

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	23/07/2024	24/203	23/07/2024

2 Policy Objectives

The objectives of the policy are as follows:

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

3 Policy Application

Land to which this policy applies

This policy applies to all land within the Griffith local government area.

Application of the Policy

This policy applies to all new development applications for electricity generating works involving solar photovoltaic systems (solar farms) with a capacity of more than 1.0 MW which are not co-located with a large-scale electricity user such as an industry. The policy also applies to all development applications for electricity generating works involving Battery Energy Storage Systems (BESS). The policy does not apply to electricity generating works which can be installed under State Environmental Planning Policy (Transport and Infrastructure) 2021 or State Environmental Planning Policy (Exempt and Complying Development) 2008 as exempt or complying development.

4 Background

Solar farm and BESS developments are considered forms of electrical generating works as defined in the Griffith Local Environmental Plan 2014 and State Environmental Planning Policy (Transport and Infrastructure) 2021.

Consent Authority

The consent authority for electricity generating works varies based on the capital investment value of the development. State Environmental Planning Policy (Planning Systems) 2021 includes triggers for Regionally significant development and State significant development:

- i. Regionally significant development: Electricity generating works with a Capital Investment Value (CIV) of more than \$5 million, but less than \$30 million. The Regional Planning Panel is the consent authority for Regionally significant development.
- ii. State significant development: Electricity generating works with a CIV of more than \$30 million. The Minister for Planning or delegate is the consent authority for State significant development.
- iii. Local development: Electricity generating works with a CIV of less than \$5 million. Griffith City Council or delegate is the consent authority for local development.

5 Site Selection

Site selection is an important component of a solar farm or BESS development. The Applicant must carefully consider a range of sites and carry out a constraints and opportunities analysis to justify the proposed location of a solar farm or BESS development.

The following types of sites should be avoided:

- a) Sites which contain class 1 – 3 (land and soil capability class) (LSC) soils as depicted on the Land and Soil Capability Mapping for NSW (available at: <https://espade.environment.nsw.gov.au>).
- b) Sites which have a delivery entitlement and volume of water available under that entitlement that is or will be adequate for the use of the land for the purpose of intensive plant agriculture and the lands are currently or have historically been cultivated for intensive plant agriculture crops without severe limitations.
- c) Sites which are located in low lying areas visible from elevated perspectives from visual receivers.
- d) Sites which are located less than 1 km from land zoned R1 – General Residential, R5 – Large Lot Residential or RU5 – Village.
- e) Sites located on classified or arterial roads.
- f) Sites which are located in positions which would have a visual impact on nearby properties, especially existing dwellings and lots on which dwellings could be constructed in the future.

6 Mandatory Assessment Requirements

- a) The Assessment issues and requirements detailed in the NSW Department of Planning, Housing and Infrastructure (DPHI) **Large Scale Solar Energy Guidelines** (the

Guidelines) (Section 5 and Appendix A and C) must be followed in the preparation and submission of a development application for any solar farm or BESS, including (but not limited to) the following technical studies, plans or considerations:

- i) Visual Impact Assessment.
 - ii) Landscape Character Assessment and Concept Landscape Plan.
 - iii) Agricultural Impact Assessment.
 - iv) Waste Management and Circular Design assessment and plan.
 - v) Decommissioning Plan.
 - vi) Glint and Glare Assessment in accordance with Appendix C of the Guidelines.
 - vii) Traffic Impact Assessment.
 - viii) Noise and Vibration Assessment.
 - ix) Concept Civil Plans for stormwater, services and site access.
 - x) Consideration of the power frequency and electric and magnetic field exposure guidelines referenced by the Australian Radiation Protection and Nuclear Safety Agency.
- b) Other Assessment Requirements (which will be required by Council based on the selected site and particulars of the proposal):
- i) Biodiversity Assessment in accordance with the *Biodiversity Conservation Act 2016*.
 - ii) Aboriginal Cultural Heritage Assessment.
 - iii) Flood Impact Assessment.
 - iv) Air Quality Assessment.
 - v) Preliminary Hazard Analysis (PHA) is required for all developments which include BESS. The PHA must be prepared in accordance with Hazardous Industry Planning Advisory Paper No 4 – Risk Criteria for Land Use Safety Planning, Hazardous Industry Planning Advisory Paper No 6 – Hazard Analysis and Multi-level Risk Assessment.
 - vi) Workforce management plan including workforce accommodation considerations during construction.
 - vii) Geotechnical Investigation.
 - viii) Preliminary Site Investigation (contamination).

7 Development Controls

The following development controls must be considered by the Applicant and will be considered by Council in the assessment of the development application.

- a) The development must be sited and carried out to minimise the impacts on farming, residential, tourism and business operations in the locality.
- b) The developer should assess the cumulative impact of the development having regard to solar energy farms already built and those approved but not yet constructed. Council does not favour large expanses of land being covered with solar energy farms where there is significant cumulative impact.

- c) Where the proposal is located within a 5km radius from the extent of urban and villages, the proposal (including the Visual Impact Assessment) must demonstrate that it will not impact on the scenic value and character of the locality.
- d) Solar farms should be located at least 25 m from all property boundaries and 200 m of any dwelling not associated with the development or residential zoned land.
- e) BESS should be located at least 50 m from all property boundaries and 500 m from any dwelling not associated with the development or residential zoned land.
- f) A 10 metre wide landscape buffer with native species designed to screen solar farms or BESS from roads and dwellings must be installed to ensure a minimum height at maturity of 3 metres.

8 Conditions of Consent for Solar Farms and BESS

The following conditions of consent will be imposed by Council on development consents for Solar Farms and BESS to ensure adequate financial assurances for site rehabilitation are in place:

Prior to the commencement of works, the Applicant must provide a mechanism to ensure sufficient funding is available to rehabilitate the site following the lifespan of the solar farm or BESS. This could include a form of financial assurance (bond) held by the landowner of the site or other suitable mechanism. Proof of this ongoing financial assurance must be submitted to Council prior to the commencement of works.

Note: Other conditions would be imposed by Council based on the assessment of the development and in consideration of standard conditions of consent.

9 Conditions of Consent for BESS

The following conditions of consent will be imposed by Council on development consents for BESS:

- a) Prior to the commencement works, the Applicant must prepare a Fire Safety Study (FSS) in accordance with Hazardous Industry *Planning Advisory Paper No 2 (HIPAP No.2) Fire Safety Study Guidelines* (Department of Planning, Housing and Infrastructure 2011) and *Large-scale external lithium-ion battery energy storage systems – Fire safety study considerations* (Fire and Rescue NSW, 2023).
- b) Prior to the commencement works, the Applicant must prepare an Emergency Response Plan in accordance with *Hazardous Industry Planning Advisory Paper No 1 (HIPAP No.1) Emergency Planning* (Department of Planning, Housing and Infrastructure 2011).

Note: Other conditions may be imposed based on the findings and recommendations of the PHA and a peer review carried out by or on behalf of Griffith City Council.

10 Definitions

Term	Definition
Applicant	The Applicant of a proposal seeking consent for a development application or modification application.
Consent Authority	The authority responsible for granting or refusing consent for a development application or modification application.
Decommissioning	The removal of solar panels and ancillary infrastructure and the re-establishment of the site for its previous use.
Glare	A continuous source of bright or strong light caused by the reflection of sunlight on a solar energy project.
Glint	A momentary flash of bright or strong light caused by the reflection of sunlight on a solar energy project.
Landscape	A holistic area comprised of its various parts including landform, vegetation, buildings, villages, towns, cities and infrastructure.
Landscape Character	An area or sense of place definable by the quality of its built, natural and cultural elements.
Electricity Generating Works	means a building or place used for the purpose of— (a) making or generating electricity, or (b) electricity storage.
Visual Receiver	An individual and or defined groups of people who have the potential to be affected by a proposal from a view location.
View Location	A place or situation from which a proposed development may be visible.

11 Legislation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy (Exempt and Complying Development) 2008

State Environmental Planning Policy (Hazards and Resilience) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Planning Systems) 2021

Griffith Local Environmental Plan 2014

12 Related Documents

NSW Department of Planning, Housing and Infrastructure (DPHI) Large Scale Solar Energy Guidelines (as amended)

Hazardous Industry Planning Advisory Paper No 1 (HIPAP No.1) Emergency Planning (Department of Planning, Housing and Infrastructure 2011)

Hazardous Industry Planning Advisory Paper No 2 (HIPAP No.2) Fire safety Study Guidelines (Department of Planning, Housing and Infrastructure 2011)

Large-scale external lithium-ion battery energy storage systems – Fire safety study considerations (Fire and Rescue NSW, 2023)



13 Directorate

Sustainable Development