly no peak flow mitigation is proposed. The increase in impervious area is negligible and all runoff generated from the hardstand areas will be traversing over grass or landscaped surfaces which is deemed an appropriate treatment of runoff prior to discharging offsite. The strategy determined that the development can appropriately manage and treat stormwater in accordance with Council's requirements and WSUD principles.

7.8 WASTE

7.8.1 CONSTRUCTION PHASE

Solid waste, one of the key outputs of construction, is anticipated to be generated during the construction phase such as:

- Packaging materials
- Building materials
- Scrap metal
- Excess soil
- Plastic and masonry products

Excess soil will be reused within the site where suitable, while all other waste will be contained and removed from the site and either recycled or disposed of as appropriate at a licensed waste disposal facility.

7.8.2 OPERATIONAL PHASE

Once operational, the development will not generate any waste unless the replacement of infrastructure is required. Should this be the case, waste generated will be removed from the site and either recycled or disposed of as appropriate at a licensed waste disposal facility.

7.9 HERITAGE

The site is not mapped as containing or adjoining a heritage item under the LEP and is not located within a heritage conservation area.

In relation to Aboriginal Cultural Heritage, a Due Diligence assessment was undertaken in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects (Due Diligence Code) in NSW. Step 1 of the Due Diligence process relates to whether the activity will disturb the ground surface. Due to the nature of the proposal the site will be disturbed by the footings of the proposed infrastructure, material laydown area, and parking and vehicle movement areas. Step 2A requires a search of the AHIMS database to be undertaken and for any other sources of information of which we are aware to be considered. An AHIMS search was undertaken on 2 May 2024 with a buffer of 1 kilometre. The search concluded that no Aboriginal sites are recorded in or near the proposal area, nor have any Aboriginal places been declared in or near the proposal area. A copy of the AHIMS search results are included in **Appendix C**.

Step 2B of the Due Diligence Code advises that regardless of the outcome of an AHIMS search, it still needs to be considered whether Aboriginal objects are likely to be in the area of the proposed activity when considering specified landscape features. Specified landscape features include rock shelters, sand dunes, waterways, waterholes and wetlands. Due to the historic use of the site for agricultural purposes, the site has been laser levelled and does not contain any specified landscape features. Further to this, the site would be classified as 'disturbed land'. The Due Diligence Code defines disturbed land as "*having been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable*". Due to the extensive past and present agricultural use of the land, it is our opinion that it is clearly observable that

the land would be defined as disturbed land. As such, the Due Diligence Code advises it is reasonable to conclude that there are no known Aboriginal objects or low probability of objects occurring in the area of the proposed development and as such the development can proceed with caution.

7.10 ACCESS, TRANSPORT AND TRAFFIC

A Traffic Impact Assessment (TIA) has been prepared by Traffic Works for the development and accompanies this report as a separate cover attachment. The TIA provides an assessment of the site access and traffic impacts associated with both the construction and operational phases of the development as summarised in the subsequent sections.

7.10.1 ACCESS

DBESS equipment will be predominantly transported to the site via 19-metres semi-trailer vehicles via Burley Griffin Way. Light vehicles transporting staff will travel from Griffith and Yenda. At Burley Griffin Way, heavy vehicles will turn left into Wood Road whilst light vehicles will turn right (from Griffith and Yenda) on to Wood Road. Heavy and light vehicles leaving the site will do so in the reverse direction.

Both Wood Road and Cremasco Road are determined by the TIA to be sufficient to accommodate construction traffic as well as existing traffic generated by surrounding land uses. The intersection of Wood Road and Cremasco Road has been assessed to have compliant sight distances and is expected to be able to accommodate the volume of traffic generated by the construction of the DBESS in a safe manner.

The proposed site access from the Cremasco Road frontage will be constructed according to Figure 17 of the TIA which will provide sufficient width to facilitate the movements of a 19m semi-trailer, the largest construction vehicle. Traffic will be managed during the construction period to ensure the access gates are unlocked and open prior to the arrival of any semi-trailers to the site to ensure they do not need to idle at the site gates and potentially impact traffic utilising Cremasco Road.

The site gates will be setback approximately 16m from the Cremasco Road carriageway which is sufficient distance for light vehicles of maintenance staff to idle clear of the carriageway when accessing the site if required.

7.10.2 TRAFFIC IMPACT

Due to the scale of the development, construction will be undertaken over an approximate 4 week period. It is anticipated that the construction of the development will generate up to one (1) heavy and three (3) light vehicle movements (two-way) per day during the construction period.

The volume of traffic, along with the maximum construction vehicle size are not considered to be of a scale to require any road or intersection works to facilitate construction traffic movements or to interfere with the existing level of service of the surrounding road network.

As discussed in **Section 4.4**, the proposed development will be largely unmanned during the operational phase with the exception of occasional maintenance staff. As a consequence, traffic impacts during the operational phase are expected to be negligible. Traffic impacts during the decommissioning phase are anticipated to be similar to that of the construction phase. Accordingly, only impacts associated with construction of the proposed development have been included in the TIA.

7.11 OTHER LAND RESOURCES

The development site is not mapped as Biophysical Strategic Agricultural Land (BSAL) on the Strategic Agricultural Land Map attached to Chapter 2 of *State Environmental Planning Policy (Resources and Energy) 2021*.

The site is identified on the draft State Significant Agricultural Land (SSAL) map which was placed on public exhibition between 1 November 2021 and 31 January 2022. To date the SSAL map has not been endorsed by the Department of Planning and as such does not apply to the land in its draft state.

The site is identified on NSW Land and Soil Capability mapping as 'Class 3' being defined as:

"Land has moderate limitations and is capable of sustaining high-impact land uses, such as cropping with cultivation, using more intensive, readily available and widely accepted management practices. However, careful management of limitations is required for cropping and intensive grazing to avoid land and environmental degradation."

The development will be located within an approximate 0.5Ha area of the site, with the remaining areas of the overall property currently used for viticulture activities to continue to be used as such. The current viticulture use of the site will be reduced by approximately 2% by the development.

Given the remaining areas of the site will continue to be utilised for existing viticulture activities and the development area is able to be used for agricultural activities again in future following decommissioning of the development, the development is considered to have negligible impact on the agricultural production associated with the property.

7.12 SOCIAL AND ECONOMIC IMPACTS

Social impacts are defined by the NSW Government Social Impact Assessment Guideline as consequences that people experience when a new project brings change. The proposed development will not have significant social impacts as battery storage systems are becoming an increasingly common feature of the landscape in regional NSW, both independently and part of solar farm developments, due to the increasing push towards renewable energy facilitated by the Infrastructure SEPP which enables their development in rural zones. Further to this, the development is not of a scale to result in significant social impacts.

Positive economic impacts are anticipated due to the development providing local employment opportunities during the construction phase and a small number of ongoing jobs during the operation phase. Further to this, the lease of the DBESS area provides economic benefits via the secondary income source this provides to the land owner which flows through to the local area.

7.13 CUMULATIVE IMPACTS

The GCC online DA tracker does not enable filtering of DAs by category. As such, it was not possible to identify other infrastructure developments similar to this proposal which does not exceed the trigger for regionally significant development (RSD) or state significant development (SSD). A search of the NSW Planning Portal DA tracker for SSD did not identify any similar battery energy projects in the GCC LGA.

In the event that construction of the development subject of this proposal overlaps with any developments which are not yet constructed, cumulative impacts are expected to be limited to construction traffic. The proponents of the development subject of this proposal would mitigate these impacts by liaising with proponents of other approved developments to ensure that deliveries are staggered to avoid unreasonable cumulative traffic impacts.

Once operational, the subject development would have minimal impacts to the transport network and the likelihood of cumulative impacts is removed. Some impacts may occur during site decommissioning however it is unlikely that the decommissioning of development subject of this proposal would overlap with the decommissioning of other developments.

8 SITE SUITABILITY

The site is considered to be suitable for the proposed development as it:

- Is unlikely to be contaminated in the vicinity of the proposed development;
- Is unlikely to contain Aboriginal sites or places in the vicinity of the proposed development;
- Does not contain native vegetation in the vicinity of the proposed development;
- Is not constrained by natural hazards such as bushfire or flooding;
- Has adequate access arrangements to accommodate construction and operational traffic; and
- Is strategically located adjoining existing electricity infrastructure to which the proposed development can connect to provide increased electricity supply to the network.

9 THE PUBLIC INTEREST

The proposed development is in the public interest on the grounds that it:

- Is permitted with consent in the zone by way of the Infrastructure SEPP and compliant with all relevant provisions under the LEP;
- Is compliant with all relevant controls set out in the DCP;
- Is located within a suitable site which is generally level, located within a rural environment unconstrained in terms of soils, heritage, watercourses, vegetation or hazards such as bushfires or flood events;
- Will result in negligible impacts in relation to heritage, other land resources, stormwater, flora and fauna, noise and vibration, access, traffic and waste;
- Provides increased electricity supply to the network in times of high demand; and
- Improves the reliability and flexibility of the electrical network.

10 CONCLUSION

This SEE report has been prepared to support a development application for a 5MW DBESS to be located at 116 Cremasco Road, Yenda. The site is considered to be suitable for the proposed development and the development is considered to be in the public interest. Further to this, the proposal is considered to be permissible as:

- It is compliant with relevant provisions under the LEP, excepting land use within the zone;
- The land use is permitted with consent in the zone by way of the Infrastructure SEPP which prevails over any other environmental planning instrument to the extent of any inconsistency under clause 2.7 of that SEPP;
- It is compliant with all relevant controls in the DCP;
- It will result in minimal impacts in relation to heritage, other land resources, stormwater, flora and fauna, noise and vibration, access, traffic and waste;
- The site is suitable for the proposed development; and
- It is in the public interest.

As demonstrated throughout this report, the development is permissible with consent, subject to a merits assessment.

11 SEPARATE COVER ATTACHMENTS

Development Plans prepared by ACEnergy

Acoustic Report prepared by Watson Moss Growcott Acoustics

Flood Risk Report prepared by Water Technology

Flora and fauna Report prepared by Waratah Ecology

Landscape Screening Plans prepared by Ground Control Landscape Architecture

Preliminary Site investigation prepared by McMahon Earth Science

Stormwater Management Strategy prepared by Planit Consulting

Traffic Impact Assessment prepared by Trafficworks

12 APPENDICES

Appendix A. DCP compliance table

Appendix B. Draft Solar Energy Farms and Battery Storage Systems Policy development controls compliance table

Appendix C. AHIMs search result

APPENDIX A. DCP COMPLIANCE TABLE

DESIGN ELEMENT	MINIMUM DEVELOPMENT STANDARD	COMMENT	COMPLIANCE
(a) Bulk, scale, setbacks and general amenity issues	<ul style="list-style-type: none"> The structure is to be setback a minimum of ten (10) meters from the front boundary or setback a minimum of one hundred (100) meters from the front boundary where the lot has frontage to an "arterial road" or "proposed by-pass route". (Refer to DCP 28 – Land Use Buffer Controls) 	<p>The site has primary frontage to Cremasco Road with all infrastructure being setback from this boundary by approximately 20 metres. The landscape buffer will be located approximately 5m from this boundary.</p> <p>The site has a secondary frontage to Wood Road to the north east with all infrastructure being set back approximately 20 metres from this boundary. The landscape buffer will be located approximately 4m from this boundary.</p> <p>The site does not have frontage to an arterial road or proposed by-pass route.</p>	✓
b) Open space, additional buffer areas	<ul style="list-style-type: none"> A minimum buffer distance (by way of an easement) of fifty (50) metres shall apply from natural watercourses. A minimum buffer distance (by way of an easement) of twenty (20) metres shall apply over drainage lines and canals. A minimum buffer distance (by way of an easement) of forty (40) metres shall apply from adjoining agricultural lands (Refer to DCP 28 - Land Use Buffer Controls). All buffer areas are to be planted out using tree species and shrubs that are suitable to the area. The above information shall be incorporated in the Management Plan to be submitted to Council. 	<ul style="list-style-type: none"> N/A – there are no natural watercourses within the boundaries of the site. N/A – there are no drainage lines or canals within the boundaries of the site. This development standard is considered to apply to dwelling construction within the zone only. Planting is included as part of the proposal in the form of a landscape buffer on the exterior of the DBESS fencing to assist with lessening visual impacts once the vegetation has reached maturity. The planting however is not proposed in relation to any of the abovementioned buffer areas as they are not considered to be relevant to the proposal 	✓
(c) Landscaping	<ul style="list-style-type: none"> The required setback area in sub clause (a) to all boundaries is to be soft landscaped to a minimum of 90% of that part of the lot. 	<ul style="list-style-type: none"> Planting is included as part of the proposal in the form of a landscape buffer on the exterior of the DBESS fencing to 	✓

	<ul style="list-style-type: none"> <i>No more than 10% of the front yard is to be paved or sealed. Note: Soft landscaping can be trees, gardens, lawns and the like of the applicant/owners choice but does not include improvements such as driveways, parking areas, swimming pools (including coping decking and development ancillary to the pool) and ancillary dwelling structures/sheds/garages and the like.</i> 	<p>assist with lessening visual impacts once the vegetation has reached maturity.</p> <ul style="list-style-type: none"> N/A 	
(d) Site access	<ul style="list-style-type: none"> <i>Where the access way connects to a sealed road, the access way and suitable tapers are to be bitumen sealed or equivalent hard surface between the property boundary and the road carriageway.</i> <i>Where the access connects to a gravel road, the access way and suitable tapers are to be constructed to gravel road standard, between the property boundary and the road carriageway.</i> <i>Concrete pipe culvert with standard headwalls is to be constructed at a suitable location relative to the table drain and clear of the edge of the road carriageway. Design and construction is to be to Council's standard.</i> <i>Existing channel crossings are to be used to service all existing and proposed structures on the allotment. Only one channel crossing per road frontage shall be permitted to be used to access allotments. Where additional channel crossings are proposed consent shall be obtained from Murrumbidgee Irrigation and Council prior to construction.</i> <i>In 1(a) Rural and 1(b) Rural Agricultural Protection zones, where the access connects to a sealed Council road (except arterial roads) and there is no change to the agricultural utilization and/or no additional access points to existing dwellings and the access ways are well constructed and maintained, bitumen sealing will not necessarily be</i> 	<ul style="list-style-type: none"> A new vehicle access is proposed to the site from Cremasco Road, a dirt road, which will be constructed to required Council standards between the road carriageway and property boundary. The vehicle access will be a minimum of six (6) metres wide between the edge of the road carriageway and the property boundary. There are no internal roads proposed within the site. 	✓

	<p><i>imposed. (Note: Should the development change, then the situation should be reviewed.) Driveways shall be a minimum of six (6) metres wide between the edge of the road carriageway and the property boundary. Internal driveways shall be a minimum of three (3) metres wide.</i></p>		
<p><i>(f)(i) Fire management – All structures where a fire threat has been Identified on Council's 'Environmental and Bushfire Threat' map</i></p>	<ul style="list-style-type: none"> <i>Adequate provision is to be made for the access of fire fighting- and emergency service vehicles.</i> <i>An adequate supply of water is to be made available for fire fighting purposes. A minimum supply of twenty thousand (20 000) litres of water shall be provided solely for fire fighting purposes. A suitable connection is to be made available for the purpose of the Rural Fire Service. (Reference Planning NSW 'Planning for Bushfire Protection', 2001, Chapter 4: Bushfire Provisions – Development Stage, Chapter 5: Construction Standards for Bushfire Protection)</i> <i>Consultation required with the NSW Rural Fire Service.</i> <i>Developments shall also incorporate measures to promote bushfire protection through site selection, building design and materials and garden vegetation management.</i> <i>Rural residential design is encouraged to have a single asset protection zone.</i> <i>Consideration should be given to grouping rural residential developments into clusters that allow for the establishment of Asset Protection Zones around a group of dwellings rather than having to ensure individual protection for a large number of scattered dwellings.</i> 	<p>The site is not identified as Bushfire Prone land as described in Section 3.3.1.</p>	<p>N/A</p>

APPENDIX B. DRAFT SOLAR ENERGY FARMS AND BATTERY STORAGE SYSTEMS POLICY DEVELOPMENT CONTROLS COMPLIANCE TABLE

CONTROL	COMMENTS	COMPLIANCE
a) <i>The development must be sited and carried out to minimise impact on farming, residential, tourism and business operations in the locality.</i>	<p>The development is considered to be suitably located to minimise impacts on farming, residential and business operations within the locality. Existing viticulture activities being undertaken on the site and within the surrounds will not be detrimentally impacted by the proposal.</p> <p>The wider area contains large lots of the same zoning which include residential dwellings however these will not be detrimentally impacted by the proposal, nor will business operations, given the small scale and method of operation (being unstaffed excepting attendance for regular maintenance activities).</p> <p>Tourism undertakings are not known to operate within the vicinity of the site.</p>	✓
b) <i>The developer should assess the cumulative impact of the development having regard to solar energy farms already built and those approved but not yet constructed. Council does not favour large expanses of land being covered with solar energy farms where there is significant cumulative impact.</i>	There are no known similar activities which will result in cumulative impacts within the locality – refer Section 7.13 .	✓
c) <i>Where the proposal is located within a 5km radius from the extent of urban and villages, the proposal (including the Visual Impact Assessment) must demonstrate that it will not impact on the scenic value and character of the locality.</i>	Given the character of the locality which includes commercial structures and operations associated with nearby viticulture undertakings, and the nearby E4 General Industrial zone, the proposal is not considered to impact on the scenic value and character of the locality.	✓
d) <i>Solar farms should be located at least 25m from all property boundaries and 200m of any dwelling not associated with the development or residential zoned land.</i>	The development does not include solar farm components.	N/A
e) <i>BESS should be located at least 50m from all property boundaries and 500m from any dwelling not associated with the development or residential zoned land.</i>	Given the scale of the development, a setback of 50m from all property boundaries and 500m from all unassociated dwellings is considered unreasonable. Such boundary setbacks would encroach on operational agricultural land within the site and such residential dwelling setbacks would not allow the development on the subject site at all.	Variation proposed

	Measures have been incorporated into the development, including to mitigate potential acoustic and visual impacts, and to ensure safety, which are considered to be appropriate to reduce the setbacks to those as proposed.	
f) <i>A 10m wide landscape buffer with native species designed to screen solar farms or BESS from roads and dwellings must be installed to ensure a maximum height at maturity of 3 metres.</i>	<p>A 5m wide landscape buffer is proposed as detailed in Section 4.2 with the majority of included plantings having a maximum height of 3m at maturity. Some vegetation is however included which will have a maximum height of 5m.</p> <p>The proposed 5m width of the vegetation buffer is considered appropriate due to the scale of the proposal and the nature of the surrounding area which includes various commercial structures associated with viticulture undertakings and the nearby E4 General Industrial zoned land and included development.</p>	Variation proposed

APPENDIX C. AHIMS SEARCH RESULT



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : 240126

Client Service ID : 888801

MJM Consulting Engineers

Date: 02 May 2024

Level 1, 37 Johnston Street

Wagga Wagga New South Wales 2650

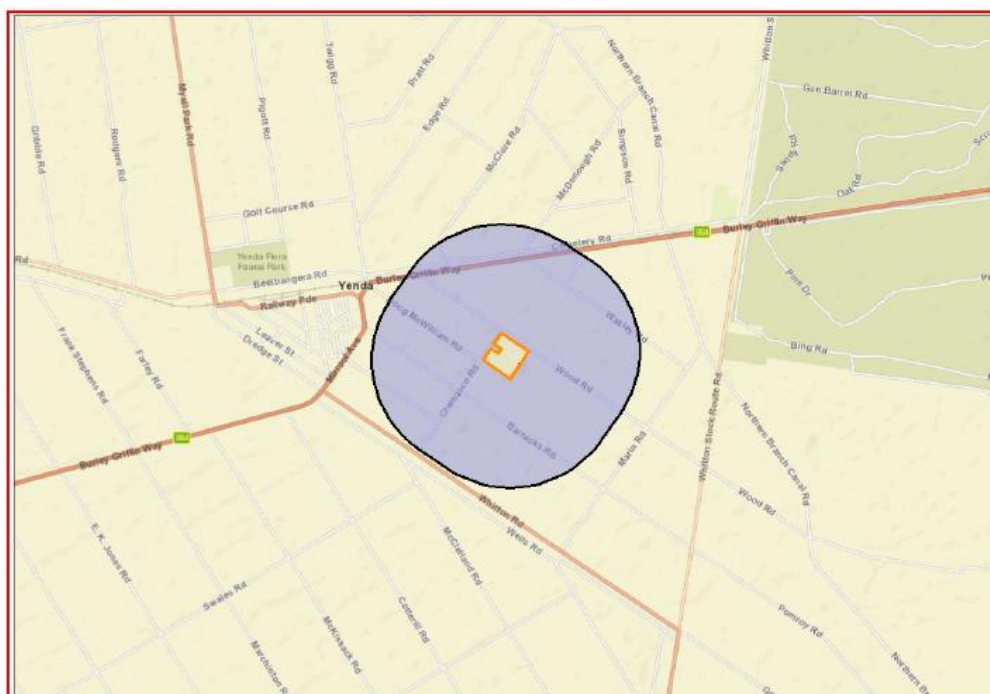
Attention: Jenna Amos

Email: jenna.amos@mjm-solutions.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1080, DP:DP257229, Section : - with a Buffer of 1000 meters, conducted by Jenna Amos on 02 May 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *