

DATE OF DETERMINATION	Friday, 13 November 2020
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher and Dan Hayes
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 13 October 2020.

MATTER DETERMINED

PPSSTH-32 – Wagga Wagga City Council – DA20/0016 at 157 Windmill Road, Bomen – 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.

Deferral of Determination

Subsequent to the public meeting held on 30 July 2020, the panel agreed to defer the determination of the matter pending the submission of the following further information from the Applicant and Wagga Wagga City Council:

The submission on an independent assessment of the visual impact and potential glare impact of the proposed development. The independent assessment shall be prepared by a suitably qualified expert, whose appointment shall be endorsed by Council.

The independent assessment shall address:

- *The veracity of the existing information provided by the Applicant regarding visual impact and the potential for the development to create glare impacts on the surrounding community.*
- *Verify that the development footprint is appropriate to prevent adverse visual or glare impacts or recommend modifications to the development footprint*
- *Advise on appropriate rectification actions to mitigate potential glare generation including materials, tracking operations*
- *Recommend parameters to monitor the performance of the development with regard to glare impacts*

The additional information was received by the Panel on 13 October 2020 and circulated electronically.

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 proposed development is permissible with development consent in the RU1 Primary Production Zone under Wagga Wagga Local Environmental Plan 2012;

- The proposed development is generally consistent with the objectives of the zone;
- Subject to the conditions of consent, the proposed development can be constructed and operated to comply with relevant environmental criteria. In this regard the panel notes that the Environment Protection Authority has provided General Terms of Approval;
- The Panel was satisfied that the additional information provided by the Applicant demonstrated that potential glare impacts associated with the development would be able to be mitigated subject to the inclusion of a new condition of consent requiring the preparation and implementation of a management plan to monitor glare impacts and implement rectification measures where impacts are identified
- The panel was satisfied that the location and layout of the proposed development and the implementation of a landscape management plan would sufficiently mitigate visual impacts
- The panel was satisfied that the development would be designed and constructed to enable access for emergency vehicles.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

1. NEW CONDITION TO BE INSERTED AS C5A

Prior to the issue of a Construction Certificate a detailed site layout plan of the solar installations must be prepared to the satisfaction of the General Manager or delegate. The plan must demonstrate, by the inclusion of a minimum 4.5 metres wide separation between the rows of panels the ability for emergency access to all parts of the site and appropriate maintenance as required.

2. UPDATED – Condition C23B

In accordance with the undertaking given by the applicant, the existing private water line serving Lots 13 and 14 in DP1108978 must be redirected outside of the solar farm footprint to ensure a reliable supply of water at all times. The works must be to the full cost of the applicant and to the satisfaction of Riverina Water and include provision for future maintenance as required.

3. UPDATED - NEW CONDITION TO BE INSERTED AS C30A

Prior to operation of the facility a management plan that specifically addresses the monitoring of significant glare impacts must be prepared to the satisfaction of the General Manager or delegate. The plan must include, as a minimum:

- The manner in which reports of significant glare are prepared and details of whom any such reports should be provided.
- A definition of significant glare and a map of all affected residential receptors within 1 km of the panel areas that are the subject of this application (DA20/0016).
- A requirement that during the first 24 months of operation physical site surveys of significant glare impacts are to be prepared with quarterly reporting to Council.
- Reference to all monitoring being consistent with Section 5.2 of the Independent Review of Glint and Glare Assessment.

The approved management plan will be implemented for the life of the facility and include rectification measures to be implemented where the monitoring program identifies unacceptable glare impacts at a receptor. The mitigation measure should include adjustments to the tracking angle during backtracking and/or additional landscaping Once approved the plan must be provided to all residential receptors identified within the plan.

4. UPDATED – Condition C31

The solar energy system shall be decommissioned within 12 months of terminating operations. Prior to operation of the approved solar farm, a Decommissioning Plan shall be prepared and submitted for approval by the General Manager or delegate.

The plan shall include, but not be limited to expected timeline for the rehabilitation program, decommissioning of all solar panels, above and below the ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating to the approved development. A programme of site restoration to re-establish the ground profiles to pre-development status and enable the land to be returned back into agricultural production must form part of the decommissioning plan.

All works shall follow the same management principles outlined in the Construction Management Plan (refer to condition C12).

5. UPDATED – Condition C32

Prior to operation of the approved development the landscaped areas and tree planting shall be established on site in accordance with the detailed landscape plan referenced under condition C4.

The landscaping is intended to provide a visual buffer and soften the impacts of the development when viewed from the surrounding locality. The ongoing maintenance of all landscaping proposed is the responsibility of the developer and must be to the satisfaction of the General Manager or delegate.

Proposed New Condition C34A deleted and incorporated into C30A above.

6. UPDATE TO OEH GTAs

Date of cultural heritage assessment report under section Information supplied to OEH corrected to 16 December 2019

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:

- Visual impact
- Potential glare impacts
- Cumulative impacts of development with other approved solar farms in the locality
- Tree removal and biodiversity impacts
- Proximity to nearby residences
- Impacts on/loss of productive agricultural land
- Erosion
- Construction impacts including dust generation
- Consultation with the local community
- Bushfire and emergency services access

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues additional information was required from the Applicant by way of an independent study on potential glare impacts that addressed the veracity of the Applicant's assessment of the issue and proposed monitoring and mitigation measures to address this issue. Appropriate conditions have been imposed addressing the issues raised by the community.

PANEL MEMBERS



Gordon Kirkby (Chair)



Renata Brooks



Tim Fletcher



Dan Hayes

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-32 – Wagga Wagga City Council – DA20/0016
2	PROPOSED DEVELOPMENT	Electricity Generating Works (solar farm)
3	STREET ADDRESS	157 Windmill Road, Bomen
4	APPLICANT/OWNER	Applicant: David Walker Owner: Andrew Geoffrey
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Legislation and Environmental planning instruments: <ul style="list-style-type: none"> Wagga Wagga Local Environmental Plan 2010 S91 Water Management Act – integrated approval S90 National Parks and Wildlife Act 1974 – integrated approval Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wagga Wagga Development Control Plan 2010 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 14 July 2020 Council supplementary received: 12 October 2020 Written submissions during public exhibition: 22 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Graeme Obst, Robert Englert, Peter Fawcett, Graham White, Ron Kerr, Lynette LeBlack, Michelle Fromholtz, Marie Suthern, Catherine O’Kane, Nicole Lennon, Bill Schultz and Wendy Anderson Council assessment officer – Amanda Gray and Paul O’Brien On behalf of the applicant – David Walker, Ian Warren Woo and Suzie Rawlinson
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 21 July 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Tim Fletcher and Renata Brooks <u>Council assessment staff</u>: Amanda Gray Final briefing to discuss council’s recommendation, Thursday, 30 July 2020, 9:30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Tim Fletcher, Renata Brooks, Tim Koschel and Dan Hayes <u>Council assessment staff</u>: Amanda Gray, Paul O’Brien Peter Thomas and Cameron Collins Public meeting: 30 July 2020

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report