

DATE OF DEFERRAL	1 April 2026
DATE OF PANEL MEETING	31 March 2026
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate
APOLOGIES	None
DECLARATIONS OF INTEREST	None

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

Papers circulated electronically on 25 March 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 meetings observed at the site inspection listed at item 8 in Schedule 1.

The Panel agreed to defer the determination of the matter until no later than 12 May 2026. The matter was deferred to allow for the provision and assessment of the information detailed below in order to ensure that the issues of noise impact, visual impact and fire fighting are adequately addressed and mitigated.

The decision to defer the matter was unanimous.

ACTIONS


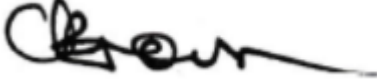

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Applicant shall provide the following information and upload all documentation to the Planning Portal by 21 April:
 - (a) A copy of the site plan for the location of the proposed solar panels and other features for which development consent is sought. The plan is to have a unique date of production and description.
 - (b) A revised Acoustic Report that addresses the location of the proposed solar panels and other features for which development consent is sought. The revised Acoustic Report is to include a diagram indicating an arc from each of the identified residential receivers where the 45dBA level is achieved during the construction phase without any mitigation measures, and an equivalent diagram for operational noise. The revised Acoustic Report is to specify what mitigation measures are proposed, including details of any temporary acoustic fencing, that can be used to ensure that each residential receptor achieves the 45dBA level during all construction phases, and during operation. The revised Acoustic Report is to have a unique date of production and description.
 - (c) A revised Landscape plan that increases the width of landscaping to a minimum of 7.5m wide in those locations that do not impact on the solar panels and where trees of a mature height of more than 5m are able to be planted to provide a range of landscaping. Full details are also to be provided on the initial planting, early-stage maintenance, ongoing

maintenance for the life of the project and the replacement of dead species. The revised Landscape Plan is to have a unique date of production and description.

- (d) Details to ensure adequate fire suppression including a sufficiently sized water tank that is permanently full of water.
- 2. Council is requested to provide an addendum assessment report and revised draft conditions responding to the matters above, which are to be uploaded to the Planning Portal within 14 days of the upload of the Applicant's required information to the Planning Portal.
- 3. When the updated assessment report and draft conditions are received, the Panel will hold a final Determination Meeting.

If the outstanding information is not provided by the dates indicated above, the Panel may move to determine the DA based on the information currently at hand.

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 Plumptions 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"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Primary Production) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Berrigan Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Berrigan Development Control Plan 2014 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 10 February 2026 • Council Addendum Assessment Report: 24 March 2026 • Written submissions during public exhibition: 21 • Total number of written submissions received by way of objection: 21 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ 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 ○ Council assessment officer – Noureen Wajid, Sarah Griffiths, Andrew Fletcher ○ On behalf of the applicant – Kelly McNicol, Paul Watson, George Guse
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Public Determination Meeting to discuss Council’s recommendation and to defer: 24 February 2026 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate ○ <u>Council assessment staff</u>: Noureen Wajid, Andrew Fletcher, Sarah Griffiths

		<ul style="list-style-type: none"> ○ <u>Applicant representatives</u>: Kelly McNicol, Paul Watson, Geroge Guse ○ <u>Department staff</u>: Anaise Nagy <ul style="list-style-type: none"> ● Briefing to discuss Council’s recommendation and to defer: 31/03/26 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate ○ <u>Council assessment staff</u>: Noureen Wajid, Andrew Fletcher, Sarah Griffiths ○ <u>Applicant representatives</u>: Kelly McNicol, Paul Watson, Geroge Guse ○ <u>Department staff</u>: Lillian Charlesworth, Rachael Harlock, Gail Fletcher
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to Council’s Addendum Assessment Report dated 24 March 2026.