



Apsley Battery Energy Storage System

State Significant Development Assessment
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Cover image: A typical battery energy storage system. Source: ACEnergy

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Executive Summary

ACEnergy Pty Ltd (ACEnergy) proposes to develop a 120 megawatt (MW) / 240 MW-hour (MWh) battery energy storage system (BESS) in the Central-West Orana Renewable Energy Zone (REZ).

The Department exhibited the Environmental Impact Statement and received no public submissions. Advice and comments were received from Dubbo Regional Council and government agencies.

The project is located on agricultural land, most of which is devoid of native vegetation, with the exception of approximately 0.05 hectares of poor quality native grassland. The closest non-associated residential receiver is located approximately 400 metres to the north of the proposed BESS. Overall, the Department considers the site to be suitable for the project as it is located adjacent to the existing electricity network and would store and distribute energy to support reliable supply to NSW.

The Department has also undertaken a comprehensive assessment of the full range of potential environmental impacts, including traffic, biodiversity, heritage, water, noise, visual, hazards and safety, and land use conflicts. The Department has also considered the socio-economic impacts and benefits associated with the project.

The Department considers the project would not result in any significant impacts on the local community or the environment, and any residual impacts would be minor and could be managed through conditions.

The project would provide flow-on benefits to the local community, including up to 50 construction jobs, a capital investment of \$123 million and staged contributions to Dubbo Regional Council in the order of \$350,000 for community enhancement projects through a Voluntary Planning Agreement.

Importantly, the Department considers that the project aligns with the relevant Commonwealth and State emissions reduction policies as it would contribute 120 MW / 240 MWh of energy storage to dispatch energy to the grid when the energy generation from renewable resources is limited, which would increase grid stability and energy security.

On balance, the Department considers that the benefits of the project outweigh its residual costs and that the project is in the public interest and is approvable, subject to conditions.

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1 Project

ACEnergy Pty Ltd (ACEnergy) proposes to develop a new State significant development battery energy storage system (BESS) in the Central-West Orana Renewable Energy Zone (REZ), approximately 10 kilometres south of Wellington on the traditional lands of the Wiradjuri people in the Dubbo Regional local government area (LGA) (see **Figure 1**).

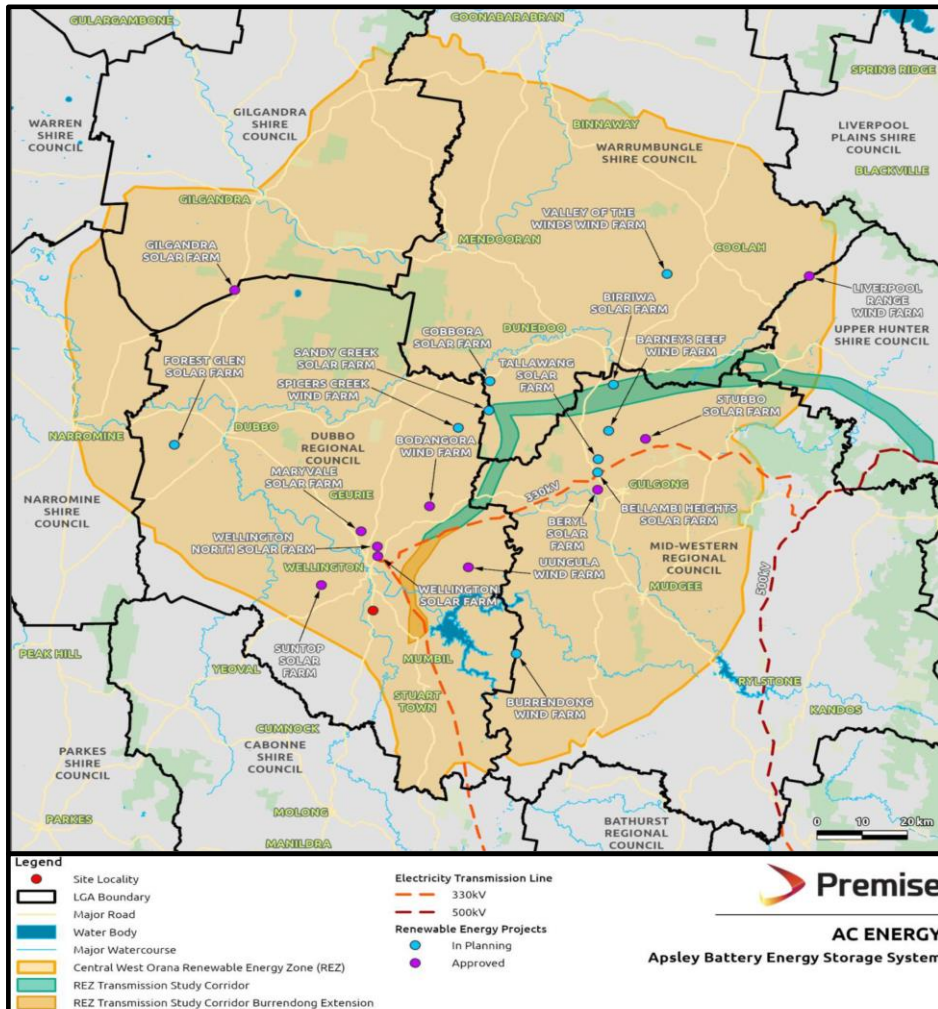


Figure 1 | Regional Context Map

The project involves the development of a new BESS, with a capacity of up to 120 megawatts (MW) / 240 MW-hour (MWh), including a new 132 kilovolt (kV) transmission line which would connect to the existing transmission line to the east of the site (see **Figure 2**).

Construction of the BESS would occur over a five month period, with a peak construction period of three months. Construction works would be limited to Monday to Friday 7 am to 6 pm, and Saturday 8 am to 1 pm. The site would be accessed via a newly constructed intersection from the Mitchell Highway, which would be designed to include basic right and basic left turn treatments.

The Project also allows for the upgrading and decommissioning of equipment over time and subdivision of the existing lot into three lots to enable the long term lease of the BESS area. The key components of the project are described in detail in the Environmental Impact Statement (EIS) and supporting documentation (see **Appendices A, D, E and F**).

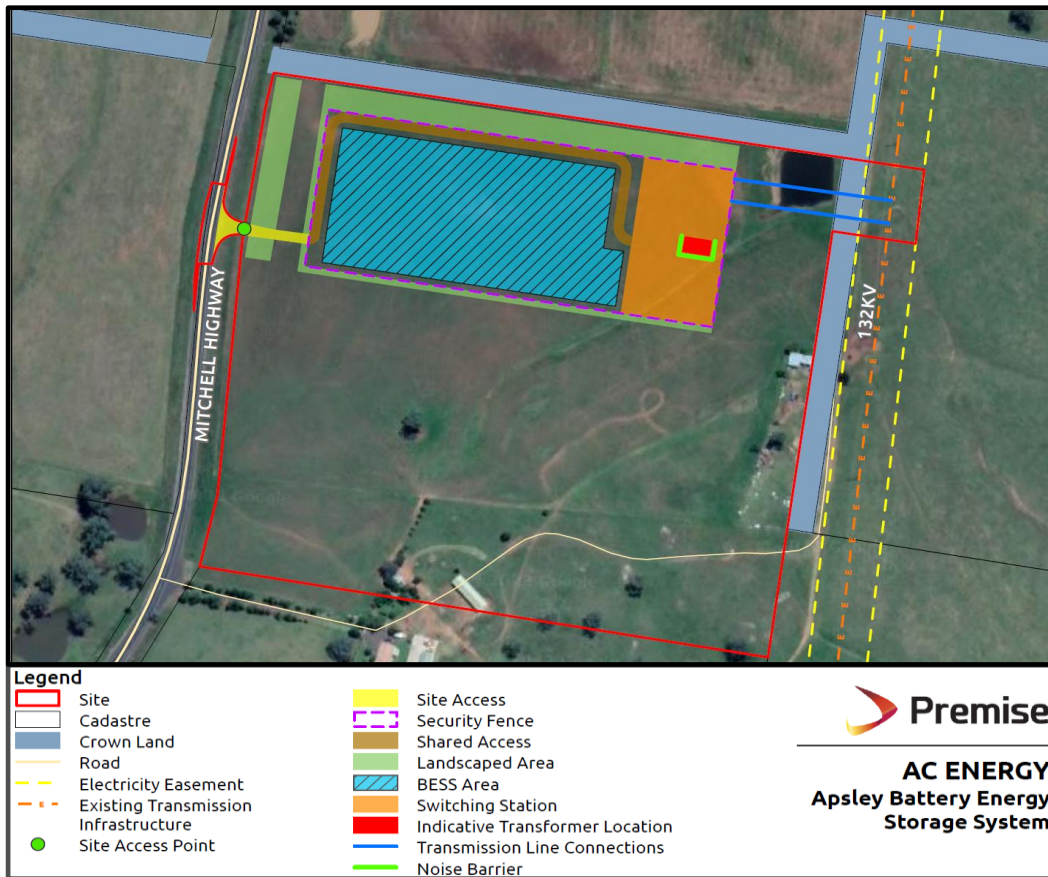


Figure 2 | Indicative Project Layout

2 Strategic Context

2.1 Renewable Energy Zone

The project is located in the Central-West Orana REZ, as defined by the *Electricity Infrastructure Investment Act 2020* and set out in the NSW Electricity Infrastructure Roadmap, which encourages investment in transmission, generation, storage and firming infrastructure in order to ensure secure and reliable energy in NSW.

2.2 Local Context

The project is located on an 18.5 hectare (ha) site which is currently used for grazing and cropping, with much of the land having been historically cleared of native vegetation. The project area is cleared of native vegetation, with the exception of less than 0.05 ha of poor quality native grassland.

The land and soil capability within the project area varies between Class 3 and 6, with the Class 3 land (approximately 2.5 ha) also meeting the criteria for Biophysical Strategic Agricultural Land (BSAL). The Department’s assessment of impact to agricultural land is provided in **Section 5**.

The project site is bounded by the Mitchell Highway to the west, which provides access to the site, and an unconstructed Crown reserve to the north and east, adjacent to which is the existing 132 kV transmission line (see **Figure 2**). Nine non-associated residential receivers are located within two kilometres of the project area. The closest non-associated receiver is located approximately 400 metres (m) to the north.

2.3 Energy Policy Context

With a capacity of 120 MW / 240 MWh, the BESS would provide dispatchable energy to about 44,000 homes, increasing grid stability and energy security. Accordingly, the project aligns with several Commonwealth and State policies, including *Australia's Long Term Emissions Reduction Plan* and the *NSW Net Zero Plan Stage 1: 2020 – 2030* and associated *Implementation Update*. These policies identify the need to diversify the energy generation mix and reduce the carbon emissions intensity of the grid while providing energy security and reliability.

3 Statutory Context

3.1 State Significant Development

The project is classified as State significant development under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This is because it triggers the criteria in Clause 20 of Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021*, as it is development for the purpose of electricity generating works with a capital investment value of more than \$30 million.

Consequently, the Minister for Planning and Public Spaces is the consent authority. However, under the Minister's delegation of 9 March 2022, the Director Energy Assessments, may determine the development application as Dubbo Regional Council (Council) did not object, there were less than 15 unique objections from the general public, and ACEnergy has not made any political donations.

3.2 Permissibility

The majority of the project area is located on land zoned RU1 Primary Production, with parts of the site access located on land zoned SP2 Infrastructure under the *Dubbo Regional Local Environmental Plan 2022*. The project is permissible because electricity generating works are permissible with consent on any land in a prescribed rural, industrial or special use zone, including RU1 and SP2 zones, under clause 2.36 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP). Consequently, the project is permissible with development consent.

3.3 Integrated and Other Approvals

Under section 4.41 of the EP&A Act, a number of other approvals are integrated into the State significant development approval process, and therefore are not required to be separately obtained for the proposal. Under section 4.42 of the EP&A Act, a number of further approvals are required, but must be substantially consistent with any development consent for the proposal.

The Department has consulted with the relevant government agencies responsible for the integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent to address these matters (see **Appendix G**).

3.4 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. The Department has considered all of these matters in its assessment of the project, as well as ACEnergy's consideration of environmental planning instruments in its EIS. The Department has also considered relevant provisions of the environmental planning instruments in **Appendix H**.

4 Engagement

4.1 Department's Engagement

The Department exhibited the EIS from 21 September until 18 October 2022; advertised the exhibition in the Dubbo Photo News and notified surrounding landowners; consulted with Council and government agencies throughout the assessment; inspected the site; and notified and sought comment from Transgrid and Transport for NSW (TfNSW) in accordance with the Transport and Infrastructure SEPP.

4.2 Submissions, Submissions Report and Amendment Report

During the exhibition of the EIS, the Department did not receive any public submissions. Advice was received from 11 government agencies, along with a submission from Council (see **Appendices B and C**). ACEnergy provided a response to all matters raised (see **Appendix D**), including amending its application as detailed in the Amendment Report (see **Appendix E**), and has also provided additional information during the Department's assessment (see **Appendix F**).

4.3 Summary of Advice Received from Government Agencies

A summary of the key matters raised in the government agency advice is provided in **Table 1**. The Department's consideration of the matters raised is provided in **Section 5** of this report. There were no residual issues or concerns raised by any agency following their review of the Submissions Report and Amendment Report.

Table 1 | Summary of Advice Received

Aspect	Key matters raised
Biodiversity, Conservation and Science Directorate (BCS)	<ul style="list-style-type: none">Requested further information be provided in a revised Biodiversity Development Assessment Report (BDAR) to align with the requirements of the Biodiversity Assessment Method.
Dubbo Regional Council	<ul style="list-style-type: none">Requested further information regarding construction plans for the project site, placement of any excavated soil, and contributions to Council. All matters have been resolved to Council's satisfaction, noting a Work as Executed Plan would be provided to Council once complete.
Fire and Rescue NSW	<ul style="list-style-type: none">Requested an Emergency Response Plan and Fire Safety Study.
Heritage NSW	<ul style="list-style-type: none">Supported the findings and recommendations of the Aboriginal Cultural Heritage Assessment Report (ACHAR) and reiterated that newly identified sites should be registered on the Aboriginal Heritage Information Management System (AHIMS).
Rural Fire Service	<ul style="list-style-type: none">Provided recommendations regarding bushfire safety measures in accordance with relevant bushfire safety requirements stipulated under <i>Planning for Bushfire Protection 2019</i>, including the provision of a Fire Management Plan, static water supply and asset protection zones.
Transport for NSW	<ul style="list-style-type: none">Requested the proposed access road intersection with the Mitchell Highway be designed with basic right and basic left turn treatments rather than the proposed rural access.

The APA Group, Crown Lands Group, DPE Water, Department of Primary Industries (Agriculture), Resources Regulator and Transgrid did not raise any concerns.

5 Assessment

The Department has assessed the merits of the project in accordance with the requirements of the EP&A Act and applicable NSW policies and guidelines. The Department's consideration and assessment of issues related to the project is provided in **Table 2**.

Table 2 | Assessment of Issues

Traffic and Access
<ul style="list-style-type: none">• The transport route for heavy vehicles during construction is from Sydney via the State road network using the Mitchell Highway to access the site. All roads proposed to be used by heavy vehicles are approved B-double routes.• Light vehicle access routes would vary, with workers most likely to travel from settlements and towns, including Wellington.• Site access would be via a newly constructed access road into the site connecting with the Mitchell Highway via a basic right and basic left turn treatment in accordance with <i>Austroads Guide to Road Design Part 4: Intersections and Crossings</i>.• There would be up to 40 light vehicle and 18 heavy vehicle movements per day during construction.• Light and heavy vehicle movements during operations would be negligible.• The proposed transport route has sufficient capacity to accommodate the construction and operational traffic associated with the project, and no road upgrades (other than for site access) are required.• Council and TfNSW support the proposed road upgrades and have no residual traffic concerns.• With the implementation of the new intersection and a Traffic Management Plan, the Department considers that the project would not result in significant impacts to the road network capacity, efficiency or safety.
Hazards Analysis and Bushfire Risk
<p><u>Hazards Analysis</u></p> <ul style="list-style-type: none">• ACEnergy's Preliminary Hazard Analysis (PHA) considered risk associated with transport and storage of hazardous materials, as well as operation of the BESS itself, in accordance with <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP) (former provisions), and the relevant Hazardous Industry Planning Advisory Papers.• All potential risks were concluded to be low with no significant off-site impacts, subject to the implementation of recommendations, including<ul style="list-style-type: none">– adequate separation distances both within the BESS (between components) and between the site and surrounding land uses;– relevant infrastructure and engineering controls are installed and maintained (such as fire-fighting equipment); and– appropriate management processes are put in place during construction and operations.• The Department considers that the hazard risk for the project can be managed subject to the recommendations of the PHA and recommended conditions of consent. <p><u>Bushfire Risk</u></p> <ul style="list-style-type: none">• The site is not located within mapped bushfire-prone land, however is located approximately 140 m from land mapped as Category 2 bushfire prone land.• To actively manage risk, an asset protection zone would be established and maintained. In addition, a 10,000 litre water supply tank would be located adjoining the internal property access road as requested by the RFS.• Vegetation underneath any above-ground transmission line would be maintained in accordance with the relevant industry guideline, and internal roads would be established to meet property access standards under <i>Planning for Bushfire Protection 2019 and Standards for Asset Protection Zones</i>.• The Department considers the bushfire risk is manageable during operation, subject to the preparation of a Fire Safety Study and Emergency Plan for the development, consistent with the recommendations of the RFS and Fire and Rescue NSW.

Noise and Vibration

- Three residential receivers are located within one kilometre to the site, noting that the closest receiver is associated with the project. The two non-associated receivers are located approximately 430 m and 650 m north of the site respectively.
- Noise generated by construction activities is predicted to be below the 'noise affected' criterion of 50 dB(A) for all residential receivers under EPA's Interim Construction Noise Guideline (ICNG).
- ACEnergy has committed to implementing construction noise mitigation measures in accordance with the ICNG. In addition, the project includes the construction of a permanent acoustic barrier (up to 4.5 m high) around the transformer.
- With the construction of the permanent acoustic barrier, operational noise levels are predicted to comply with minimum noise criteria under the NSW *Noise Policy for Industry* (EPA, 2017), for all surrounding residential receivers.
- No vibration impacts are predicted at any vibration sensitive receivers based on separation distances exceeding 300 m.
- Increased road traffic noise is predicted to be minimal and cumulative noise impacts would be negligible.
- With the implementation of proposed mitigation measures, including compliance with project noise trigger levels as derived from the *NSW Noise Policy for Industry*, the Department considers that construction noise can be appropriately managed and operational noise would not impact the amenity of the locality.

Visual

- ACEnergy assessed the visual impacts of the development from representative viewpoints, including five viewpoints along the Mitchell Highway and ten residences within two kilometres of the site.
- Visual impacts in the short-term at four of the viewpoints along the Mitchell Highway were determined to be negligible to low, with the fifth viewpoint, directly adjacent the site, predicted to have a moderate impact, noting that views would be fleeting and filtered by roadside vegetation.
- Similarly, impacts in the short-term at nine of the private residences were determined to be negligible to low, with only one residence, located approximately 650 m north of the project site, predicted to have moderate impacts, with potential views of the battery storage containers and perimeter fencing.
- In order to mitigate these visual impacts, ACEnergy is proposing to establish tree screening along the northern, western and southern site boundaries, with additional tree screening along a 150 m stretch of the Mitchell Highway directly adjacent the site.
- Given the implementation of visual screening proposed by ACEnergy, visual impacts at all of the assessed viewpoint and residences would be reduced to negligible in the medium to long-term.
- In regard to potential lighting impacts, all night lighting used for security and safety purposes would be directed away from the surrounding road network, and neighbouring properties.
- Subject to measures within the EIS and the recommended conditions of consent, the Department considers the visual impacts are acceptable.

Biodiversity

- The project would result in the loss of approximately 0.05 ha of derived native grassland (DNG) vegetation (PCT 266) in order to construct the site access road off the Mitchell Highway. The remainder of the site is classed as Category 1 land and is therefore exempt from assessment under the *Biodiversity Conservation Act 2016*.
 - The DNG onsite does not provide habitat for any threatened flora or fauna species and does not require offsetting under the Biodiversity Offsets Scheme given the vegetation integrity score is only 6.9 (i.e. less than 15).
 - Given the above, the Department considers that the project is unlikely to result in a significant impact on any biodiversity values.
-

Heritage

Aboriginal Cultural Heritage

- Site surveys undertaken in consultation with Registered Aboriginal Parties (RAPs) identified two isolated finds outside of the project area.
- Both sites would be avoided by the project and exclusion zones would be established to avoid any incidental harm.
- ACEnergy has also committed to preparing an Aboriginal Cultural Heritage Management Plan in consultation with the RAPs and Heritage NSW.
- The Department also recommends ACEnergy prepare a Chance Finds Protocol for the project.

Historic Heritage

- The site is not subject to any historic heritage listings. The closest heritage listed items are located 570 m south of the site, which would not be impacted.

Conclusion

- The Department considers the project would not significantly impact the heritage values of the locality.

Water Resources

- There are no watercourses or drainage lines within the site, although a small farm dam is located in the north-eastern corner of the site, and the site is not in flood prone land.
- Water required during construction would be imported by truck by a licenced commercial supplier.
- Given minimal water requirements during operation, the project would not be connected to the potable water mains and would utilise captured or imported water.
- Water quality impacts during construction would be managed by erosion and sediment control measures, while stormwater treatment measures would manage water quality during operations.
- The Department considers that the project would have negligible impacts on water resources and can be managed under the recommended conditions of consent.

Land Use

- The Agricultural Land Utility Assessment confirmed that project would remove approximately 2.4 ha of Biophysical Strategic Agricultural Land (BSAL), which was verified in accordance with the *Interim Protocol for Site Verification and Mapping of Biophysical Strategic Agricultural Land*.
- DPI Agriculture did not raise any concerns regarding the project.
- The Department considers the project is suitable within the land use context of the locality, that it aligns with the objectives of the *Central West and Orana Regional Plan 2041*, and it would not detract from the character of the area.
- Given the site context (see **Section 2**), and in consideration of the impacts of the project, the Department considers that the project would not result in any land use conflicts, and any amenity impacts of the development could readily be managed through the application of ACEnergy's mitigation measures and the Department's recommended conditions.

Social and Economic

- The project would generate direct and indirect benefits to the local and broader community, including:
 - around \$123 million capital investment into the NSW economy;
 - up to 50 construction jobs and 5 operational jobs;
 - the procurement of goods and services by ACEnergy and associated contractors, noting ACEnergy's preference to source workers locally wherever possible;
 - ACEnergy has demonstrated that the LGA holds sufficient accommodation to house the construction workers not already residing in the LGA;
 - the project is unlikely to result in increased demand on community services and infrastructure, given ACEnergy would be required to repair any damage to local roads resulting from the construction of the project, and the facility would only require infrequent maintenance visits during operations; and
 - ACEnergy and Council would enter into a VPA with a total value estimated to be \$350,000.
 - Noting the above, the Department considers that the project would have a positive socio-economic impact on the local community.
-

6 Evaluation

The Department has assessed the development application, EIS, Submissions Report and Amendment Report, along with agency advice. The Department has also considered the objectives and relevant considerations under section 4.15 of the EP&A Act.

The project is permissible with consent in accordance with the Transport and Infrastructure SEPP. It is located on agricultural land, most of which is devoid of native vegetation, with the exception of approximately 0.05 ha of poor quality native grassland.

The project has been designed to avoid and minimise environmental impacts, including traffic safety and road performance, impacts on biodiversity values, noise and visual impacts to nearby receivers, disturbance to Aboriginal and historic heritage sites, impacts on water resources, hazards and safety risk, and land use conflicts. The Department considers that any residual impacts would be minor and could be managed through the recommended conditions of consent.

Furthermore, ACEnergy has committed to a suite of design measures and controls, including maintaining asset protection zones to minimise bushfire risk, and committing to installing and maintaining technology controls, along with bunding and fire-fighting equipment on site. To support ACEnergy's commitments, the Department has recommended a hazard management plan and study be implemented during the life of the development consistent with industry guidelines.

The project would also provide flow-on benefits to the local community, including up to 50 construction jobs and a capital investment of \$123 million. A Voluntary Planning Agreement involving payments to Council up to approximately \$350,000 is also proposed.

Given the distance of the project from other approved and proposed major projects in the region, there would be negligible cumulative impacts, including minimal cumulative impact on local roads along the project's transport routes.

On balance, the Department considers the site to be appropriate for a BESS, as it has ready access to major electricity transmission network infrastructure, aligns with the objectives of the *Central West and Orana Regional Plan 2041*, and would not detract from the character of the area. Further, the BESS would provide an additional and substantial investment towards improving the reliability of the energy network, would provide storage and firming capacity to the National Energy Market, and would provide additional services to assist grid stability, including frequency control ancillary services.

Accordingly, the Department considers that the benefits of the project outweigh its residual costs and that the project is in the public interest and is approvable, subject to conditions.

7 Recommendation

It is recommended that the Director, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of Apsley Battery Energy Storage System (SSD-35160796); and
- **signs** the attached development consent and recommended conditions (see **Appendix G**).

Recommended by:



1 June 2023

Kurtis Wathen
Senior Environment Assessment Officer
Energy and Resource Assessments



1 June 2023

Joe Fittell
Team Leader
Energy and Resource Assessments

8 Determination

The recommendation is **Adopted / ~~Not adopted~~** by:



2 June 2023

Iwan Davies
Director
Energy Assessments

Appendices

Appendix A – Environmental Impact Statement

Appendix B – Submissions

Appendix C – Agency Advice

Appendix D – Submissions Report

Appendix E – Amendment Report

Appendix F – Additional Information

Appendix G – Recommended Development Consent

Appendices A to G available at: <https://www.planningportal.nsw.gov.au/major-projects/projects/apsley-battery-energy-storage-system>

Appendix H – Statutory Considerations

In line with the requirements of Section 4.15 of the EP&A Act, the Department's assessment of the project has given detailed consideration to a number of statutory requirements as summarised in **Table H1** below.

Table H1 | Statutory Assessment

Summary

Objects of the EP&A Act

The objects of most relevance to the Minister's decision on whether to approve the project are found in section 1.3(a), (b), (c), (e) and (f) of the EP&A Act. The Department considers the project encourages the proper development of natural resources (Object 1.3(a)) and the promotion of orderly and economic use of land (Object 1.3(c)), given it is a dispatchable energy storage system with the potential to increase grid stability and energy security, and is located in close proximity to existing infrastructure and transport networks.

The Department has considered the encouragement of ESD (Object 1.3 (b)) in its assessment of the project. This assessment integrates all significant socio-economic and environmental considerations. Accordingly, the Department considers that the project can be carried out in a manner that is consistent with the principles of ESD.

Consideration of environmental protection (Object 1.3(e)) is provided in Section 5 of this report. Following its consideration, the Department considers that the project could be undertaken in a manner that would at least maintain the biodiversity values of the locality.

Consideration of the sustainable management of built and cultural heritage (Object 1.3(f)) is also provided in Section 5 of this report. Following its consideration, the Department considers the project would not significantly impact the built or cultural heritage of the locality.

Environmental Planning Instruments

The *Dubbo Regional Local Environmental Plan 2022* (LEP) applies and is discussed in Section 3.2 of this report, particularly regarding permissibility and land use zoning. Although the project is located within land zoned RU1 Primary Production and SP2 Infrastructure under the LEP, it is fully permissible under the Transport and Infrastructure SEPP. In accordance with the Transport and Infrastructure SEPP, the Department has given written notice of the project to TransGrid and TfNSW.

ACEnergy completed a preliminary risk screening in accordance with the Resilience and Hazards SEPP and confirmed the project was not categorised as potentially hazardous or potentially offensive development.

The Department has considered the remediated land provisions of the Resilience and Hazards SEPP. The site is not listed as a contaminated site in the NSW EPA Contaminated Land Record and list of NSW contaminated sites. Given the site has historically been used for agriculture, the Department considers the site would be suitable for the proposed development.