

<b>DATE OF DEFERRAL</b>	2 March 2026
<b>DATE OF PANEL MEETING</b>	24 February 2026
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Graham Brown, Donna Rygate
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Julia McKean

Public meeting held by videoconference on 24 February 2026, opened at 10:30 am and closed at 11:49 am.

Papers circulated electronically on 11 February 2026.

#### **MATTER DEFERRED**

PPSWES-319 – Berrigan – 18-26-DA-DM at 728 Plumptions Road, Finley NSW 2713 – Construction of Electricity Generating Facility (4.95MW AC Solar Farm), Battery Energy Storage System (BESS), and associated infrastructure (as described in Schedule 1).

#### **REASONS FOR DEFERRAL**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at the meeting listed at item 8 in Schedule 1.

The Panel agreed to defer the determination of the matter. The deferral arises principally from the Panel's reservations related to the proximity of the proposed development to nearby residential development and its proximity to the Finley township.

The matter was deferred to allow for the provision and assessment of the following:

1. Noise impact on nearby sensitive receivers – the SEE and the Noise and Vibration Impact Assessment differ with respect to the proposed location of the panels and, consequently, the noise and vibration impacts on nearby dwellings. The location of the proposed panels is to be confirmed and an Addendum to the Noise and Vibration Impact Assessment prepared to address the noise impact on nearby sensitive receptors so that no sensitive receptor achieves more than a Noise Management Level of 45dBA during construction. Details of how this is to be achieved must form part of the Addendum.
2. Landscape plan – a revised Landscape Plan is to be provided that sets out the proposed planting, species, spacing, fencing (including black chain wire), setbacks, initial maintenance and long-term maintenance and replacement, if necessary
3. Fire Management Plan – the provision of a Fire Management Plan that addresses the potential for fire from the facilities provided as part of the development application and also the potential for fire from outside the facility. Proposed onsite fire suppression measures and the expected role of the Rural Fire Service are to be included in the document.
4. Site selection – the suitability of the site for the proposed use is to be explained, in terms of the assessment criteria in the Environmental Planning and Assessment Act 1979, particularly given the close proximity to residential dwellings and the Finley township.

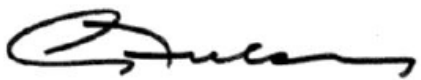


Sufficient time must be available for the Council to provide a Supplementary Report by 24 March 2026, incorporating the additional information required by the Panel. If the additional information cannot be provided to Council to enable preparation of a timely Supplementary Report, then the development application will be determined on the available information.

The decision to defer the matter was unanimous.

**ACTIONS**

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Applicant shall provide the information identified above and upload all documentation to the Planning Portal by 17 March 2026.
2. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal by 24 March 2026.
3. When the updated assessment report is received the Panel will hold a final Determination Briefing.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Donna Rygate	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-319 – Berrigan – 18-26-DA-DM
2	PROPOSED DEVELOPMENT	Construction of Electricity Generating Facility (4.95MW AC Solar Farm), Battery Energy Storage System (BESS), and associated infrastructure
3	STREET ADDRESS	728 Plumptons Road, Finley NSW 2713 (Lot 2 // DP583368)
4	APPLICANT/OWNER	Applicant: Kelly McNicol / The Trustee for SKM Planning Trust Owner: Hannah Ham
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Primary Production) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ Berrigan Local Environmental Plan 2013</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Berrigan Development Control Plan 2014</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 10 February 2026</li> <li>• Written submissions during public exhibition: 21</li> <li>• Total number of written submissions received by way of objection: 21</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Anne Bergmans, Jennifer O’Hara, Brian O’Hara, Chris Braybon, Elaine Reese (<i>delivered verbally by Anne Bergmans</i>), Troy Marshall, Kirsty Marshall, Daryll Marshall, Anthony Jolley, John Jolley, Norman Wilson</li> <li>○ Council assessment officer – Noureen Wajid, Sarah Griffiths, Andrew Fletcher</li> <li>○ On behalf of the applicant – Kelly McNicol, Paul Watson, George Guse</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Public Determination Meeting to discuss Council’s recommendation and to defer: 24 February 2026 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate</li> <li>○ <u>Council assessment staff</u>: Noureen Wajid, Andrew Fletcher, Sarah Griffiths</li> <li>○ <u>Applicant representatives</u>: Kelly McNicol, Paul Watson, Geroge Guse</li> <li>○ <u>Department staff</u>: Anaise Nagy</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Included within the Council Assessment Report as uploaded by Council to the Planning Portal on 10 February 2026