



## DEVELOPMENT ASSESSMENT REPORT Electricity Generating Facility

PAN - REFERENCE	PAN-558600
DA NUMBER	18-26--DA-DM
PLANNING PANEL REFERENCE	PPSWES-319
LGA	Berrigan Shire
PROPOSED DEVELOPMENT	Electricity Generating Facility 4.95MW AC Solar Farm and 4 Batteries, an Inverter and associated Infrastructure
ADDRESS	728 Plumptons Road Finley NSW 2714
LOT	Lot 2 // DP583368
APPLICANT	Kelly McNicol - SKM Planning
OWNER	Hannah Ham
DA LODGEMENT DATE	05.08.2025
REGIONALLY SIGNIFICANT CRITERIA	Private Infrastructure and community facilities with a CIV greater than \$5m
CIV	\$7,291,476.80 (Including GST)
CLAUSE 4.6 REQUEST	Not applicable
KEY SEPP/LEP	<ul style="list-style-type: none"> <li>▪ <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>▪ <i>State Environmental Planning Policy (Primary Production) 2021</i></li> <li>▪ <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>▪ <i>Berrigan Local Environmental Plan 2013</i></li> <li>▪ <i>Berrigan Development Control Plan 2014</i></li> </ul>

<b>TOTAL AND UNIQUE SUBMISSIONS AND KEY ISSUES RAISED</b>	21 submissions received; all are in objection
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>▪ Statement of Environmental Effects</li> <li>▪ Site Plan</li> <li>▪ Landscape Plan</li> <li>▪ Noise and Vibration Assessment</li> <li>▪ Landscape Plan/Fence elevations</li> <li>▪ Bushfire Assessment Report</li> <li>▪ Flood and Groundwater assessment report</li> <li>▪ Flora and Fauna Assessment report</li> <li>▪ Traffic Assessment</li> <li>▪ Glint and Glare Assessment</li> <li>▪ Aboriginal Cultural Heritage Assessment</li> <li>▪ Geotechnical Investigation</li> <li>▪ Infrastructure Plans</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (s7.24)</b>	Not applicable
<b>RECOMMENDATION</b>	Approval subject to conditions
<b>DRAFT CONDITIONS TO APPLICANT</b>	No
<b>SCHEDULE MEETING</b>	24 February 2026
<b>REPORT PREPARED BY</b>	Noureen Wajid – Town Planner Berrigan Shire Council
<b>DATE OF REPORT</b>	10 February 2026

## EXECUTIVE SUMMARY

The Development Application (DA) is for electricity generating works (a 4.95 MW solar farm and battery energy storage system - BESS) at 728 Plumptions Road, Finley, on Lot 2 DP 583368 located approximately 1 kilometre south of Finley township.

The proposed facility would occupy approximately 12HA of a 15.5HA site located in the RU1 Primary Production zone (RU1) and currently used for grazing. The balance of the site would retain the rural residential and agricultural land use (grazing).

The surrounding locality is predominantly rural in character, characterised by medium to large-scale agricultural operations and scattered rural residential dwellings.

While electricity generating works are not permissible in the RU1 zone, the use is permissible with consent on any land in a prescribed non-residential zone under clause 2.36(1)(b) of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the SEPP).

As a prescribed non-residential zone under the SEPP, the proposed development is permissible, with consent.

The proposal does not require concurrence from any agencies and is not classified as integrated development under Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act). A referral was provided to Essential Energy, who confirm no objection.

Council publicly exhibited the DA for 21 days between 23 September and 15 October 2025, and received 21 submissions (objections).

The application has been referred to the Western Regional Planning Panel (the Panel) as the proposal constitutes *regionally significant development* under Section 2.19(1) and Clause 5(a) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*. This is because the development involves private infrastructure with a capital investment value exceeding \$5 million. No previous briefings in relation to this development application have been held with the Western Regional Planning Panel.

The development is considered to be in the public interest, in that it contributes to renewable energy generation.

Council's assessment of the DA under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) concludes that the development is unlikely to result in any significant adverse impacts on the natural or built environment, subject to conditions.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

The subject site is known as Lot 2 DP583368 addressed 728 Plumtons Road Finley. The subject site located on rural land south of Finley village and zoned RU1 – Primary production under the Berrigan LEP 2013.

The subject site comprises an area of approximately 15.5 hectares and is currently utilised for agricultural purposes, predominantly fodder crop production. The site contains two agricultural outbuildings and an existing dwelling.

The portion of the site proposed to be used for the development has an area of approximately 12 hectares. This area is largely cleared of native vegetation, with only a small number of scattered paddock trees present. The land has been laser-levelled and formed into paddocks to facilitate irrigated agricultural activities. The remaining portion of the landholding will continue to be used by the landowners for crop cultivation and/or sheep grazing.

Due to the site's historical and ongoing use for intensive agricultural purposes, the land is considered Category 1 – excluded land for the purposes of the *Local Land Services Act 2013* and the *Biodiversity Conservation Act 2016*.

The site gains vehicular access from Plumtons Road, a sealed Council Road, which connects to Tongs Street to the north. Tongs Street is also a sealed Council Road and provides access to

the Newell Highway, a classified State Road managed by Transport for NSW, via a basic intersection (*Figure 1*)

The site is serviced by Murray Irrigation’s raw water supply through an established channelised irrigation system. Electricity is provided by Essential Energy, via 22 kV overhead powerlines connecting through infrastructure located along Howe Street, which services the existing dwelling. The site is not connected to reticulated Council water or sewer services.

## 1.2 The Locality

The subject site is located within a predominantly rural area characterised by agricultural land uses and low-density development. Surrounding land is zoned RU1 Primary Production under the applicable planning controls and comprises small to medium scale agricultural holdings that support ongoing rural production activities.

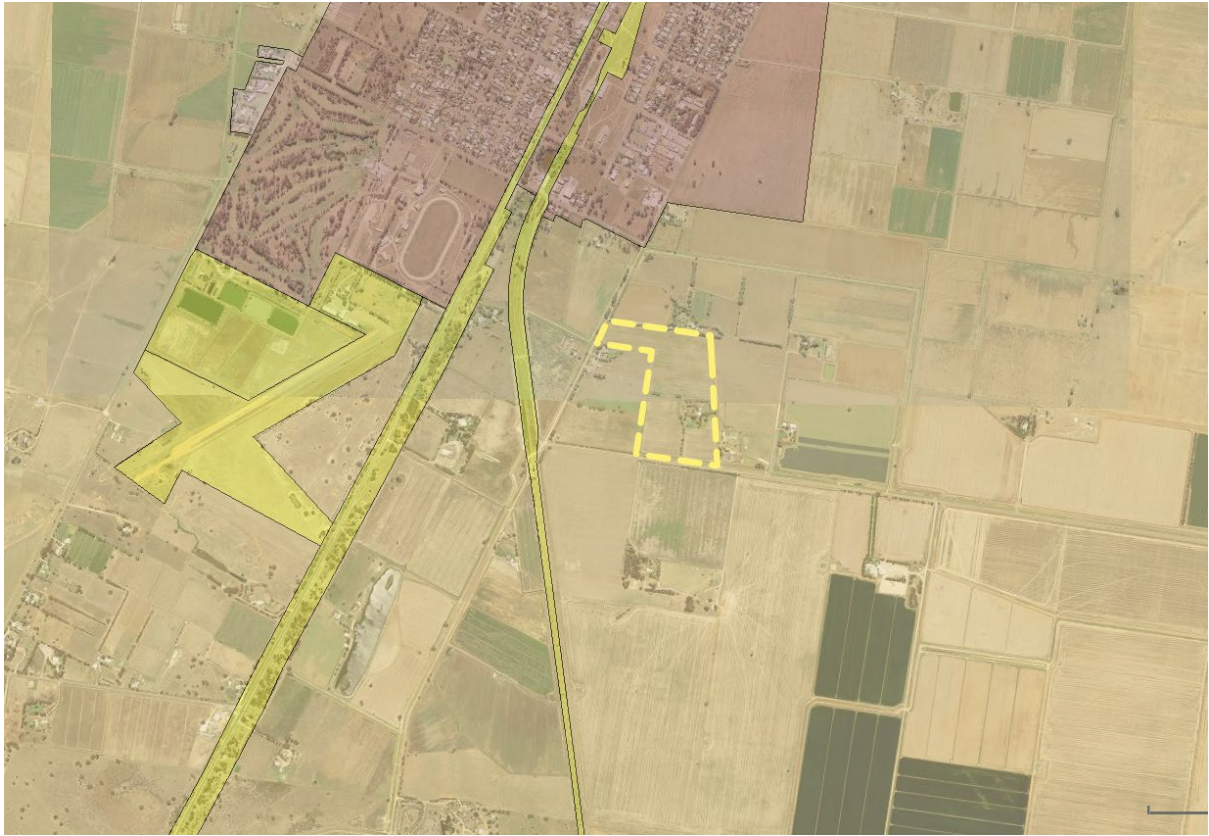
Adjoining and nearby allotments contain a limited number of established rural dwellings and associated ancillary structures, including sheds, barns and farm outbuildings, which are typical of the rural character of the locality. These allotments are predominantly utilised for livestock grazing and fodder crop production, reflecting the area’s continued agricultural function.

Lot sizes in the vicinity of the subject site vary considerably, reinforcing the low-density rural settlement pattern. Adjoining allotments to the east, west and north range in size from approximately 11 hectares to 147 hectares, with larger holdings generally supporting more intensive agricultural uses.

The broader surrounding context includes existing rural infrastructure and services. The Finley electrical substation is located approximately 6 kilometres to the northwest of the subject site. Finley Airport is situated approximately 1.3 kilometres to the west of the subject site and operates as a rural aviation facility.



*Figure 1* – Development site (outlined in blue) and surrounds accessed from GIS on 04.06.2024,



*Figure 2 – Locality map submitted with application,*

### Site Photos



*Photo 1 – view from the Howe Street (northwestern site boundary) showing site access*



*Photo 2 – view from the Plumptions Road (southern site boundary) showing site access*



*Photo 3 – view to the site from the Plumptions Road (southern site boundary)*

## **2. THE PROPOSAL AND BACKGROUND**

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### **2.1 The Proposal**

The proposal seeks consent for a solar panel, four (4) battery energy storage system (BESS) and an inverter with a capacity 4.95 megawatts (MW) on land at 728 Plumptions Road, Finley. Overhead wires will connect the facility to Finley substation.

Details of the proposed development:

## General

- 11,500PV non-reflective solar panels, measuring 2.2m by 1.4m.
- Ground-mounted, single access trackers with an east to west tracking system utilising small electric motors to tilt the arrays (to ensure maximum solar radiation is received at all times throughout the day).
- The solar panels will be mounted with the central axis being approximately 1.4m from ground level.
- The solar panels and tilted panel will have a maximum height of approximately 2.2m when tilted to its sharpest angle (**Figure 4**).
- A prefabricated 13m long, 3m wide and 3m high central inverter, utilised as the primary conduit for electricity generated from the solar panels to the inverter (**Figure 5**).
- Underground cabling 0.5 to 1m below ground (using open trenching excavation) to connect the solar arrays, inverters and batteries via a new power pole to the overhead 22kV power line (with a new easement in favour of Essential Energy)
- 4 DC-coupled batteries and High Voltage (HV) kiosk
- 1.8m high steel wire security fence around the whole perimeter of the facility
- A combined 5m width of landscaped buffer around the whole perimeter of the facility
- Installation of a new gated site access, and a new vehicular crossover to Howe Street.
- An internal all-weather access road, approximately 10m wide is proposed to service the site and will include a designated material laydown area and a turning circle to facilitate vehicle manoeuvring.
- Connection to Essential Energy's existing overhead electricity network via the installation of a new 22 kV power pole and associated overhead line located within the site.
- Creation of an easement in favour of Essential Energy to facilitate the infrastructure.
- Constructed over a three (3) to six (6) month period, utilising 20 construction staff on site at any one time.
- The operational phase will not require staff permanently on-site.
- Approximately 40 years life span.

**Table 1: Key Development Data**

<b>Info.</b>	<b>Proposal</b>
Site area	15.5HA total, and proposed development will utilise 12HA area
Max height	Panel height of 2.2m at maximum rotation and 3m height for the inverter and BESS
Landscaping	A 5m wide landscape around whole site
Access	From Howe Street
Car parking spaces	20 parking spaces during the construction period and 2 parking spaces on post construction operational phase
Setbacks	Solar panel arrays will be setback a minimum of:

- Minimum 10.7m from the Plumptons Road (southern) boundary
- 10m from the northern boundary
- 214m from the east boundary



Figure 3 – Development Site Plan submitted with application,

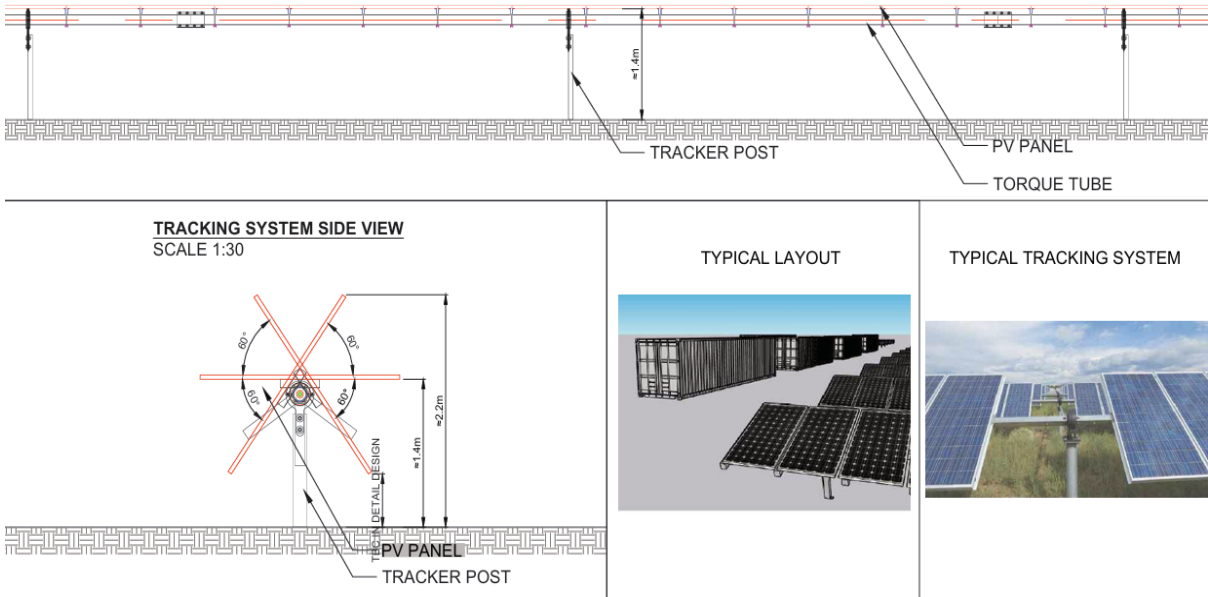
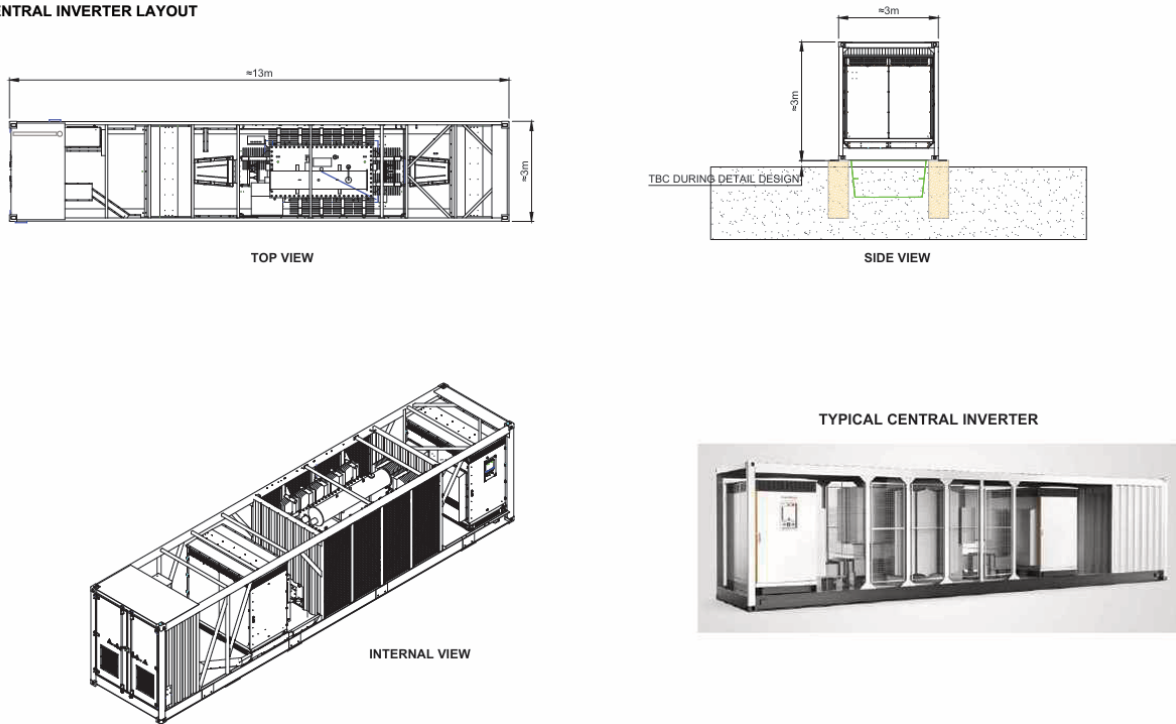


Figure 4 – Proposed tracking system layout plan submitted with application,

**CENTRAL INVERTER LAYOUT**

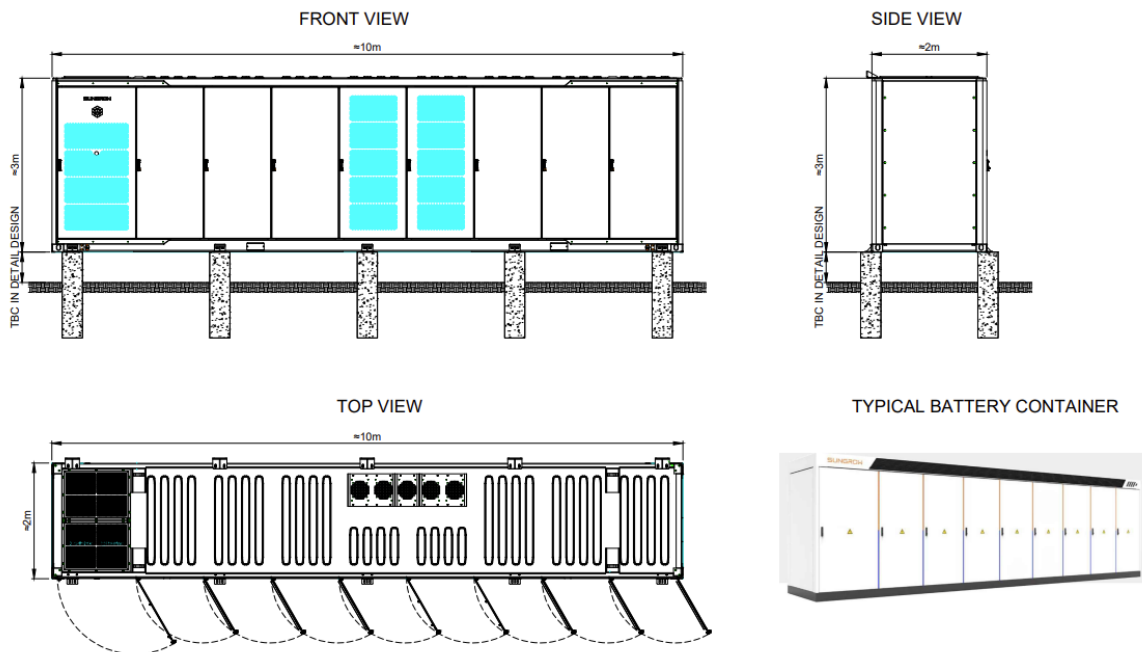


*Figure 5– Proposed central inverter layout plan submitted with application,*

**Battery Energy Storage Systems (BESS)**

Four (4) DC-coupled battery energy storage systems (BESS) installed on concrete footings.

The shipping container will approximately 10m long, 2m wide and 3m high and will have a powder-coated grey finish. The battery energy storage systems would allow generated energy to be stored as required and utilised during times of high demand.



*Figure 6– Proposed central inverter layout plan submitted with application,*

## Landscaping and Fence

The subject site will be enclosed by a 1.8-metre-high chain mesh security fence.

A landscape buffer included on the exterior of the fenced area, which would take the form of two rows of plantings located approximately 2.5 metres from the security fence. The buffer would have an anticipated combined width at maturity of approximately 5 metres. The vegetation would include trees with a mature height of approximately 3 metres and, understorey plantings with a mature height of approximately 1.5 metres.

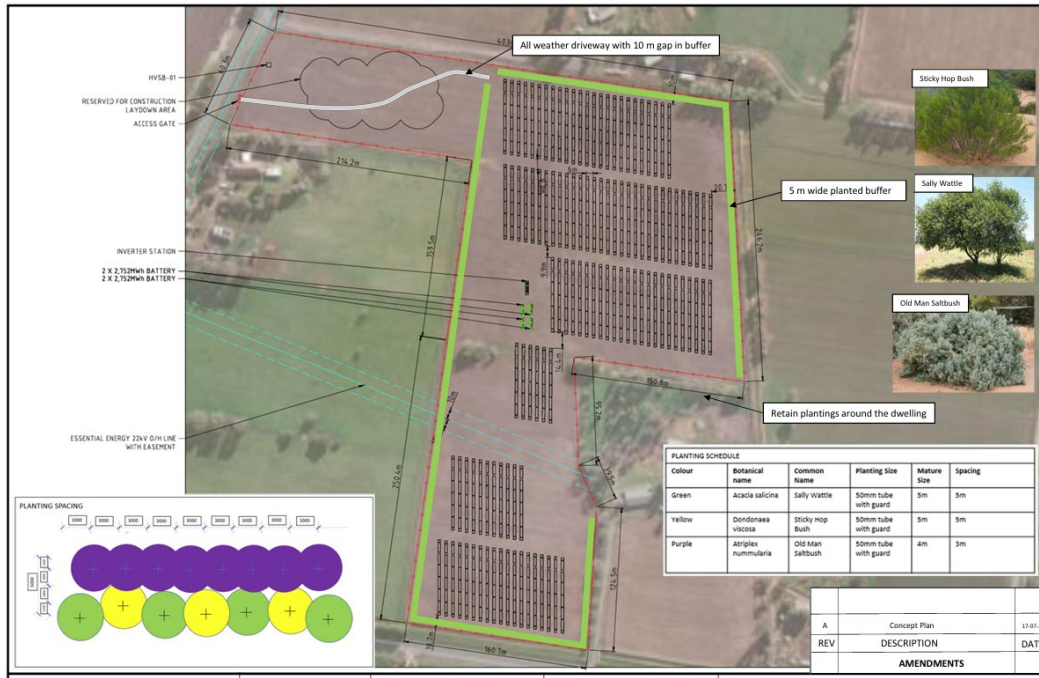


Figure 7– Proposed landscaping plan along the whole perimeter of the site

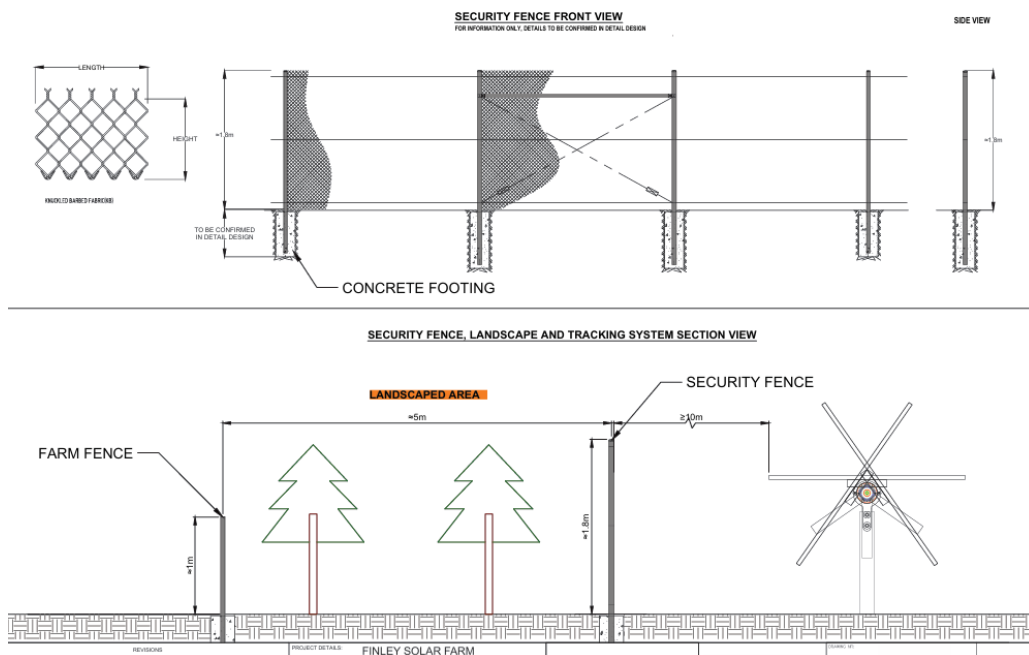


Figure 8– Proposed landscaping front view submitted with application,

## Decommissioning

Decommissioned will be within 40 years (at the end of the expected lifespan of the solar panels). The decommissioning of the solar farm and subsequent rehabilitation of the land will include removal of all infrastructure, followed by on-site works, so that the property can be returned to its previous use.

## 2.2 Background

A pre-lodgement meeting was held in September 2024 with applicant and Council staff (Town planner and Manager Planning and Development) prior to the lodgement of the application. Staff recommended to include following in any DA:

- Justification for site selection and suitability
- Measures to mitigate amenity impacts (noise, glare, traffic, construction), given the proximity to residential lots, specifically distance between the facility and RU5 zone (1km)

The submitted DA included reports to address the above.

## 3. NOTIFICATION

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The DA was exhibited on the Planning Portal and published in the Southern Riverina Newspaper (in accordance with Berrigan Shire's Development Control Plan 2014) for 14 days.

Public Notification (Exhibition)	Yes		
Advertised Development	N/A		
Date From:	23.09.2025	Date To:	15.10.2025
Newspaper:	Yes		
Submissions Received:	21		

A total of 21 submissions were received, all objecting to the proposal.

The matters raised in the submissions can be summarised as follows:

1. The proximity of the development to the township
2. The use and potential loss of agricultural land
3. Increased traffic associated with construction and operation
4. Glare
5. Noise
6. Visual Impact
7. The suitability of the site location and compatibility with surrounding land uses
8. Fire hazard - Bushfire and fire hazard risks
9. Property Value
10. The adequacy of site decommissioning at the end of the solar farm's operational life
11. Increased stormwater runoff from solar panels and potential impacts on adjoining land

The issues raised in the submissions are addressed in **Table 9** below (Section 5.3), which summarises the matters raised and provides a brief assessment of the proposal against each issue.

### 3.1 Consultation Meeting

A public consultation meeting was not held, as the issues raised in the submissions were clearly articulated and raised consistent themes and concerns, allowing Officers to gain a clear understanding of community views.

On this basis, the assessing officer was satisfied that the public notification process provided adequate opportunity for community input, and that the matters raised could be appropriately addressed through the formal assessment process without the need for a consultation meeting.

## 4. REFERRALS

**Table 2 - Internal Referrals**

DEPARTMENT	DATE REFERRED	COMMENTS/CONDITIONS
Manager Assets and Engineering	13.08.2025	<p>Sewer, Stormwater, Council's networks are not there. Considering solar project, there is no need to connect with these services.</p> <p>Council recommends that a condition for a crossover is included on the consent.</p>
Operations Manager - Transport	13.08.2025	<p>Comments were received on 15.09.2025:</p> <p><i>Due to existing infrastructure constraints within the local road network, all heavy vehicle movements associated with the site are required to access the site via Plumpton's Road and then proceed onto Howe Street. This designated access route has been determined following load rating assessments of nearby infrastructure owned and maintained by Murray Irrigation Limited (MIL).</i></p> <p><i>In particular, the small bridge located on Howe Street near the intersection with Tongs Street has been assessed as having a maximum allowable load limit of 15 tonnes. To ensure compliance with this restriction and to maintain infrastructure safety, heavy vehicles carrying loads in excess of 15 tonnes</i></p>

		<p><i>must not access the site via any route that would require crossing this bridge.</i></p> <p><i>The approved access route via Plumptions Road to Howe Street avoids this constrained structure and is consistent with current load-bearing recommendations, ensuring safe and appropriate access for heavy vehicles servicing the site.</i></p> <p><i>This measure is necessary to:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Maintain structural integrity of MIL assets.</i></li> <li>▪ <i>Ensure compliance with local infrastructure guidelines.</i></li> <li>▪ <i>Minimise the risk of damage to public and private property.</i></li> </ul> <p><i>Further traffic and load monitoring may be implemented as part of ongoing site management.</i></p> <p>Comments were forwarded to applicant, and applicant agreed with the recommended condition about the load limits and the prescribed route.</p> <p>Council recommends that a condition for a crossover is included on the consent.</p>
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**Table 3 - External Referrals**

DEPARTMENT	DATE REFERRED	COMMENTS/CONDITIONS
Rural Fire Services (RFS)	N/A	Not located in a bushfire area.
Essential Energy	24.09.2025	Comments received on 07.10.2025: <ul style="list-style-type: none"> <li>▪ <i>If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;</i></li> <li>▪ <i>Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;</i></li> </ul>

		<ul style="list-style-type: none"> <li>▪ Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;</li> <li>▪ Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and</li> <li>▪ It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW <a href="http://www.safework.nsw.gov.au">www.safework.nsw.gov.au</a> has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.</li> </ul> <p>This can be included in any DA consent.</p>
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## 5. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA, Division 4.6 (s4.33)
- Integrated Development, Division 4.8 (s4.46)

The proposal is considered to be:

- State significant development, Division 4.7 (s4,36)

**(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

A summary of the key matters for consideration arising from the relevant EPIs are outlined in **Table 4** and considered in more detail below.

**Table 4: Summary of Key Matters in the Relevant Environmental Planning Instruments**

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5(a) of Schedule 6 as it comprises private infrastructure (electricity generating works) with a CIV of more than \$5m.	Yes
SEPP (Resilience & Hazards) 2021	<u>Chapter 4: Remediation of Land</u>  Section 4.6 Contamination and remediation to be considered in determining development application.	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure, Part 2.3 Development controls</u>	Yes

	<p>Section 2.36 Development permitted with consent.</p> <p>Section 2.42 applies to a regionally significant development application for electricity generating works in a regional city – not applicable as the site is not located in the Renewables Zone of a regional city.</p> <p>Section 2.48(2) (Determination of development applications—other development) – as the development is in proximity to existing electricity infrastructure and may influence the electricity network including capacity at the substation, Essential Energy has been consulted. See section 4 of this report for further details.</p> <p>Section 2.98 Development adjacent to rail corridors – not applicable as the development adjoins a disused, decommissioned rail corridor.</p> <p>Section 2.119 Development with frontage to classified road - not applicable as the development does not have frontage to a classified road.</p> <p>Section 2.122 Traffic generating development – referral to TfNSW is not required. Further details are provided below.</p>	
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 4(1) Koala Habitat Protection Chapter 5 River Murray Lands	Yes
Berrigan Local Environmental Plan 2013	Clause 2.3 Permissibility and zone objectives Clause 5.10 Heritage conservation Clause 5.11 Bushfire Clause 6.1 Earthworks Clause 6.3 Terrestrial biodiversity Clause 6.10 Essential services	Yes

***State Environmental Planning Policy (Planning Systems) 2021***

Chapter 2: State and Regional Development

A solar farm is defined in the SEPP as “electricity generating works” which is private infrastructure, and development for the purpose of private infrastructure is considered regionally significant if it has a capital investment value (CIV) of more than \$5 million, and the project's CIV is \$7,291,476.80, therefore it is ‘regionally significant development’.

Accordingly, the Western Regional Planning Panel (WRPP) is the consent authority for the application, and the application was referred to them on 22.10.2025.

### ***State Environmental Planning Policy (Resilience and Hazards) 2021***

#### Chapter 3: Hazardous and Offensive Development

Under Berrigan LEP 2013, the definition of “industry” includes a place used to carry out an industrial activity and the definition of “industrial activity” includes the production of goods/products for commercial purposes. The proposed solar farm is therefore classified as “industry” given it’s a place where electricity will be produced for commercial purposes.

*Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 (2011)* (the Guideline) assist to identify development to which the SEPP applies. The Guideline includes risk screening tests for potentially hazardous industry that refer to the Australian Dangerous Goods Code 2020. The only dangerous goods associated with the proposal are lithium batteries which are classified as under the Code as a Class 9 dangerous good. Class 9 dangerous goods are excluded from risk screening under the Guideline as they pose little threat to people or property.

The facility is therefore not classified as potentially hazardous and a PHA under the SEPP is not required.

#### Chapter 4: Remediation of Land

Section 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Based on the available information, the subject site in its current state is considered to be suitable for the proposed development. A Preliminary Site Investigation (PSI) prepared by SKM Planning, dated 17 July 2025, has been submitted in support of the application. The PSI concludes that there is no evidence the site has historically been used for potentially contaminating activities, including elevated levels of herbicide or pesticide application. The investigation confirms that the site is not listed on the Contaminated Land Register and that there are no land restrictions, management notices or remediation orders issued by Council or the NSW Environment Protection Authority.

The proposal is considered to be consistent with SEPP (Resilience and Hazards) 2021.

### ***State Environmental Planning Policy (Transport and Infrastructure) 2021***

#### Part 2.3 Development Controls

#### Division 4 Electricity Generating Works and Solar Energy Systems

Division 4, section 2.36(1)(b) of the SEPP enables electricity generating works to be carried out with consent on any land in a prescribed non-residential zone. As the subject site is zoned RU1 – Primary Production it is permissible with consent under the SEPP. These provisions prevail over any inconsistency in any other planning instruments, inclusive of the Berrigan LEP 2013.

#### Division 5 Electricity Transmission or Distribution Networks

Division 5, section 2.48 requires development near an electricity distribution pole, easement, substation or power line to be referred to the electricity supply authority for the area for comment. As the application involves connecting to substation, the application was referred to Essential Energy for comment. Essential Energy does not object to the development and Council recommends that a condition is included on the consent.

#### Division 17: Roads and traffic

Electricity generating works are not identified in Schedule 3 of the SEPP as traffic-generating development and as such would be classified in the schedule as ‘any other purpose’ which requires referral to TfNSW if it involves a development that generates:

- 50 or more motor vehicles per hour in the case of it having access to classified road or to a road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)', or
- 200 or more motor vehicles per hour if the site has access to a road.

The application was not referred to TfNSW as Plumptions Road is not a classified road, nor is the proposed access within the connection to a classified road and the proposal will not generate the traffic volumes indicated above.

The proposal is considered to be consistent with *SEPP (Transport and Infrastructure) 2021*.

#### ***State Environmental Planning Policy (Biodiversity and Conservation) 2021***

##### Chapter 4(1) Koala Habitat Protection

Berrigan Shire Local Government Area is listed within schedule 1. The development does not propose any removal of trees and vegetation and will therefore development will not have an impact of koala populations.

#### ***Berrigan Local Environmental Plan 2013***

The relevant local environmental plan applying to the subject site is *Berrigan Local Environmental Plan 2013* ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage development that complements and enhances the unique character and scenic values of Berrigan, offering a diverse economy, significant natural resources and an attractive rural lifestyle,*

- (b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Berrigan in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,
- (c) to recognise and manage valued environmental and cultural heritage, landscape and scenic features of Berrigan,
- (d) to promote the efficient and equitable provision of public services, infrastructure and amenities.

The proposal is consistent with aim (b) above as it will contribute to the economic resources of Berrigan Shire by providing sustainable renewable energy for 40 years.

**Table 5: Summary of Key Matters in Berrigan LEP 2013**

<b>Berrigan Local Environmental Plan 2013</b>	
<b>Zoning</b>	<p>RU1 – Primary Production</p> <p><b>Objectives of zone</b></p> <ul style="list-style-type: none"> <li>▪ To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>▪ To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>▪ To minimise the fragmentation and alienation of resource lands.</li> <li>▪ To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>▪ To permit development that enhances the agricultural and horticultural production potential of land in the locality.</li> <li>▪ To permit low-key tourist and visitor accommodation that is compatible with the scenic amenity, and promotes the character, of the area.</li> <li>▪ To enable function centres to be developed in conjunction with agricultural uses.</li> </ul> <p><u>Response:</u> The proposal complies with the zone objectives for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ The development facilitates the generation of renewable energy, supporting the efficient and sustainable use of natural resources.</li> <li>▪ The development is temporary in nature and will be fully decommissioned at the end of its operational lifespan (approximately 40 years), with all infrastructure removed, ensuring no permanent loss or alienation of land for primary production purposes.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ During operation, the development is anticipated to have minimal impact on surrounding land uses and is capable of coexisting with ongoing agricultural activities.</li> </ul>
<p><b>Permissibility</b></p>	<p>The subject site is zoned RU1 in accordance with Clause 2.3 of the <i>Berrigan Local Environmental Plan 2013</i> (LEP).</p> <p>While electricity generating works are not permissible within the RU1 zone under the provisions of the land use table, such development is permissible with consent on land within a prescribed non-residential zone pursuant to Clause 2.36(1)(b) of State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP).</p> <p>As the RU1 Primary Production Zone is identified as a prescribed non-residential zone for the purposes of the SEPP, the proposed electricity generating works are therefore permissible, with consent.</p>
<p><b>5.10 Heritage Conservation</b></p>	<p><i>Matters for consideration</i></p> <p><i>(2) Requirement for consent Development consent is required for any of the following—</i></p> <p><i>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</i></p> <p><i>(i) a heritage item,</i></p> <p><i>(ii) an Aboriginal object,</i></p> <p><i>(iii) a building, work, relic or tree within a heritage conservation area,</i></p> <p><i>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</i></p> <p><i>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</i></p> <p><i>(d) disturbing or excavating an Aboriginal place of heritage significance,</i></p> <p><u>Response:</u> The subject site is not listed ‘Heritage’ under the LEP. An Aboriginal Cultural Heritage Assessment was undertaken by ACHM and included a search of the Aboriginal Heritage Information Management System (AHIMS), the National Native Title Register and the consultant’s archives and register as well as an assessment under the Due Diligence</p>

	<p>Code of Practice for the Protection of Aboriginal Objects in New South Wales (the Code).</p> <p>Procedure in the event of any unexpected find is included in the recommended conditions.</p>
<p><b>5.11 Bushfire Hazard Reduction</b></p>	<p>The <a href="#">Rural Fires Act 1997</a> makes provision relating to the carrying out of development on bushfire prone land.</p> <p>Comments: The subject land is not mapped as bushfire prone land under the Berrigan LEP and so the clause is not relevant in this instance.</p>
<p><b>5.21 Flood Planning</b></p>	<p><i>Matters for consideration</i></p> <p><i>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</i></p> <p><i>(a) is compatible with the flood function and behaviour on the land, and</i></p> <p><i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p><i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i></p> <p><i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p> <p><i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i></p> <p><u>Response:</u> The subject land is not mapped as Flood Prone land under the Berrigan LEP and the clause is not relevant in this instance.</p>
<p><b>6.1 Earthworks</b></p>	<p><i>Matters for consideration</i></p> <p><i>(2) Development consent is required for earthworks unless—</i></p> <p><i>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</i></p> <p><i>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</i></p> <p><u>Response:</u> The development requires minor earthworks and is permitted without consent.</p>

	<p>Council recommends that a condition is included on the consent</p>
<p><b>6.3 Terrestrial Biodiversity</b></p>	<p><i>Matters for consideration</i></p> <p>2) <i>This clause applies to land identified as “Biodiversity” on the <a href="#">Terrestrial Biodiversity Map</a>.</i></p> <p>(3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider—</i></p> <p>(a) <i>whether the development is likely to have—</i></p> <p>(i) <i>any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i></p> <p>(ii) <i>any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></p> <p>(iii) <i>any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></p> <p>(iv) <i>any adverse impact on the habitat elements providing connectivity on the land, and</i></p> <p><u>Response:</u> The subject land is not mapped as terrestrial Biodiversity land under the Berrigan LEP. The site is cleared and level agricultural land and does not include, or directly adjoin, any land mapped as terrestrial biodiversity. As a result, the proposed development is not expected to have a significant adverse impact on terrestrial biodiversity. however, therefore, the clause is not relevant at this instance.</p>
<p><b>Clause 6.10 – Essential Services</b></p>	<p><i>Matters for consideration</i></p> <p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <p>(a) <i>the supply of water,</i></p> <p>(b) <i>the supply of electricity,</i></p> <p>(c) <i>the disposal and management of sewage,</i></p> <p>(d) <i>stormwater drainage or on-site conservation,</i></p> <p>(e) <i>suitable vehicular access</i></p> <p><u>Response:</u> The subject site has access to Howe Street and Plumptions Road (sealed road infrastructure), electricity, telecommunications and reticulated water. The subject site does not have Council water, wastewater or stormwater infrastructure connection.</p>

The proposal is considered to be generally consistent with the provisions of the LEP.

#### Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no exhibited draft environmental planning instruments relevant to this development application.

#### Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

##### Berrigan Development Control Plan 2014

Berrigan Development Control Plan 2014(DCP) [Microsoft Word - Murray DCP 2012 FINAL Jan 2013.doc \(nsw.gov.au\)](#) applies. The proposed solar farm is classified as “industry” given it’s a place where electricity will be produced for commercial purposes. Chapter 3 of the DCP applies to all forms of industrial development within the Shire and does not stipulate that the development must be within an industrial zone.

Table 6 below provides an assessment of those controls within the DCP which are applicable.

**Table 6: Summary of Key Matters in Berrigan Development Control Plan 2014**

Chapter 3 – Industrial Development	Assessment
<p>3.1 - Appearance</p> <p><i>Controls</i></p> <ul style="list-style-type: none"> <li>• <i>Buildings are to have their main building facade and entries addressing the primary street frontage.</i></li> <li>• <i>High quality materials and finishes should be used for building exteriors as well as any fences.</i></li> </ul>	<p>The proposed development does not constitute a conventional form of development that relies on street frontage or visual exposure to the public domain. The development comprises a battery storage container centrally located within the site, together with associated solar array panels. The placement of the battery storage facility has been carefully considered to minimise visual impacts and ensure it is appropriately sited within the development area. The battery container will be finished in muted, non-reflective colours to further reduce its visual prominence.</p>
<p>3.2 - Landscaping</p> <p><i>Controls:</i></p> <ul style="list-style-type: none"> <li>• <i>A landscape plan is required indicating a range of plant species of various heights, low maintenance, preferably drought tolerant native species.</i></li> </ul>	<p>A landscaping plan has been submitted that proposes a 5m landscape buffer around the whole perimeter of the subject site, which will screen the infrastructure from view and make a positive contribution to the area.</p> <p>Visual impacts will be mitigated through the provision of a 5-metre-wide landscaped buffer proposed along the entire perimeter of the site. This landscaping will provide effective screening, soften the built form, and contribute positively to the visual amenity of the surrounding area.</p>

<p>3.3 - Building Setbacks</p> <p>Controls</p> <ul style="list-style-type: none"> <li>• <i>A minimum 10 metres from the front (primary) property boundary.</i></li> <li>• <i>A minimum 3 metres from the side (secondary) property boundary.</i></li> </ul>	<p>Subject site is RU1, and minimum 10m setbacks required from all site boundaries.</p> <ul style="list-style-type: none"> <li>• Minimum 10.7m from the Plumptions Road (southern) boundary</li> <li>• 10m from the northern boundary</li> <li>• 214m from the east boundary</li> </ul> <p>The setbacks comply and exceed the relevant controls.</p>
<p>3.4 - Parking and Access</p> <p>Controls</p> <ul style="list-style-type: none"> <li>• <i>Parking spaces must be separated from accessways, loading, unloading and manoeuvring areas. Parking areas are to be constructed to allow for the catchment and disposal of stormwater to an agreed discharge point. All parking, loading and unloading is to be carried out on-site. There must be sufficient turning areas to enable vehicles to enter and exit the site in a forward direction.</i></li> </ul>	<p>The site currently has an existing access from Plumptions Road. Standard parking rates based on Gross Floor Area are not applicable to this development due to the nature of the proposed use.</p> <p>The proposal includes the provision of up to 20 temporary car parking spaces during the construction phase and two (2) parking spaces during the operational phase, which is considered appropriate having regard to the scale and operational characteristics of the development. Additional detail regarding parking demand and availability is addressed below under the heading Traffic, Parking and Access.</p> <p>In addition, a direct site access from Howe Street is proposed. A condition of consent will be recommended requiring the construction of an approved vehicle crossover to ensure safe and suitable access to the site and to minimise potential impacts on Council's road infrastructure.</p>
<p>3.5 - Outdoor areas</p> <p>Controls:</p> <ul style="list-style-type: none"> <li>• <i>Outdoor storage and work areas are to be substantially screened from public roads and adjoining lots by landscaping, fencing etc. Outdoor areas must be suitably surfaced to prevent dust.</i></li> </ul>	<p>There will be no outdoor storage other than an all-weather temporary laydown area required during construction that will be located a substantial distance from the road and not result in any off-site impacts.</p> <p>Council recommends that a condition is included on the consent</p>

<p>3.6 – Amenity</p> <p>Controls:</p> <ul style="list-style-type: none"> <li>• <i>Outdoor areas must be treated and maintained to minimize the impacts of dust. All stormwater is to be appropriately managed. Land uses or development considered by Council to potentially have a detrimental impact on adjoining properties through noise or air emissions (e.g. dust or odour) are to provide information in respect to the likely impacts and proposed mitigation measures of these impacts.</i></li> </ul>	<p>Potential impacts relating to dust, stormwater, and noise can be appropriately managed through the imposition of relevant conditions of consent. Noise impacts are further assessed in detail below under the heading <i>Noise</i>.</p>
<p>Part 12 Notification</p> <p>Notification requirements are identified.</p>	<p>The proposal has been notified in accordance with the DCP. Refer above the notification section.</p>

The proposal is consistent with the provisions of the DCP.

**(b) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

**(c) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains additional matters that must be taken into consideration by a consent authority in determining a development application. It is considered the application is consistent with the objectives of the regulations.

**5.1 Section 4.15(1)(b) - Likely Impacts of Development**

Under section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the likely impacts of the development on both the natural and built environments, and the social and economic impacts in the locality must be considered.

Potential impacts related to the proposal that have not been considered above in response to SEPPs, LEP and DCP controls are assessed below.

## Glint and Glare

A Solar Glint and Glare Assessment report has been prepared by 'Atlas Renewables' and submitted with application. Glint is defined as a momentary flash of light and glare is a continuous excessive brightness potentially caused by reflection from solar panels.

Solar panels are designed to absorb the sunlight rather than reflect and generally have an anti-reflective coating. The proposed use of a solar tracking system will further reduce the potential for glare. Surface reflectivity of the panels is measured by albedo (reflection coefficient). The proposed solar panels have an albedo of approximately 10%. As shown in *Figure 7*, this is comparable to, or lower than, the albedo of other surfaces commonly found in the environment. Accordingly, the PV modules are not expected to result in increased reflectivity or adverse visual or environmental impacts.

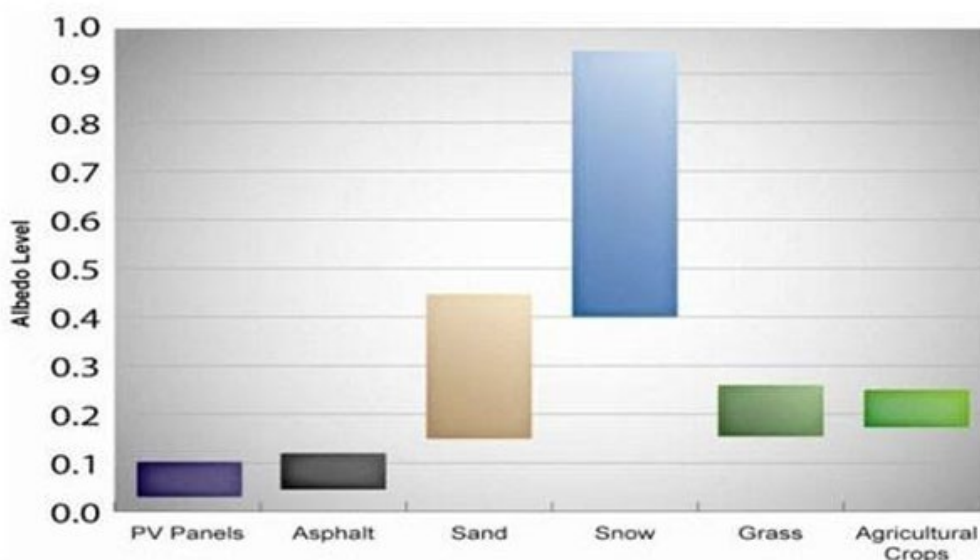


Figure 9 – showing PV panels reflectivity in comparison to other objects

The report considered the potential for glare impacts to affect the nearby Finley Airport and surrounding dwellings. To assess the glare impacts a Solar Glare Hazard Analysis Tool (SGHAT) modelling was implemented and based on the model parameters:

- No glare hazard is geometrically possible affecting rural and residential dwellings within 3km of the development; therefore, no impact is likely.
- No glare is geometrically possible affecting the Highway and local roads within 1km of the development; therefore, no impact is likely.
- No glare is geometrically possible affecting the flight paths to the two runways at Finley Airport, up to a distance of 2 nautical miles, therefore no impact is likely.

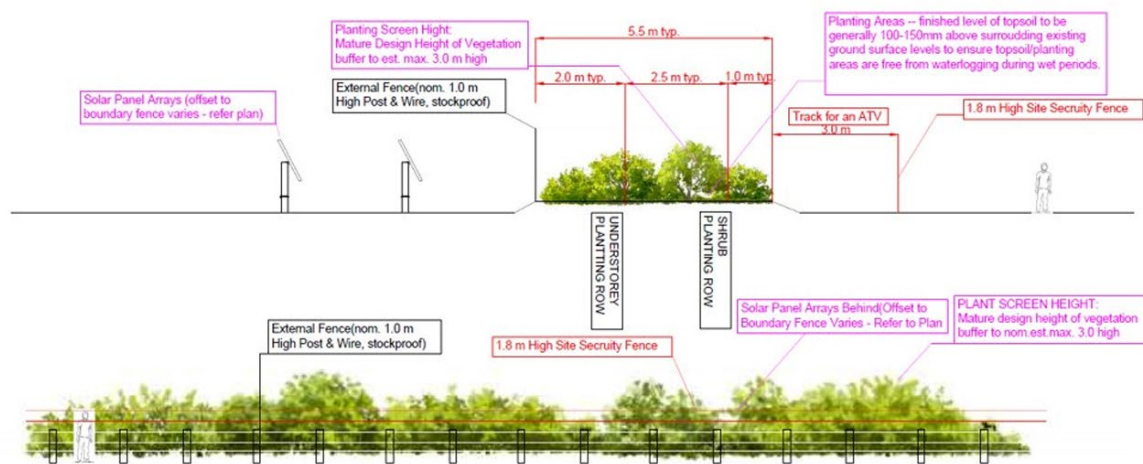
The proposal includes landscape planting to the perimeter of the site which will provide visual screening between the solar farm and surrounding dwellings and roads.

## Visual Impact

The proposed solar panels will have a maximum height of 2.2 metres, with associated inverters reaching approximately 1.4 metres in height. The Statement of Environmental Effects identifies several rural residential receivers within a 3km radius of the site which, due to the

relatively flat topography, may have views towards the development. However, given the separation distances involved and the absence of any identified significant views or vistas, the location and siting of the proposal are considered appropriate and are not expected to result in unreasonable visual impacts.

To further mitigate potential visual impacts, the proposal includes a 5m wide landscaped buffer around the site perimeter, as shown in **Figure 8**. The perimeter planting will provide effective screening over time and is considered adequate to address potential visual impacts on existing and future residential receivers for the life of the development.



**Figure 10** – Landscape Screening (sources from the submitted SEE)

### Traffic, Parking and Access

A Traffic Impact Assessment (TIA) report prepared by David Pavey of Pavey Consulting Services was submitted with the application and assesses the traffic, access and parking implications of the proposed development.

The site will be accessed via Plumptions Road, which is a local road with very low existing traffic volumes. The surrounding road network includes the Newell Highway, Howe Street, Plumptions Road and Tongs Street.

The TIA confirms that the available sight distances at the proposed site access meet Austroads Guidelines and are appropriate for the prevailing speed environment. It confirms that the surrounding road network, including the intersection of the Newell Highway and Tongs Street, has sufficient capacity to safely accommodate the traffic generated by the development.

The TIA confirms that during the 3 to 6 month construction period, the proposal is expected to generate approximately 40 vehicle movements per day, comprising 20 arrivals and 20

departures associated with construction staff, with peak traffic occurring over a 2 to 4 month period. Up to four heavy vehicle movements per day are anticipated during peak construction. During operation, traffic generation would reduce significantly to a maximum of approximately four vehicle movements per day.

The TIA confirms that the internal site access roads will be constructed as all-weather gravel roads to facilitate both construction and operational access. A temporary all-weather gravel car parking area accommodating up to 20 vehicles will be provided for the construction workforce. The TIA confirms shows this to be located adjacent to the site office and laydown areas.

Based on the submitted TIA, the proposed access, traffic, and parking arrangements are considered satisfactory. Council's Operations Manager raises no objection, subject to appropriate conditions of consent (including a condition requiring compliance with the assessed maximum load rating of 15 tonnes for the small bridge located on Howe Street near Tongs Street).

### **Noise and Vibration**

A Noise and Vibration Impact Assessment (the acoustic report) report no. 17322 V1 prepared by 'SOUNDIN' dated June 2025, submitted with the application, considers the potential noise, and vibration impacts on surrounding dwellings.

The report shows the closest and therefore most critical sensitive uses located within proximity of the site as these:

- R1 - 185 Howe Street, Finley
- R2 - 694A Plumptions Road, Finley
- R3 - 694 Plumptions Road, Finley
- R4 - 712 Plumptions Road, Finley
- R5 - 745 Plumptions Road, Finley
- R6 - 210 Howe Street, Finley
- R7 - 215 Howe Street, Finley



**Figure 11** – location of sensitive receivers regarding noise and vibration (sourced from acoustic report)

The report states that when considering noise emissions associated with the proposed use, the relevant noise sources will include the following:

- The inverter station, which includes the inverters and a transformer.
- Liquid-cooled battery containers.
- PV panel tracker motors

Item	Activity	Quantity	SWL (dBA)	
			Per item	Total
Inverter station	24/7, constant	1	89	89
Battery container	24/7, constant	4	86	92
Panel tracking motor	Daytime only, ~1 minute operation each motor per 15-minutes	200	78	89

Source - Extracted from the Noise assessment report prepared by SOUNDIN

In addition to the above, approximately 200 solar tracker motors will be installed. Each tracker will have a row of solar panels installed within the boundaries of the subject site. For the purposes

of the assessment, SOUNDIN has considered source noise data provided by the inverter and battery unit manufacturers in combination with input from the client. A summary of the sound power/pressure levels adopted for each item of equipment is included within Table below.

Receiver	Predicted $L_{Aeq,15min}$ noise level (dBA)			Project noise trigger level (dBA)			Complies?
	Day	Evening	Night	Day	Evening	Night	
R1	35	32	32	40	35	35	Yes
R2	22	21	21	40	35	35	Yes
R3	23	22	22	40	35	35	Yes
R4	28	28	28	40	35	35	Yes
R5	<20	<20	<20	40	35	35	Yes
R6	34	32	32	40	35	35	Yes
R7	28	27	27	40	35	35	Yes

Source - Extracted from the Noise assessment report prepared by SOUNDIN

The findings of the report indicates that in the absence of noise control, residual noise levels at the R01 and R04 receptors are compliant with the project trigger levels during the day, evening, and night periods.

The construction phase is expected to be between 3 to 6 months, during which various activities will be undertaken at the subject site. It is submitted that the construction hours will be comply with the 'recommended standard hours' nominated by the EPA, which include:

- Monday to Friday, 7:00AM to 6:00PM.
- Saturday, 8:00AM to 1:00PM.
- Sunday and Public Holidays, no noise generating works

Using the adopted sound power levels and usage rates the calculated resultant noise levels at the critical receptors are summarised in the table below:

**Table 7 - Construction Phase Activities and Associated Sound Power Levels**

Code	Activity	Typical Equipment Used	Activity Sound Power Level (dBA)
S01	Trenching and earthworks	Backhoe Truck	111
S02	Piling	Piling rig Telehandler Truck	114
S03	Assembly and fitout	Hand-held power tools Mobile crane Telehandler Generator Welder Truck	111

Source - Extracted from the Noise assessment report prepared by SOUNDIN

**Table 8 - Predicted Construction Noise Levels**

Receiver	Predicted Construction L <sub>Aeq,15min</sub> Noise Levels (dBA)			NML	Exceedance (dBA)
	S01	S02	S03		
R1	53-56	56-59	52-53	45	14
R2	43-44	46-47	40-43	45	2
R3	42-45	45-48	41-42	45	3
R4	46-50	49-53	46-46	45	8
R5	37-38	40-41	34-37	45	-
R6	51-57	54-60	51-53	45	15
R7	46-51	49-54	46-47	45	9

Extracted from the Acoustics report prepared by WMG Acoustics

The results of the noise model indicate that residual construction activity noise is expected to be below the derived NML's at each of the nearby sensitive receptors during most construction phases.

In consideration of the above, the noise assessment report has provided strategies to reduce noise emissions during these phases below:

Guidance regarding minimisation of disturbance due to construction is included within AS2436-2010 Guide to noise and vibration control on construction, demolition and maintenance sites' as well as the ICNG and includes the reference to the following:

- Implementation of universal work practices relating to minimising noise.
- Selection of low noise plant and equipment.
- Consultation and transparency with the surrounding community.

In conclusion operational noise and vibration emissions will comply with relevant criteria at sensitive receptors in the absence of any noise mitigations strategies.

### **Dust**

Dust generation is expected during the construction and decommissioning phases, arising from activities such as earthworks, excavation, and vehicle movements. Any temporary impacts on air quality can be effectively controlled through a consent condition that mandates the identification and implementation of mitigation measures within an approved Construction Management Plan. Council recommends that a condition is included on the consent.

### **Waste**

The project is expected to generate the most waste during construction and decommissioning, with only minor waste during operation if infrastructure needs to be replaced. Construction waste will mainly include packaging, plastics, recyclable cardboard, off-cut metals and steel, and excess materials such as cable.

In accordance with NSW legislation and policies, waste will be removed from the site and recycled or reused wherever possible, with disposal only used as a last resort. This will be managed through a Waste Management Plan; Council recommends that a condition is included on the consent.

### **Decommissioning**

It is submitted that the facility will be decommissioned after 40 years. This timeframe reflects the expected lifespan of the solar panels.

At that time, all on-site infrastructure will be removed, and the land will be reverted to (sheep) grazing and agricultural.

Decommissioning will involve disconnecting from the Essential Energy substation and removal of all solar panels; the battery energy storage system (BESS); the security fencing; and associated infrastructure, including underground infrastructure (cabling and footings).

Decommissioning will involve rehabilitating access tracks and site works; refilling and laser leveling the site.

No Decommissioning Plan was submitted with the DA and as such, a condition of consent would require one to be prepared and submitted to Council's satisfaction, to be submitted at least 12 months prior to the facility's end of life.

### **Social Impact**

The proposed development is unlikely to pose any significant social impact in the locality. The proposal is to support the electricity needs of homes within the state and Berrigan Shire.

### **Economic Impact**

The project will introduce an additional renewable energy source, providing sustainable power to support the energy requirements of the state. The project will reduce dependence on electricity imports from distant power plants, thereby enhancing the energy self-sufficiency and resilience of the area.

The project brings economic benefits to the area through the creation of employment opportunities. Most jobs will be generated during the 3 to 6 month construction phase, but there will also be a few ongoing maintenance jobs during the 40 year operation phase to undertake scheduled inspections and monitoring.

### **Cumulative Impact**

Cumulative impacts have been considered with regard to existing and approved solar energy developments within the Finley locality. Several solar farms have been approved within approximately 6 kilometres of the subject site over the past five years, including an approved solar farm at 39 Burkes Road, Finley (DA No. 43-24-DA-DM), located approximately 500 metres from the site.

The proposal's location within an established rural production area, its relatively acceptable scale, defined operational lifespan and commitment to decommissioning limit the potential for cumulative impacts. Subject to the recommended conditions of consent, only limited cumulative impacts could arise, and these are not considered unacceptable.

## **5.2 Section 4.15(1)(c) - Suitability of the site**

The subject site is considered suitable for the proposed development, for the following reasons:

- The site has been chosen because of its proximity to the Finley substation. The location allows an efficient and feasible grid connection in terms of the BESS connecting to the existing 22 kV network.
- The site has been chosen based on technical considerations, including network capacity, transformer and circuit breaker availability and network performance.
- The site is not identified as bushfire prone, flood affected, or contaminated land, and is not subject to any known environmental hazards.
- The site is clear (previously cleared for agricultural purposes) and a portion of it will continue to be used for grazing.
- A landscaped perimeter buffer will limit any unreasonable visual impacts on the surrounding area.
- The closest residential dwelling is located approximately 60m distance from subject site.
- Construction-related impacts for the set up and decommissioning is temporary and manageable.


- The 40-year operational life and decommissioning will mean that there will be no significant long-term impacts.

### 5.3 Section 4.15(1)(d) - Public Submissions

21 submissions were received; the concerns have been discussed in the table below:

**Table 9 – Submissions - Concerns and Response**

No	Submission Concerns	Response
1	The proximity of the development to the township	<p>The subject land is zoned RU1 Primary Production, within which the proposed solar farm is a permissible form of development under the <i>State Environmental Planning Policy (Planning Systems) 2021</i>. The zoning framework supports rural and infrastructure-related uses that align with broader strategic planning and renewable energy objectives.</p> <p>Although the site is located in proximity to the Finley township, the surrounding land is predominantly zoned RU1 and characterised by rural land uses, providing an appropriate interface between the urban area and large scale rural development. The proposal has been designed to utilise existing rural separation distances and buffers, and there are no immediately adjoining sensitive urban receivers, thereby minimising potential amenity impacts.</p> <p>Berrigan Shire Council’s Local Strategic Planning Statement (LSPS) does not identify the land to the south of Finley as an area for future village expansion. As such, the proposal is not anticipated to constrain the orderly or strategic growth of the township or result in land use conflicts with future urban development.</p> <p>The site is identified on the NSW Planning and Environment Resources and Geoscience Renewable Energy Resources Map as having an average daily solar exposure equal to or greater than that of all five designated Renewable Energy Zones. This confirms the site’s strong solar resource potential and further supports its suitability for renewable energy development in this location.</p> <p>Having regard to the permissibility of the use, the strategic planning context, and the proposed mitigation measures to manage visual, traffic, and amenity impacts, the proximity of the development to the Finley township is considered appropriate and acceptable.</p>

<p>2</p>	<p>The use and potential loss of agricultural land</p>	<p>The proposal would result in the temporary use of approximately 12Ha of agricultural land over the 40 year operational life of the solar farm. The development represents a passive land use that allows the soil resource to rest and recover. The landowner intends to continue sheep grazing across the site during operation, which maintains the land’s agricultural use. An agronomic report prepared by Sefton Agronomics has submitted with application identifies potential benefits of co-locating solar panels with grazing, including improved animal welfare and productivity.</p> <p>The report concludes that solar infrastructure and sheep grazing can coexist without adverse impacts on soil quality when appropriately managed. While grazing is not required for the project to proceed, evidence indicates positive outcomes where such arrangements are implemented and references a case study from the Numurkah Solar Farm in Victoria to support these findings.</p> <p>Case Study – Numurkah Solar Farm</p>  <p><i>Extracted from the Agronomic report submitted with application</i></p> <p>The land will be returned to its original form after the decommissioning of the solar farm, and a condition has included to submit a detailed rehabilitation plan to Council.</p>
<p>3</p>	<p>Increased traffic associated with construction and operation</p>	<p>The construction phase is expected to occur over an approximate six-month period, with the majority of heavy vehicle movements and equipment deliveries concentrated within a one-month period. As a result, any amenity impacts on nearby residents, including noise and traffic, would be temporary and short-term in</p>

		<p>nature. Construction traffic volumes and vehicle types are comparable to those typically associated with rural infrastructure projects, such as the construction of large agricultural buildings or grain silos.</p> <p>Upon completion of construction, the operational phase would generate minimal traffic, generally limited to occasional maintenance visits by a 4WD vehicle. Overall, traffic and amenity impacts are expected to be less than those associated with the site's existing agricultural use.</p> <p>A condition has been included to minimise the construction impacts.</p>
4	Glare	<p>A Glint &amp; Glare Assessment has been undertaken for the development in accordance with the Large-Scale Solar Energy Guideline released in August 2022.</p> <p>The report and modelling identify that there is no glare affecting the flight paths to the two runways at Finley Airport, which is up to a distance of 2 nautical miles.</p> <p>There are also no residential properties in proximity of the subject site that could be affected, noting the purpose of these facilities is to 'attract/absorb' sunlight, not reflect.</p> <p>Further details have been discussed in the assessment section above. Council recommends that a condition is included on the consent.</p>
5	Noise	<p>A Noise Impact Assessment (NIA) report prepared by SOUNDIN has been submitted with development application, identifies that the primary noise impacts would occur during the construction phase, which is expected to last approximately six months and be limited to standard construction hours. The highest noise-generating activities would occur during a short 2-4 week period, after which noise levels would substantially reduce. Mitigation measures would be implemented to ensure compliance with the NSW Interim Construction Noise Guideline (ICNG).</p> <p>In the rural context, construction noise is comparable to or less than noise generated by typical agricultural activities. No adverse noise impacts are anticipated during operation, as plant and equipment are centrally located and away from sensitive receivers.</p> <p>Further details have been discussed in the assessment section above. Council recommends that a condition is included on the consent</p>

6	Visual Impact	<p>The proposal is supported by a Landscape Plan that includes an ongoing Maintenance Plan to ensure the effective establishment and long-term management of the landscape buffer for the life of the development. Measures include irrigation, pruning, weed control, and replacement planting as required. Wider landscape buffers of up to 7.5 metres are provided along site boundaries adjoining nearby dwellings. Once established, the landscape buffer will adequately screen the bulk and scale of the development and reduce visual impacts for adjoining landowners and road users. The solar panels have a maximum height of 2.2 metres, and associated inverters have a maximum height of approximately 1.4 metres. While rural residential receivers are located within a 3-kilometre radius of the site, none are positioned such that important views or vistas would be adversely affected. The low profile of the infrastructure, combined with the proposed landscaping, is expected to limit visual impacts to an acceptable level.</p> <p>Further details have been discussed in the assessment section above.</p>
7	The suitability of the site location and compatibility with surrounding land uses	<p>The subject site is zoned RU1 Primary Production, and the surrounding lands are similarly zoned RU1. The proposal is considered suitable within this zoning context, as it supports an efficient and technically feasible connection to the existing electricity network while remaining compatible with the primary production character of the locality.</p> <p>The development comprises a Solar PV generation system with a DC-coupled Battery Energy Storage System (BESS), providing up to 4.95 MW export capacity and 2 MVA import capacity. An 11.008 MW DC BESS is proposed to connect to the existing 22 kV electricity network located adjacent to the site. Site selection has been driven by technical considerations, including available network capacity, transformer and circuit breaker availability, and network performance. These factors support the suitability of the site over alternative locations and minimise the extent of additional infrastructure required.</p> <p>The land has been previously cleared and historically utilised for agricultural purposes. Consistent with the objectives of the RU1 zone, the proposal allows the land to continue to be used for grazing during the operational phase, thereby maintaining agricultural</p>

		<p>productivity and ensuring compatibility with surrounding primary production land uses.</p> <p>Given the passive nature of the development, the absence of significant emissions, low operational traffic generation, and the finite operational lifespan of the solar farm, the proposal is not expected to result in significant adverse impacts on the surrounding RU1-zoned lands. The inclusion of a comprehensive decommissioning framework further ensures the site can be rehabilitated and returned to full agricultural use at the conclusion of the development's operational life, thereby minimising any long-term environmental or land use impacts.</p>
8	Fire hazard - Bushfire and fire hazard risks	<p>The subject site and surrounding locality are not identified as bushfire-prone land. As such, the proposed development is not expected to be subject to elevated bushfire risk. The ongoing management and maintenance of the site for the solar farm, including regular upkeep and continued sheep grazing, would assist in reducing fuel loads and limiting the potential spread of fire.</p> <p>The Battery Energy Storage System (BESS) will be centrally located within the site and designed to incorporate fire monitoring and suppression systems to manage the unlikely event of a fire. Fires associated with BESS facilities are considered rare due to contemporary design standards and built-in safety protections. The proposal includes the installation of a Tier 1 BESS consistent with current best practice in Australia, incorporating internal fire suppression and liquid cooling systems designed to isolate and contain any fire within the unit.</p> <p>The BESS will be constructed, installed and operated in accordance with all relevant Australian Standards, supported by 24-hour monitoring and regular maintenance. In addition, a Bushfire Emergency Management and Operations Plan will be implemented to further mitigate any potential fire risks. Subject to these measures, the proposal is considered unlikely to result in any significant bushfire or fire hazard impacts.</p>
9	Property Value	Property value is not a planning matter, therefore not applicable here

10	The adequacy of site decommissioning at the end of the solar farm's operational life	<p>The applicant proposes that the solar farm be decommissioned at the conclusion of its operational life, anticipated to be approximately 40 years, which aligns with the expected lifespan of the solar panels. Upon decommissioning, all above-ground and below-ground infrastructure associated with the development will be removed, and the land will be rehabilitated to enable its ongoing use for agricultural purposes, including sheep grazing.</p> <p>To ensure that decommissioning is undertaken in a timely and orderly manner and to minimise any potential long-term environmental or land use impacts, Council recommends the imposition of a condition of consent requiring the preparation and submission of a comprehensive Decommissioning Plan. The plan is to detail the methodology for infrastructure removal, site rehabilitation measures, waste management, and timeframes, thereby formally securing the decommissioning and restoration commitments as part of the development approval.</p>
11	Increased stormwater runoff from solar panels and potential impacts on adjoining land	<p>The solar panel arrays are not considered impermeable surfaces, as stormwater runoff is directed to the ground beneath the panels. The proposal allows for the establishment of pasture grasses beneath the arrays, enabling ongoing sheep grazing. Rainwater infiltration beneath the panels will support pasture growth and maintain the site's agricultural productivity, thereby minimising changes to natural drainage patterns.</p> <p>Council's Assets and Engineering Manager has advised that no stormwater, or other Council infrastructure networks service the site. Given the nature of the solar farm development, connection to these services is not required.</p>

#### 5.4 Section 4.15(1)(e) - Public interest

It is considered that the public interest is best served by the application of the requirements of the relevant legislation, environmental planning instruments and development control plan to ensure that any adverse effects on the surrounding area and the environment are avoided.

On the basis of the assessment of the proposed development, it has been determined that the proposal is generally consistent with the relevant planning controls that apply to land use and development in the Berrigan region. Furthermore, the proposal will provide positive public benefits including:

- Providing renewable energy to the State grid, which will reduce reliance on existing fossil fuel fired power stations, consistent with the principles of ecologically sustainable development and mitigating climate change in the wider public interest; and
- Employment opportunities for the local community during the construction phase and a number of permanent local jobs during the operation phase.

In view of the above, on balance, it is considered that the proposal is consistent with the local and wider public interest.

## 6. CONCLUSION

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An assessment of the application has been undertaken against Section 4.15(1) of the *Environmental Planning and Assessment Act 1979 (the Act)* as amended, and the associated Regulations as outlined in this report.

Following a thorough assessment, the proposal is considered to be generally consistent with the relevant planning objectives and controls. The proposed development will not have any unreasonable impact on the environment or the locality.

The key issues of construction noise, construction traffic, visual impact, site selection and decommissioning have been resolved satisfactorily in the recommended conditions. The proposal is suitable for the site, compatible with the locality and is considered to be in the public interest. Given the above factors, it is considered that the application can be supported.

## 7. RECOMMENDATION

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That the Development Application (DA No. 18-26--DA-DM) for an electricity generating works (solar farm) and battery energy storage system at 728 Plumpton Road, Finley be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979 as amended and Berrigan LEP 2013* subject to the conditions of consent below.

### CONDITIONS OF CONSENT

#### PART A: GENERAL

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##### A1 Approved Plans and Supporting Documentation

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below, which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Plan/Report Title	Reference No	Revision	Prepared by	Date
Solar PV Equipment (central inverter layout)	-	A	Atlas Renewable	04.09.2023

Solar PV Equipment (battery container – front, side and top view)	-	A	Atlas Renewable	04.09.2023
Solar PV Equipment (security fence front view, security fence, landscape and tracking section view)	-	A	Atlas Renewable	04.09.2023
Solar PV Equipment (tracking system front view, side view, typical layout and typical tracking system)	-	A	Atlas Renewable	04.09.2023
Landscape Plan	0693	A	SKM Planning	17.07.2025
Site Plan	-	B	Allied Consulting Engineering	17.06.2025
Statement of Environmental Effects	-	-	SKM Planning	13.07.2025
Traffic Impact Assessment	-	4	Pavey Consulting Services	19.07.2025
Aboriginal Cultural Heritage Desktop Assessment	-	1	ACHM	04.06.2025
Glint and Glare Assessment	-	-	Atlas Renewables	23.06.2025
Glint and Glare Analysis Report	-	-	Forge Solar	13.06.2025
Noise and Vibration Impact Assessment	17322	1	SOUNDIN	17.06.2025
Geo Technical Investigation	25C 0429-1	1	GTS	19.06.2025
Preliminary Site Investigation	-	-	SKM Planning	17.07.2025
Submission response-Site suitability	-	-	SKM Planning	10.01.2026
Submission response	-	-	SKM Planning	18.11.2025

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

## **A2 Compliance with the Building Code of Australia**

All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

Reason: To ensure the building work complies with the Building Code of Australia.

### **A3 Lapsing of consent**

This consent is limited to a period of 5 years from the date of the Notice of Determination unless the works associated with the development have physically commenced.

Reason: To ensure compliance with Section 4.53 of the *Environmental Planning and Assessment Act 1979*

## **PART B: PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE**

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### **B1 Construction Certificate**

A Construction Certificate is required for the development in accordance with Section 6.7(1) of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

### **B2 Payment of Long Service Levy and Public Liability Insurance**

The following payments must be made prior to the issue of the Construction Certificate.

- (a) **Payment of building and construction industry long service levy** - The applicant must pay the long service levy to the Long Service Corporation or Council under Section 34 of the Building and Construction Industry *Long Service Payments Act 1986* and provide proof of this payment to the certifier.
- (b) **Public liability insurance** - Prior to the commencement of any works on Council land including a public road, the applicant is to obtain Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate/Occupation Certificate for the works. Documentary evidence of the Certificate of Currency is to be provided to Council prior to the issuing of any Construction Certificate.

Reason: To ensure payments are made in accordance with legislative requirements.

### **B3 Other Approvals**

The following approvals are required:

- (a) **Roads Act 1993 approval** - The applicant is to submit an application to Council for any work within the road reserve (e.g. vehicular footpath crossings, utilities including stormwater, footpath paving, kerb and gutter etc) for local and regional roads or Transport for NSW for state roads, pursuant to Section 138 of the *Roads Act 1993*. Details must be provided with the Construction Certificate application.

- (b) **Section 68 of the Local Government Act 1993** – Any approvals required under Section 68, Parts A to F, including (but not limited to), any use of public property for crane operation, waste management or installation of a moveable dwelling. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken.

Reason: To ensure all work complies with relevant legislation.

## **B5 Servicing**

In relation to services, the following must be undertaken by the applicant where relevant:

- (a) **Adequate services** – the applicant must demonstrate that adequate services for water, electricity and wastewater are available to the site,

Details shall be provided with the Construction Certificate application.

Reason: To ensure work is carried out having regard to existing services and for safety and efficiency.

## **B6 Stormwater Management**

The development must not result in the diversion of overland surface waters onto adjoining properties and where necessary shall construct appropriate surface drainage systems that connect to Council's stormwater system.

Reason: To ensure stormwater is appropriately managed on the site.

## **B7 Vehicle Access and Car Parking**

The following vehicle access and parking requirements must be met prior to the issue of a construction certificate:

- (a) Entry and exit points are to be clearly signposted prior to the commencement of construction works on the site and must be visible from both the street and the site at all times.

Reason: To ensure safe and practical vehicle access is provided to the site.

- (b) All driveways, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, *AS 2890.1-2004: Parking Facilities – Off-street Car Parking* and *AS 2890.2:2018 - Parking facilities Off-street commercial vehicle facilities*. All car parking for the operation of the solar farm is to be provided on an all-weather surface and line marked. Details are to be provided with the Construction Certificate application.

Reason: To ensure driveways, access ramps, vehicular crossings and car parking complies with the relevant Australian Standards.

## **B8 Heavy Vehicle Access and Load Limits**

All construction and operational vehicles associated with the development shall comply with the assessed maximum load rating of 15 tonnes for the small bridge located on Howe Street near Tongs Street. Heavy vehicles exceeding this load limit are prohibited from accessing the site via any route that requires crossing the bridge. All heavy vehicle access to the site shall be undertaken via Plumptions Road to Howe Street.

Reason: To ensure the safety of road users, prevent structural damage to the existing bridge, and protect the integrity of Council's road infrastructure.

## **PART C: PRIOR TO WORKS COMMENCING**

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### **C1 Appointment of Principal Certifying Authority**

Prior to the commencement of work, the person having the benefit of the development consent and a Construction Certificate shall:

- (a) Appoint a Principal Certifying Authority and notify the Council of the appointment (if Council is not appointed); and
- (b) Notify Council of their intention to commence building work (at least 2 days' notice is required).

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

### **C2 Signs on site**

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifier for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Prescribed Condition under Clause 98A(2) and (3) of the Regulation.

### **C3 Toilet Facilities during Construction**

Toilet facilities must be provided on the work site during construction at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. Each toilet provided must:

- (a) Be a standard flushing toilet, connected to a public sewer, or

- (b) If connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
- (c) A portable toilet.

Reason: To provide appropriate on-site amenities during demolition and construction work.

#### **C4 Construction Site Management Plan**

Prior to the commencement of work, a Construction Management Plan is to be prepared by suitably qualified professionals and submitted to Council for approval detailing arrangements during the construction of the development. The Plan must be implemented and maintained prior to, and during, the construction works on the site until works are completed. The Construction Site Management Plan is to include, but not be limited to, the following:

##### **(a) Construction Traffic Management Plan (TMP)**

A Construction Traffic Management Plan (TMP) with all supporting documentation, including all relevant Traffic Guidance Schemes (TGS), is to be submitted to Council for approval prior to the commencement of work. The TMP must comply with the requirements of Transport for New South Wales Traffic Control at Work Sites Technical Manual (TCAWS Manual), Standards Australia's Manual of uniform traffic control devices, Part 3: Traffic control for works on roads (AS1742.3), and Austroads' Guide to Temporary Traffic Management (AGTTM).

The TMP must be prepared by a person/s with a 'Prepare a Work Zone Traffic Management Plan' qualification. Strict compliance to the TMP is to be maintained throughout the duration of the construction. All inspections of the TMP and collection of records must comply with the requirements of the TCAWS Manual.

Measures for the management of traffic during construction are to include, but not be limited to:

- (i) Deliveries will be scheduled to avoid trucks arriving and departing the construction site simultaneously, and to avoid peak traffic periods.
- (ii) The management of loading and unloading of construction materials on site.

##### **(b) Waste Management Plan**

This is to include (as a minimum):

- (i) identify all waste (including excavation, demolition and construction waste material) that will be generated by the development during construction, and
- (ii) identify the quantity of waste material, in tonnes and cubic metres, to be:
  - reused on-site and off-site, and
  - recycled on-site and off-site, and

- disposed of off-site, and

(iii) if waste material is to be disposed of, reused or recycled off-site - specify the contractor who will be transporting the material and the licensed waste management facility or recycling outlet to which the material will be taken.

**(c) Sedimentation and Erosion Control Plan**

The control measures are to be installed prior to the commencement of site works and maintained during works in order to ensure that site materials do not leave the site and/or enter the stormwater system and to maintain public safety/amenity.

**(d) Material stockpiling/storage**

**(e) Dust mitigation** measures to be implemented during dry and/or windy weather conditions.

**(f) Construction Noise and Vibration Management Plan** that shall include at minimum, the recommendations in the Noise and Vibration Impact Assessment prepared by SOUNDIN dated 17.06.2025.

**(g) complaint management** and contingency measures.

Reason: To ensure measures that will protect the public, and the surrounding environment, during site works and construction are implemented prior to works commencing on the site.

**C5 Land Management**

Prior to any activity or construction taking place on the land, the applicant must prepare a baseline soil report indicating the land and soil capability class. A copy of this report is to be provided to the Council.

Reason: This is intended to inform performance measures and rehabilitation plans to assist in decommissioning.

**C6 Vehicle Crossover**

Prior to the commencement of construction work, a new crossover must be constructed to access the site in accordance with the Infrastructure Design Manual.

Reason: To ensure safe and suitable vehicular access to the site and to protect the safety and integrity of Council's road infrastructure.

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**PART D: DURING WORKS**

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**D1 Construction Hours**

All excavation, construction, upgrading and decommissioning works/activities shall be limited to the following hours:

- (a) Monday to Friday: 7:00am to 6:00pm;
- (b) Saturday: 8:00am to 1:00pm;
- (c) No work is to be undertaken on Sundays or Public Holidays.

Unless otherwise approved within the Construction Site Management Plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Council's approval.

Reason: To ensure the amenity of the area is maintained during construction.

## **D2 Compliance with Construction Site Management Plan**

The requirements of the approved Construction Site Management Plan must be complied with and maintained for the duration of the construction works. This includes, but is not limited to, the following:

- (a) All practicable measures shall be undertaken to prevent and minimise harm to the environment and the amenity of the area as a result of the construction and operation of the development, particularly from wind-blown dust, debris, noise, erosion and soil management and the like.
- (b) All building materials and equipment must be stored wholly within the site unless an approval to store them elsewhere has been granted.
- (c) During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc.
- (d) Protection measures shall be maintained in a state of good and safe condition throughout the course of demolition.
- (e) The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

## **D3 Waste Management**

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved Waste Management Plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the Principal Certifier, detailing the following:

- (a) The contact details of the person(s) who removed the waste
- (b) The waste carrier vehicle registration

- (c) The date and time of waste collection
- (d) A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- (e) The address of the disposal location(s) where the waste was taken
- (f) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

#### **D4 Responsibility for Changes to Public Infrastructure**

While construction work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure or services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason: To ensure payment of approved changes to public infrastructure.

#### **D5 Discovery of Aboriginal Objects**

While excavation, demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Housing and Infrastructure and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Housing and Infrastructure.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
  - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
  - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works.

#### **D6 Discovery of Contamination**

Should any unexpected contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Reason: To ensure contamination discovered during construction is dealt with as quickly as possible and to protect the health of the community and the environment.

#### **D7 Construction Noise**

While works are being carried out, the applicant must ensure that any noise generated from the site is controlled in accordance with the Noise and Vibration Management Plan required under condition C4(f).

Reason: To protect the amenity of the neighbourhood.

#### **D8 Disposal of excavated material**

While construction work is being carried out, the principal certifier must be satisfied all soil removed from the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's *Waste Classification Guidelines* before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier,

Reason: To ensure any soil removed from the site is appropriately disposed of.

#### **D9 Critical Stage Inspections**

Building work must be inspected on the occasions set out in clause 162A (Critical stage inspections for building work) under the *Environmental Planning and Assessment Regulation 2000*.

Reason: To require approval to proceed with building work following each critical stage inspection and comply with the Regulation.

#### **D10 Native Vegetation**

There must be no removal or disturbance of native vegetation except as authorised by this consent, including canopy trees, understorey and ground cover vegetation without the prior written consent of Council.

Reason: To ensure vegetation is maintained on the site.

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### **PART E: PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**

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#### **E1 Occupation Certificate**

Occupation and operation of the solar farm is not to occur until all work has been completed, all of the conditions of consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifying Authority pursuant to Section 6.10 of the *Environmental Planning and Assessment Act 1979*.

Reason: To ensure compliance with the *Environmental Planning and Assessment Act 1979*.

## **E2 Completion of Public Utility Services**

Before the issue of the relevant Occupation Certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including water, electricity and street lighting required as a result of the development is completed to the satisfaction of the relevant authority. Before the issue of the Occupation Certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.

## **E3 Completion of all Works**

All works must be completed in accordance with the conditions of this consent prior to the issue of an Occupation Certificate including, but not limited to, the following:

- (a) Car parking areas and vehicle access points;
- (b) Fencing;
- (c) All drainage works required to be undertaken in accordance with this consent shall be completed prior to the issue of an Occupation Certificate for the development.

Following any construction or upgrading on site, the applicant must restore the ground cover of the site as soon as practicable, using suitable species and must maintain the ground cover during the operation of the solar farm.

Reason: To ensure adequate arrangements have been made for the development.

## **E4 Landscaping**

Prior to the issue of the Occupation Certificate all noxious weeds are to be removed, and landscaping is to be planted in accordance with the approved Landscape Plan.

Landscaping should be planted as early in the construction phase as possible in order that it has a chance to establish whilst staff are regularly on site to provide maintenance and to maximise the opportunity for vegetation growth prior to the commencement of operations.

Reason: To ensure there is adequate landscaping undertaken on the site and an adequate visual screening buffer has been established on the site.

## **E5 Easements and Covenants**

Prior to the issue of an Occupation Certificate, the following easements and/or restrictions created under the *Conveyancing Act 1919* must be registered on the title of the land with the NSW Land Registry Services:

- (a) Any easements/covenants or restrictions required by the provision of electricity supply cables to Essential Energy's infrastructure; and
- (b) A positive covenant requiring decommissioning, rehabilitation and restoration within six (6) months following end of life of the project (i.e. 40 years from the date of the Occupation Certificate) and for this to occur at no cost to Council.

The proprietor, or successor, must bear all costs associated with the preparation of these instruments. Berrigan Shire Council is to be clearly identified as the authority empowered to modify, vary or release the terms of the encumbrances on title.

Reason: To ensure the development provides the necessary easements and restrictions on the land title.

## **E6 Removal of Waste upon Completion**

Before the issue of an Occupation Certificate, the Principal Certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved Waste Management Plan. Written evidence of the removal must be supplied to the satisfaction of the Principal Certifier. Before the issue of a partial Occupation Certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved Waste Management Plan to the Principal Certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored.

## **PART F: OPERATIONAL CONDITIONS**

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### **F1 Decommission Management Plan**

A Decommission Management Plan must be provided to Council (or the relevant approval authority) for review and approval no later than 12 months prior to the end of the operational life of the solar farm (i.e. 40 years from the date of the Occupation Certificate) or no later than 6 months prior to the proposed cessation of operations should the solar farm cease operations in less than 40 years. The Plan shall identify the rehabilitation measures that will be implemented post development to enable the continuation of productive agriculture at a level that is at least commensurate with the pre-existing land and soil capability class. The solar energy project owner or operator shall be responsible for decommissioning and rehabilitation unless there is an agreement with the 'host landowner' that clearly outlines alternate responsibilities. The Plan must include, but not be limited to, the following:

- (a) Expected timeline for rehabilitation completion;
- (b) Removal from the site of all solar panels, above and below ground infrastructure, fencing, all footings, the internal access track and parking areas and any other structures or infrastructure relating the approved development. Only landscaping may remain;

- (c) Programme of site restoration to return the land to its previous condition prior to use as a solar farm. Restoration works are to include, but not be limited to:
  - (i) Filling with clean soil all holes in the ground resulting from the removal of footings and underground infrastructure (including cabling);
  - (ii) Laser levelling the site; and
  - (iii) Suitable revegetation of any areas of exposed earth.
- (d) Post restoration, a soil report identifying the land and soil capability class is to be undertaken and results compared to the baseline soil report prepared prior to construction. The report is to submit to council to demonstrate that the condition, suitability and productivity of the land for agriculture has been sufficiently reinstated.
- (e) Following removal of the BESS and its footings, site restoration shall include a contamination report prepared by a suitably qualified person to identify whether the ground in and around the location of the BESS is contaminated. Should contamination be found, remediation is to occur to restore the soil to a condition suitable for agricultural production.
- (f) Details on waste management aimed at maximising the recycling or reuse of all materials arising from the development, and
- (g) Mitigation measures to reduce traffic, dust and noise impacts during the decommissioning phase.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

## **F2 Vehicle Management**

The premises shall be operated in accordance with the following vehicle management requirements:

- (a) All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site a forward direction.
- (b) Sufficient car parking is to be provided on the site, with no car parking to occur on the public road network in the vicinity of the site.
- (c) The vehicle entry and exit points are to be clearly signposted and visible from both the street and the site at all times and must be maintained in good condition for the life of the development.
- (d) The maximum size truck permitted to access the site is a 19m semi-trailer.

Reason: To ensure the operation of the solar farm does not adversely affect the surrounding road network and has adequate car parking provided on the site.

## **F3 Landscape Screening**

The planting associated with the landscape screen as outlined on the approved Landscape Plan must be maintained while the solar farm is in operation. On-going monitoring of the health and performance of the visual plant screen during the lifetime operation of the solar farm must be undertaken, including replacement of plant stock whenever necessary to ensure the screen continues to act as an effective visual buffer.

Reason: To ensure the provision of a landscape screen to reduce the visual impact of the development.

#### **F4 External lighting**

Any lighting used on the site in connection with the development is to comply with AS 4282 – *Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.

Reason: To protect the amenity of the surrounding area.

#### **F5 Storage of Hazardous Materials**

The applicant must store and handle all dangerous and hazardous materials on site in accordance with AS 1940-2004: *The storage and handling of flammable and combustible liquids*. The storage of any dangerous and hazardous materials must be provided in a suitably bunded and impervious area and in such a way as to minimise spills of hazardous materials or hydrocarbons. Clean up any spills must occur as soon as possible.

Reason: To minimise harm to the environment.

#### **F6 Noise Control During Operation**

Any noise generated from the operation of the solar farm, including noise from any substation and associated infrastructure, must not be intrusive or constitute offensive noise as defined by the *Protection of the Environment Operations Act 1997* at any private residential receiver.

The operation of the solar farm must satisfy the EPA maximum noise criteria pursuant to the EPA's *Noise Policy for Industry (2017)*. If, at any time, these levels are exceeded, operation of the solar farm shall immediately be modified, including suspension of operations if necessary, to ensure compliance.

Reason: To protect the amenity of the area while the solar farm is in operation.

#### **F7 Waste Materials**

The Applicant must:

- (a) minimise the waste generated by the development;

- (b) classify all waste generated on site in accordance with the NSW EPA *Waste Classification Guidelines, Part 1: Classifying Waste*, November 2014 (or its latest version);
- (c) store and handle all waste on site in accordance with its classification;
- (d) not receive or dispose of any waste on site; and
- (e) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

Reason: To protect the environment.

## Advisory Notes

### ESSENTIAL ENERGY

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and
- It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

### Signage

A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is ‘exempt development’ under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

### External Lighting

Any lighting used on the site in connection with the development is to comply with AS 4282 – *Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting should be installed as low intensity lighting, except where required for safety or emergency purposes.