

DATE OF DETERMINATION	25 May 2026
DATE OF PANEL DECISION	18 May 2026
PANEL MEMBERS	Donna Rygate (A/ Chair), Graham Brown, Amanda Wetzel
APOLOGIES	Garry Fielding (Chair)
DECLARATIONS OF INTEREST	Julia McKean

Papers circulated electronically on 6 May 2026.

MATTER DETERMINED

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).

PANEL CONSIDERATION AND DECISION

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

Development Application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Reports.

CONDITIONS

The Development Application was approved subject to the revised conditions amended by Council and uploaded to the NSW Planning Portal on 13 May 2026, with the following amendment.

Condition C4(f) is amended as follows:

Construction Noise and Vibration Management Plan which includes, at a minimum, all recommendations in the Noise and Vibration Impact Assessments prepared by SOUNDIN dated 14.04.2026 and 17.06.2025 endorsed under this consent. In particular:

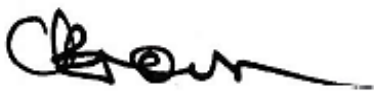
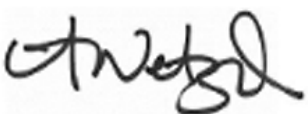
- (i) The construction hours for noisy activities including piling, trenching and earthworks, and assembly and fitout shall be limited to 9:00 am to 12:00 pm Monday to Saturday, and 2:00 pm to 5:00 pm Monday to Friday, to provide respite to surrounding residents.
- (ii) Construction noise mitigation measures designed to achieve at least the indicative noise reductions shown in table 5-1 on page 14 and 15 shall include the use of portable temporary screens, screening or enclosure of stationary equipment, and the employment of non noise-generating structures such as site offices, storage shed, stockpiles and tanks as noise barriers.
- (iii) All requirements suggested in the conclusion on page 24 shall be implemented.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel at the public meeting. The Panel notes that issues raised included:

- the proximity of the development to the township
- use and potential loss of agricultural land
- traffic impacts
- glint and glare
- noise impacts
- visual impact, including on streetscape
- sustainability of the site location and compatibility with surrounding land
- bushfire hazard risks, NSW RFS response time and effectiveness in event of fire hazard
- site decommissioning at the end of the solar farm's operational life
- stormwater runoff from solar panels and potential impacts on adjoining land
- landscaping and screening
- impact to livestock and wildlife at surrounding residential and farming properties
- use of herbicides and soil quality impacts
- water contamination and drought risk
- appropriateness of land use and zoning impacts
- heavy vehicle activity impact to soil viability
- setbacks of the solar panels to the boundary lines and surrounding properties

The Panel considers that concerns raised by the community have been adequately addressed in Council's Assessment Report and Addenda, and in the final conditions of consent, particularly as regards extra measures to mitigate construction noise, requirement of a wide landscaped vegetative buffer, and provision of fire fighting facilities on site.

PANEL MEMBERS	
 Donna Rygate (A/Chair)	 Graham Brown
 Amanda Wetzel	

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	- Environmental planning instruments: - 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: - 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	- Council Assessment Report: 10 February 2026 - Council Addendum Assessment Report: 24 March 2026 - Council's Addendum Assessment Report responding to Record of Deferral dated 1 April 2026: 7 May 2026 - Written submissions during public exhibition: 21 - Total number of written submissions received by way of objection: 21 - Verbal submissions at the public meeting: - 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	- Public Determination Meeting to discuss Council's recommendation and to defer: 24 February 2026 <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, George Guse <u>Department staff</u>: Anaise Nagy - Briefing to discuss Council's recommendation and to defer: 31 March 2026 <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, George Guse <u>Department staff</u>: Lillian Charlesworth, Rachael Harlock, Gail Fletcher

		• Final briefing to discuss Council's recommendation: 12 May 2026 ○ <u>Panel members</u>: Donna Rygate (A/Chair), Graham Brown, Amanda Wetzel ○ <u>Council assessment staff</u>: Sarah Griffiths ○ <u>Applicant representatives</u>: Kelly McNicol, Paul Watson, Geroge Guse, Nic Hall ○ <u>Department staff</u>: Lillian Charlesworth, Anaise Nagy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to Council's Addendum Assessment Report in response to the Record of Deferral dated 1 April 2026, as uploaded by Council the NSW Planning Portal on 7 May 2026