

DATE OF DETERMINATION	22 December 2021
DATE OF PANEL DECISION	22 December 2021
DATE OF PANEL MEETING	14 December 2021
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Neil Smith
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 14 December 2021, opened at 2:30 PM and closed at 3.47pm.

MATTER DETERMINED

PPSSTH-69 – Wagga Wagga – DA20/0558 - 190 Rodhams Road, Uranquinty 2652 - Electricity Generating Works (Solar Farm).

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.

In addition, the Panel was satisfied that:

- The proposed development is permissible with consent and consistent with the objectives of the RU1 Primary Production Zone under *Wagga Wagga Local Environmental Plan 2010*
- The development is appropriately located on the site to minimise visual impact from nearby receptors being dwellings, the adjoining rail line and public roads including the Olympic Highway. Further to this, the Panel was satisfied that, subject to the amended conditions of consent, the visual impact of the development is able to be satisfactorily mitigated by way of vegetation screening.
- The potential for impacts associated with glint and glare is minor and, if identified, is able to be mitigated through a management plan required as a condition of consent.
- The development is able to be managed, operated and decommissioned such that agricultural production on the land can be reinstated at the conclusion of the development.
- The Panel was satisfied that, subject to the conditions of consent, the impacts associated with construction, operation and decommissioning are able to be mitigated or managed.

CONDITIONS

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

- Inclusion of condition requiring a compliance certificate under s306 of the Water Management Act 2000 (Condition C.2A)

- The requirement for a complaints management process in the Construction Management Plan and Operational Environmental Management Plan (C.12 and C.34)
- The requirement in the Landscape Management Plan that the vegetation buffer shall be a minimum 5 metres in width and include trees a minimum 4 metres in height (C.14).
- The requirement that the Landscape management Plan detail proposals for groundcover suitable for livestock grazing (C.14).
- The requirement for the Bushfire Emergency Plan to include emergency contact details (C.15)
- Clarification that, if an Aboriginal object is discovered, all work *likely to affect the site* is to cease and be secured (C.27).
- The requirement for the Demolition Management Plan to include:
 - Details of waste management during decommissioning
 - soil testing to be undertaken prior to the operation of the solar farm to provide a baseline for restoration during decommissioning (C.1).
- The Requirement for a management plan to monitor and, where identified mitigate significant glare impacts (C.34A)
- Deletion of Condition C.40 (replaced by C.34A)
- The requirement that the decommissioning plan is to be reviewed 12 months prior to implementation (C.38).
- The requirement for the reviews of the Operational Environmental Management Plan to be undertaken in consultation with the local Uranquinty community.
- Other minor amendments to clarify wording.

Council submitted revised recommended conditions of consent to the Panel on 21 December 2021 (**Appendix A**). The Panel has endorsed the revised conditions with the following amendments:

Condition C.27

Replace the word “effect” with “affect” in the second line.

Condition C.31





Insert the word “all” before the words “above and below ground infrastructure” in the second line.

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:

- Construction traffic impacts
- Visual impacts
- Glint and glare Impacts
- Loss of agricultural land
- Fire risk
- Suitability of the site
- Waste and contamination associated with the development.

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 the Panel has made amendments to the conditions of consent to strengthen the management and reporting of waste, potential glint and glare impacts, agricultural productivity and emergency management. The Panel is satisfied that the issues raised by the community are able to be managed through the Construction Management Plan, the Operational Environmental Management Plan and Decommissioning Plan

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Tim Fletcher
 Renata Brooks	 Neil Smith

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-69 – Wagga Wagga – DA20/0558
2	PROPOSED DEVELOPMENT	Electricity Generating Works (Solar Farm).
3	STREET ADDRESS	190 Rodhams Road, Uranquinty 2652
4	APPLICANT/OWNER	Applicant – BayWa r.e Projects Australia Pty Ltd Owner – Myree McGrath
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 (infrastructure) 2007 State Environmental Planning Policy No.55 – Remediation of Land State Environmental Planning Policy (Koala Habitat Protection) 2021 State Environmental Planning Policy (State and Regional Development) 2011 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 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92A of the Environmental Planning and Assessment Regulation 2000 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: 1 December 2021 Applicant's response to submissions: 8 December 2021 Comments from Riverina Water: 13 December 2021 Written submissions during public exhibition: 27 Total unique submissions received by way of objection: 27 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Community members – Bill Stinson, Lynette Black on behalf of Save our Surroundings Riverina Group, Margaret Armstrong, Dennis Armstrong on behalf of Save our Surroundings Umbrella Group, Tom Harris, Olivia Hanel on behalf of Country Women's Association, Carolyn Kitto on behalf of Be Slavery Free. Council assessment officer – Steven Cook On behalf of the applicant – Thomas Parel, Johanna Duck
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 3 August 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher <u>Council assessment staff</u>: Steven Cook, Amy Crouch Site inspection: 14 December 2021. <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Neil Smith

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Steven Cook, Paul O'Brien, Keith Seghres • Final briefing to discuss council's recommendation: 14 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Neil Smith ○ <u>Council assessment staff</u>: Steven Cook, Paul O'Brien, Keith Seghres
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report