

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	24 November 2022
DATE OF PANEL DECISION	24 November 2022
DATE OF PANEL MEETING	16 November 2022
PANEL MEMBERS	Clare Brown (A/Chair), Chris Wilson, Tim Fletcher, Amelia Parkins
APOLOGIES	None
DECLARATIONS OF INTEREST	Michael Henderson – due to solar farm on neighbour's property

Public meeting held by videoconference on 16 November 2022, opened at 10:30am and closed at 11:47am. Papers circulated electronically on 3 November 2022.

MATTER DETERMINED

PPSSTH-149 – Wagga Wagga – DA22/0122 at BOOROOL 1268 Oxley Bridge Rd URANQUINTY NSW 2652 – Electricity Generating Works – Solar Farm (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

The Panel also notes that the proposal is permissible with development consent and is consistent with the NSW Government Net Zero Plan: Stage 1 2020-2030 and the Riverina Murray Regional Plan which lists renewable energy as a priority growth sector for the region.

The Panel notes that the rural zone in which the site is located permits a range of land uses including rural industry, quarries, major recreational facilities in addition to agricultural uses and residential accommodation.

The Panel considers that the potential for environmental impact from the proposal will be mitigated by the design and layout of the proposal as well as the conditions included in the assessment report as modified below. The solar arrays are proposed over part of the site with the remainder to continue to be used for agricultural grazing purposes. The life of the project is 30 years with site rehabilitation required following cessation of the use.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments and additions. Amendments/new text appears in red text for ease of referencing

- Insert new Condition C4A dealing with Modern Slavery as follows:
C4A Prior to the release of the Construction Certificate the applicant must submit to and have acknowledged by the General Manager or delegate written evidence that the manufacture of the solar panels to be installed on the site satisfies the relevant requirements of the Commonwealth *Modern Slavery Act 2018*.
Reason: Condition included to facilitate good governance.
- Amend Condition C8 to read as follows:
C.8 Prior to the commencement of any works, a stormwater drainage design and management plan shall be submitted to, and approved by Council, to the satisfaction of the General Manager or delegate, incorporating the following if required:
 - i) measures to limit post development flows from the site to pre-developed flows for all storms up to and including the 100 Year ARI event. Full plan details of any proposed On-Site Detention (OSD) system and supporting calculations shall be provided.
 - ii) stormwater outlets designed to dissipate flow and minimise erosion.
 - iii) Identification of testing points for regular water samples.
 - iv) Stormwater testing procedure prepared by a suitably qualified person that includes but is not limited to the following:
 - Methodology for sampling procedure – including appropriate standards
 - Baseline levels
 - Acceptable levels
 - Timings for sampling and reporting
 - Response procedures should unacceptable levels of contaminants be found.
 - Availability of results – at a minimum it is expected that the results be made available through the operators website on an annual basis.**Reason:** Amendments to the condition were made to provide for capture and testing of stormwater runoff from the site to manage stormwater flows and quality within the site and discharge from the site.
- Amend Condition C26 to read as follows:
C26 Prior to the issue of an Occupation Certificate for the works a minimum of 20,000 litres of water supply must be dedicated on site for the purposes of bushfire protection. The tank/s dedicated for bushfire protection must comply with the acceptable solutions under table 7.4(a) of Planning for Bush Fire Protection 2019. **The tank must be connected to a mains water supply.**
Reason: To secure a permanent water supply on site for the purpose of bushfire protection in circumstances where the water supply is available and avoiding the need to rely on tanker supply
- Amend Condition C31 to read as follows:
C.31 Prior to the operation of the solar farm, buffer plantings, as set out in the approved landscape plan, shall be established. **For clarity, the buffer planting along the western boundary fronting Oxley Bridge Road must be 5m in width.**
Reason: To clarify an inconsistency between details shown on the approved site layout and landscape plans.
- Amended Condition C32 to read as follows:
C.32 Prior to the operation of the solar farm, an Operational Environmental Management Plan shall be submitted to and approved by Council, to the written satisfaction of the General Manager or delegate. The Plan shall, but not be limited to:
 - a. Outline all measures for the ongoing management of environmental impacts from the development **including but not limited to the stormwater management plan.**
 - b. Address biodiversity management (including measures to give effect to the relevant mitigation measures included in the Biodiversity Assessment Report prepared by NGH Consulting dated January 2022, approved under this consent)

- c. Detail ongoing management of the site, including security and weed management.
- d. Specify measures and commitments for the ongoing management of bushfire protection measures in accordance with Planning for Bushfire Protection 2019 (as amended and superseded).
- e. Measures to give ongoing effect to the Bush Fire Emergency Plan approved under this consent.
- f. Outline a process for the receipt of complaints and regular community engagement/consultation.
- g. Noise management procedure to manage operational noise complaints.
- h. Management of the panels in accordance with the glint and glare assessment report prepared by Bison Energy dated August 2022. **For clarity, during operation phase, the solar farm must be configured so that the panels do not 'backtrack' to a horizontal position when the sun is out of tracking range.**
- i. Glint and glare complaints management and rectification procedure, including provisions for further modification of backtracking operations and screening where appropriate.
- j. Dust mitigation measures.
- k. Waste management.
- l. Ongoing review and update of the plan.

The plan shall be complied with at all times.

Reason: To manage potential impact from backtracking of solar panels and to link to and support the amendments to Condition C8.

- Insert new Condition C42 as follows:

C42 No lighting is approved as part of this application. Should the owner/operator wish to install lighting that requires the benefit of development consent, any application will be required to be accompanied by a light spill assessment report prepared by a suitably qualified consultant.





Reason: To clarify that no lighting has been approved under the development consent. This is required as there are no details or assessment of lighting under the submitted development application.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Loss of agricultural land, impact on food security
- Contamination of the land from the solar panels
- Visual impact and loss of character
- Traffic and access impact on rural roads
- Proximity to township
- Density of solar farm development
- Lack of Public Benefit
- Unsuitable development
- Degradation of habitat land
- Impact on property values
- Potential fire risk
- Loss of privacy
- Glint and glare

The Panel considers that concerns raised by the community and submitters to the meeting have been adequately addressed in the Assessment Report and through amendments to the draft conditions as detailed above.

PANEL MEMBERS	
 Clare Brown (Acting Chair)	 Chris Wilson
 Tim Fletcher	 Amelia Parkins

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-149 – Wagga Wagga – DA22/0122
2	PROPOSED DEVELOPMENT	Electricity Generating Works – Solar Farm
3	STREET ADDRESS	Boorool - 1268 Oxley Bridge Road, Uranquinty, NSW, 2652
4	APPLICANT/OWNER	Applicant – David Hunter, Habitat Planning Owners – David Bruce Freeman and Roslyn Anne Freeman
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Primary Production) 2021 Wagga Wagga Local Environmental Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wagga Wagga Development Control Plan 2010 Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 3 November 2022 Written submissions during public exhibition: 11 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Lynette LaBlack obo SOS Riverina; Carolyn Kitto obo Be Slavery Free, Rick Martin obo Riverina Sustainable Food Alliance (RSFA), Paul Funnell obo Mid-Murrumbidgee Ground Water Pumpers Assoc, Bill Stinson, Ian Plimer, John McBratney Council assessment officer – Sam Robbins On behalf of the applicant – David Hunter, Brendan Murphy Total number of unique submissions received by way of objection: 11
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 8 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Clare Brown (Acting Chair), Chris Wilson, Tim Fletcher, Amelia Parkins, Michael Henderson <u>Council assessment staff</u>: Sam Robbins <u>DPE staff</u>: Amanda Moylan Site inspection: 8 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Clare Brown (Acting Chair), Chris Wilson, Tim Fletcher, Amelia Parkins, Michael Henderson <u>Council assessment staff</u>: Sam Robbins <u>DPE staff</u>: Amanda Moylan

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 16 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Clare Brown (Acting Chair), Chris Wilson, Tim Fletcher, Amelia Parkins ○ <u>Council assessment staff</u>: Sam Robbins, Paul O'Brien ○ <u>DPE staff</u>: Sung Pak, Tracey Gillett
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report as amended in the Statement of Reasons