

COUNCIL ASSESSMENT REPORT

Panel Reference	
DA Number	168/20/DA/DM
LGA	Berrigan Shire Council
Proposed Development	5 MW Solar PV Array
Street Address	Lot 61 Broockmans Road, Finley
Applicant/Owner	<u>Applicant:</u> Yannis Comino KDC Pty Ltd Suite 2, 135 Bull Street Newcastle West NSW 2303 On behalf of: NSW Community Renewables (Finley) Pty Ltd <u>Land owner:</u> Mr Damien and Ms Dian Sexton
Date of DA lodgement	19 May 2020
Number of Submissions	Six (6)
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Part 5 of Schedule 7 Private infrastructure and community facilities over \$5 million. Development that has a capital investment value of more than \$5 million for an electricity generating works
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> See attached report
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> plans from Applicant: Aboriginal Archaeology Report, Acoustic Assessment, Application Form, Architectural Plans, Stormwater Management Plan, Civil Plan, Cover Letter, Ecological Report, Quotes, Reflectivity Assessment, Social Impact Statement, Statement of Environmental Effects, Traffic Impact Assessment, Visual Impact Assessment, Waste Management Plan
Clause 4.6 requests	<ul style="list-style-type: none"> See attached report
Summary of key submissions	<ul style="list-style-type: none"> See attached report
Report prepared by	Elizabeth Schindler
Report date	16 July 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

No

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Proposed	5MW Solar PV Array
Application No.	168/20/DA/DM
Location/Address	231 (Lot 61) Broockmans Road, Finley Lot 61 DP1053533
Zoning	RU1 Primary Production – <i>Berrigan Local Environmental Plan 2013</i> (LEP)
DCPs	<i>Berrigan Development Control Plan 2014</i> (DCP)
Assessment Officer	Elizabeth Schindler
Date	27/07/2020

Proposal

Berrigan Shire has received an application for the construction a grid-connector solar photovoltaic (PV) plant including associated electrical generation, supplying no greater than 5MW on 14.97 hectares. The proposal is to be located at 231 Broockmanns Road, Finley.

The proposal will include:

- 14,196 of 425w Solar PV panel tilting along the north-south axis
- One medium Voltage Power Station unit.
- Installation of temporary construction office and amenities
- Earthworks for construction, lay-down area, hardstand areas and internal roads
- Installation of inverters, transformers and switchgear, 182 single axis solar trackers, two 2,500kVA Inverters
- Construction of unsealed 4 metre wide access road from Broockmanns Road including sealed access crossing from the property boundary to edge of pavement
- Construction of 2.2 m high security fence and entrance gate
- Stormwater drainage
- Landscaping
- A car park area and off load area
- Waste storage

The electrical substation is located approximately 1.4 km south-east of the site on Tongs Street which the development proposes to connect to.

All vehicles are proposed to access the project site from the Newell Highway onto McNamara Street and onto Broockmanns Road during construction, operational and decommissioning phases.

During construction, the proposal will require a work team of 30 employees for a period of 6 months.

The proposal is supported with a Statement of Environmental Effects by KDC April 2020 and attached appendices:

- Architectural plans
- Stormwater Management Plan
- Compliance Tables
- Traffic Impact Assessment
- Visual Impact Assessment
- Aboriginal Cultural Heritage
- Acoustic Assessment
- Ecology Assessment
- Social Impact Assessment
- Reflectivity Report
- Waste Management Plan
- Capital Investment Value Report



Figure 1 – aerial view of the subject site and the 'Lease Area' the location of the proposed 5MW Solar Facility



Figure 2 – Proposed Development Layout

Subject site

The subject site has a total area of 74.7 hectares with road frontage to Broockmans Road. The development area for the proposal area will be a portion of the subject site with an approximate area of 14.97 hectares. The land is zoned RU1 Primary Production under the Berrigan LEP. It is currently utilised for agricultural purposes.

The subject site is located on the southern side of Broockmanns Road and is approximately 2.1 km west of the township of Finley. In the majority of the surrounding neighbouring area are RU1 Primary Production zone land utilised for agriculture purposes. The closest existing dwelling on a RU1 zone land is approximately 500 metres to the north of the subject site. There is a cluster of allotments zoned R5 Large Lot Residential approximately 800-1000 metres to the east of the subject site. The approved 170MW capacity Finley Solar Farm (State Significant Development) is 2.3 km west of the subject site.

Broockmanns Road is sealed (from Hamilton Street to directly west of the subject site) that is a one lane unmarked road with no kerb or guttering on either side. The Finley electrical substation of which the development proposes to connect to is located approximately 1.4 km south-east of the site on Tong Street. Finley Airport is located approximately 1.1 km to the south-east of the site.

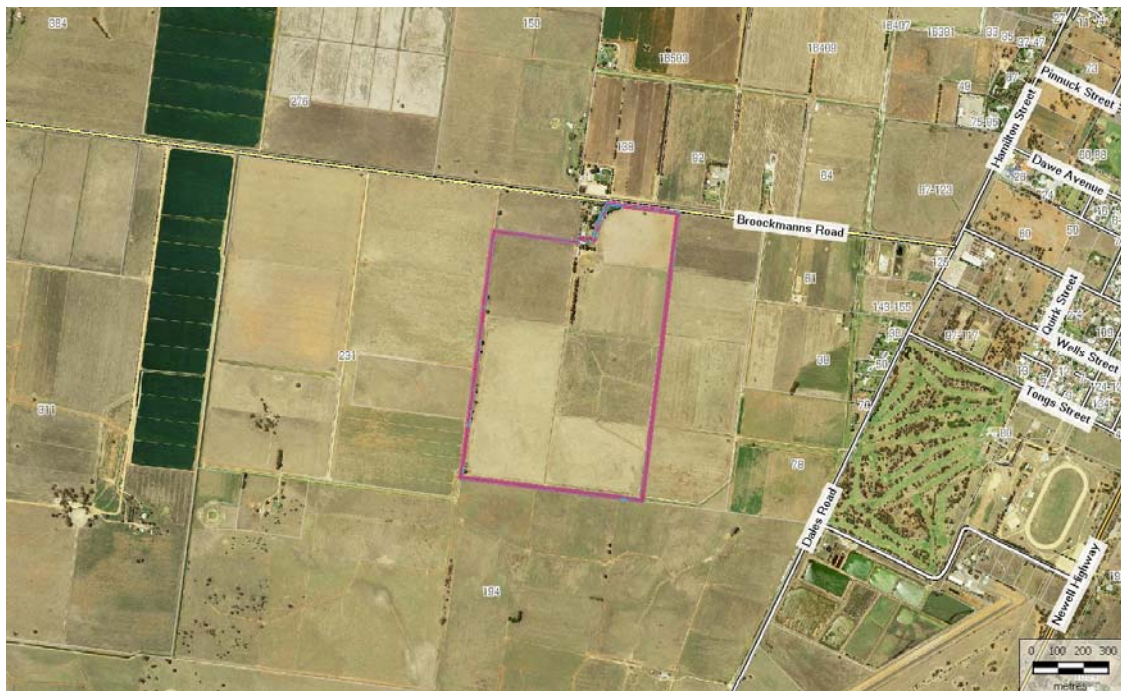


Figure 3 – aerial view of the subject site within context of neighbouring environment and the township of Finley

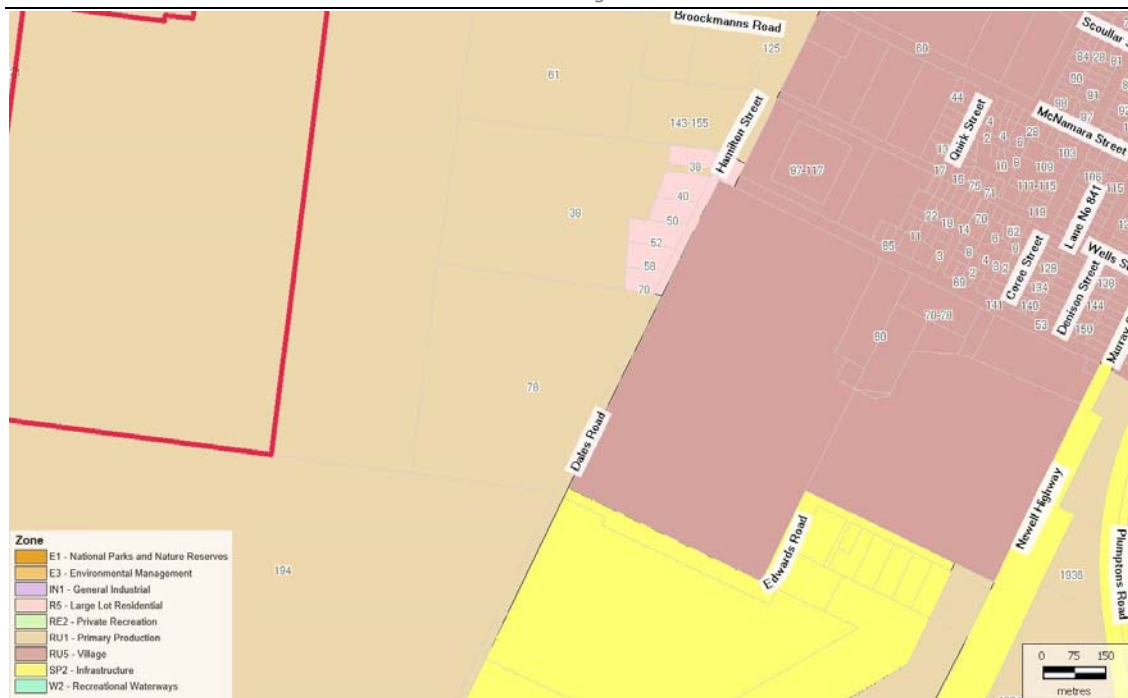


Figure 3 – land use zoning as per the Berrigan LEP within the neighbouring area

Executive summary

The proposal has been identified as **electricity generating works** which means a building or place used for the purpose of making or generating electricity or electricity storage. Under the Berrigan LEP, electricity generating works are a prohibited land use under the Berrigan LEP. As per discussions below, under *State Environmental Planning Policy (Infrastructure) 2007*, (SEPP Infrastructure) development for the purpose of **electricity generating works** including solar energy systems may be carried out by any person with consent on rural land (including land zoned RU1 Primary Production under the Berrigan LEP). As per Part 1 Clause 8 of the SEPP Infrastructure, if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency. The proposal will occupy 14.97 hectares of an allotment with a total area of 74.7 hectares. The balance of the site (approximately 60 hectares) will be maintained and utilised by its exiting agriculture land uses. The proposal will provide diversity in the primary industry enterprise which addresses the objectives of the RU1 Primary Production zone under the Berrigan LEP. The proposal will enhance the production in the region through the provision of energy (as stated in the Statement of Environmental Effects by KDC April 2020). Upon completion of the development, the site will be recommission to ensure that the land can be utilised to meet the objectives of the RU1 Primary Production zone under the Berrigan LEP. The proposal has been assessed against the relevant environment planning instruments. Proposed impacts from the proposal have been explored through the attached

planning reports with the proposal and mitigation strategies are assessed at minimising any impacts on the neighbouring residential amenity and address concerns raised in the submissions received on the proposal by the community. The proposal also includes ongoing consultation with the neighbouring community to provide information on progression of the project and an avenue for both a complaints register and strategies to act upon complaints.

The proposal is consistent with the regulatory and business development framework, including state government legislation and the Berrigan Shire Council and State government strategic plans. The proposal is seen as having a positive impact on intergenerational equality, with provisions of cleaner energy in the future. The proposal supports the Commonwealth and NSW Climate Change commitments, providing energy for 2000 homes and reducing CO₂ emissions by around 200,000 tones over the lifespan of the project. The proposal is assessed as an appropriate development in relation to the projected changes to population and demographics in the region.

Assessment

An assessment of the proposal is set out as per Section 4.15 under the *Environmental Planning and Assessment Act 1979*.

THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

- ***Berrigan Local Environmental Plan 2013 (LEP)***

The subject site is zoned RU1 Primary Production under the Berrigan LEP. The objectives of the zoned are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resources base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To permit development that enhances the agricultural and horticultural production potential of land in the locality.
- To permit low-key tourist and visitor accommodation that is compatible with the scenic amenity, and promotes the character, of the area.

- To enable function centres to be developed in conjunction with agricultural uses (function centre as per the dictionary means a building or place used for the holding of events, functions, conferences and the like).

The proposal has been identified as **electricity generating works** which means a building or place used for the purpose of making or generating electricity or electricity storage. Under the Berrigan LEP, electricity generating works are a prohibited land use.

As per discussions below, under *State Environmental Planning Policy (Infrastructure) 2007*, (SEPP Infrastructure) development for the purpose of **electricity generating works** including solar energy systems may be carried out by any person with consent on rural land (including land zoned RU1 Primary Production under the Berrigan LEP). As per Part 1 Clause 8 of the SEPP Infrastructure, if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

The proposal will occupy 14.97 hectares of an allotment with a total area of 74.7 hectares. The balance of the site (approximately 60 hectares) will be maintained and utilised by its exiting agriculture land uses. The proposal will provide diversity in the primary industry enterprise which addresses the objectives of the RU1 Primary Production zone under the Berrigan LEP. The proposal will enhance the production in the region through the provision of energy (as stated in the Statement of Environmental Effects by KDC April 2020). Upon completion of the development, the site will be recommissioned to ensure that the land can be utilised to meet the objectives of the RU1 Primary Production zone under the Berrigan LEP.

Clause 5.10 Heritage Conservation

The site is not listed as a heritage item and it is not within a conservation zone as per the Berrigan LEP.

Clause 6.1 Earthworks

The objectives of the clause are:

- a) To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land
- b) To allow earthworks of a minor nature without separate development consent

The site works proposed are assessed as being adequately addressed in this DA and are not significant enough to require a separate development consent. Matters of potential impact from site works and earthworks during construction and decommissioning are discussed below such as noise and dust are for a temporary period of six months and mitigation strategies will be

implemented to ensure this will have a minimum impact on the residential amenity in the neighbouring environment.

Clause 6.2 Flood planning

The site is not mapped within a flood prone land area under the Berrigan LEP.

Clause 6.3 Terrestrial Biodiversity

The site area is not mapped within a Terrestrial Biodiversity land area under the Berrigan LEP. A Flora and Fauna Assessment Report by Kleinfelder April 2020 has been undertaken for the proposal. Discussion is provided in the Environmental Impacts section below.

State Environmental Planning Policy (SEPP)

The relevant SEPP that must be considered in the assessment of the proposal is detailed below.

- ***SEPP (State and Regional Development) 2011***

As per Part 5 Schedule 7 of the SEPP, the proposed development is identified as regionally significant development as it a private infrastructure proposal with a capital investment value greater than \$5 million for an electricity generating works. Therefore, the proposal was notified to the Joint Regional Planning Panel via the Planning Portal on 24 July 2020. Reporting has been provided for the planning panel as per their required templates.

- ***State Environmental Planning Policy (Infrastructure) 2007***

The aim of the *State Environmental Planning Policy (Infrastructure) 2007* is to facilitate the effective delivery of infrastructure across the State by –

- a) Improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- b) Providing greater flexibility in the location of infrastructure and service facilities, and
- c) Allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- d) Identifying the environmental assessment category into which different type of infrastructure and services development fall
- e) Identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- f) Providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- g) Providing opportunities for infrastructure to demonstrate good design outcomes.

As per Division 4, the proposal is identified as an electricity generating works which means a building or place used for the purpose of making or generating electricity.

As per Part 3, Division 4, Clause 34 of the SEPP, development for the purpose of electricity generating works including solar energy systems may be carried out by any person with consent on rural land (RU1 Primary Production) which prevails over the Berrigan LEP.

As per Clause 104 of the SEPP, the proposal is not classed as a traffic-generating development under Schedule 3. Referral under this Clause to Transport for NSW is therefore not required.

- ***SEPP (Primary Production and Rural Development) 2019***

The aim of this Policy is to facilitate the orderly economic use and development of lands for primary production and to reduce land use conflict and sterilisation of rural land. The subject site is not identified as State significant agriculture land as per Schedule 1. It is not identified as regional agriculture significant. The general area is identified in the Riverina Murray Regional Plan, as significant in the agriculture industry output. The proposal will occupy a portion of an allotment and the balance will maintain its existing use for agricultural purposes. The proposal will provide a diversity in land use in the area and provide public benefit given that it will be producing solar energy to be fed into the electricity grid.

The proposal will have structures over the land and therefore has the capacity to be utilised for agricultural purposes such as livestock production. The proposal has a limited lifetime and will be decommissioned at the conclusion of the development to enable future development of the site to meet the objectives of the RU1 Primary Production zone.

- ***State Environmental Planning Policy No 55—Remediation of Land***

The subject site is not declared to contain contamination and therefore no remediation is required and this policy does not apply to the proposal.

- ***State Environmental Planning Policy No 64—Advertising and Signage***

No signage is proposed as part of the proposal and therefore this policy does not apply to this proposal.

- ***State Environmental Planning Policy (Concurrences and Consents) 2018***

Concurrence was sought via the NSW Department of Planning, Industry and Environment Planning Portal within the statutory timeframes.

- ***State Environmental Planning Policy (Koala Habitat Protection) 2019***

The proposed development will not directly impact an area identified by the Koala Development Application Map as per the *State Environmental Planning Policy (Koala Habitat Protection) 2019* and will not involve the removal of preferred Koala feed tree species, as identified in the SEPP and therefore no further assessment is required.

- ***Riverina Murray Regional Plan 2036***

The overall strategic plan for the region to which the Berrigan Shire LGA is located in the Riverina Murray Regional Plan 2036. The regional plan highlights the role of renewable energy in the

growth of the Riverina Murray region. The proposed development will align with the goals of the regional plan as it will provide an appropriately sized renewable energy project in a ready access to the electrical network.

The Riverina Murray Regional Plan 2036 also facilitates the orderly economic use and development of lands for primary production and to reduce land use conflict and sterilisation of rural land. The subject site is not identified as State significant agriculture and it is not identified as regional significant agriculture land. The general region is identified in the Riverina Murray Regional Plan as collectively significant in the agriculture industry output. The proposal will occupy a portion of an allotment, the balance of the allotment will continue its use for agricultural purposes. The proposal will result in a public benefit given that it will be producing energy to be fed into the electricity grid. The proposal will have structures over the land and therefore has the capacity to be utilised for agricultural purposes such as livestock production. The proposal has a limited lifetime and will be decommissioned at the conclusion of the development to enable future development of the site to meet the objectives of the RU1 Primary Production zone.

- **Berrigan Shire Land Use Strategy 2018**

The aim of the strategy is to guide future development and land use within the Berrigan Shire LGA. The town of Finley's potential for renewable power generation is highlighted on key regional transmissions lines.

- **Berrigan Shire Local Strategic Planning Strategy 2020-2040 (LSPS)**

The Berrigan Shire LSPS 2020-2040 sets out the 20 year vision for land use planning in line with the Riverina Murray Regional Plan. The LSPS identifies the development opportunities in Berrigan Shire LGA given the vast amounts of land with environmental assets such as solar and the LGA is within close proximity to market sources in Victoria and the city of Melbourne. The proposal supports the vision of the LSPS and supports an action of the LSPS to facilitate appropriate smaller-scale renewable energy projects.

The LSPS also identifies the area as a key agricultural industry area and as discussed above, the proposal will utilise a small portion of an allotment and will be decommissioned once development is complete to ensure the land can be utilised for agricultural purposes.

Provisions of any proposed instrument that is or has been the subject of public consultation under the EP&A Act

There are no proposed instruments that is or has been the subject of public consultation that are to be considered for this proposal.

Provisions of any development control plan

- **Berrigan Development Control Plan 2014 (DCP)**

The proposal has been assessed under the provisions of the Berrigan DCP under chapter 3 Industrial development given this section best matches the proposal within the DCP.

3.1 Appearance

Objectives of the Berrigan DCP:

- Buildings and sites to make a positive contribution to the streetscape, make a positive contribution to the town entrances and outdoor areas screened.

The proposal is setback approximately 700 metres from the roadway. The solar Array are of a high quality. A minimum of 5 metre wide landscaping will be established around the proposal area.

3.2 Landscaping

Objectives of the Berrigan DCP

- The objectives of the landscaping section of the Berrigan DCP is to improve the visual quality and amenity of industrial development through the provisions of effective, low maintenance landscaping.
- That a landscaping buffer is to be provided between industrial developments and adjoining or nearby non industrial land uses.

A minimum of 5 metre wide landscaping will be established around the proposal area. The landscaping are is to be protected from vehicle movements, will be native plant species that are drought tolerant, include a range of species of various heights to create interest, improve visual amenity which will screen the development to contribute to the neighbouring amenity.

3.4 Parking and access

- Objectives of the zone is to ensure sufficient on-site parking for employees and visitors and that there is safe movement of vehicles within a site. The objectives are also to ensure high standard of construction of areas associated with vehicle movement and parking.

The proposal will include areas allocated for vehicle movements and vehicle parking onsite that provides for the safe movement of vehicles onsite. Road upgrades will occur on Broockmanns Road to ensure safe movement of vehicles accessing the site. As per the Stormwater management plan, parking will be constructed so as to allow for the catchment of stormwater and effective disposal of stormwater. Vehicles will be capable of entering and existing the site in a forward direction.

3.5 Outdoor areas

- Objectives of the control is to ensure the visual amenity of industrial areas and screen outdoor storage and work areas as seen from public land and non industrial land uses. Outdoor storage and work areas must be suitably surfaced to prevent dust rising from vehicle movements or wind, should this be a potential impact dust suppression measures are to be employed.

Outdoor storage and facilities will be effectively screened through a minimum of 5 metre wide landscaping strip to provide amenity to the surrounding neighbouring environment. Strategies such as dust suppression are detailed further in this report will be implemented during works onsite. Once operational, the site will have grass covering to ensure prevent dust impacts on the neighbouring environment.

3.6 Amenity

- Objectives of the control is to locate industrial activities in locations that minimise detrimental offsite impacts and to minimise amenity impacts on residential and future residential areas. Outdoor areas must be treated and maintained to minimise the impacts of dust. All stormwater is to be appropriately managed onsite. Land uses potentially to have a detrimental impact on adjoining properties are to provide information in respect to the likely impacts and proposed mitigation measures of these impacts. Land uses or development considered by Council to potentially have a detrimental impact on existing or future residential areas through noise and air emissions will be discouraged without the submission of a relevant Impact Statement by the applicant which will become a condition of consent.

The proposal is supported with an Statement of Environmental Effects and supporting documents and studies that consider the potential impacts from the proposal and various strategies to mitigate against these impacts. The construction and decommissioning phases will be temporary lasting for maximum of 6 months. The anticipated impacts from the proposal is discussed below and the mitigation strategies to reduce impacts. All stormwater will be appropriately managed onsite to ensure no impact on neighbouring allotments or on the roadway.

The proposal will be for a portion of an agriculture land that will continue to be utilised for agricultural purposes. The proposal will provide diversity in the primary industry enterprise, that as per discussions in this report are appropriate for the area. The proposal will enhance the production in the region through the provision of energy (as stated in the Statement of Environmental Effects). The site will be required to be decommissioned and rehabilitated once

development is complete to ensure that the land can be utilised for land uses permissible and can meet the objectives of the RU1 Primary Production zone.

Provisions 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.

There has been no 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.

Provisions of the regulations (to the extent that they prescribe matters for the purpose of this paragraph)

There are no provisions of the regulations that need considering.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

- **Water Management Act 2000 under Section 91 – Activity Approval**

The applicant indicated in the development application form that the proposal was integrated development under the *Water Management Act 2000* as there is a by Murray Irrigation Limited (MIL) Irrigation Channel within 40 metres of the proposal running along the southern boundary of the proposal area and required an activity approval. The application was referred to Water NSW on 20 May 2020 under Section 91 as a controlled activity. NSW Water rejected the referral on 21 May 2020 as the Irrigation Channel is a man-made structure therefore does not require approval from Water NSW or NSW Natural Resources Access Regulator. As the water structure is owned by MIL, they recommended that this agency be consulted. A referral was sent to MIL on 2 June 2020. There has been no response provided by MIL.

- **Biodiversity Conservation Act 2016 (BC Act)**

The proposal is supported by a 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020'. The report details that the site has a low number of scattered trees however the proposal will not require the removal of vegetation within the development area. No threatened ecological communities or any listed flora or fauna were identified on site with the proposed development unlikely to cause any significance impact to any threatened species, populations or communities listed within the BC Act.

In accordance with the BC Act, entry into the Biodiversity Offsets Scheme (BOS) is not required for the proposed development due to the following:

- The proposed development is not deemed to be 'State Significant' under the NSW EP&A Act,
- The proposed development will not impact an Area of Outstanding Biodiversity Value as listed under Part 3 of the BC Act,
- The proposed development is unlikely to cause a significant impact on a threatened species, population or ecological community, as listed under Schedules 1 and 2 of the BC Act, as determined by application of an *assessment of significance* pursuant to Section 7.3 of the BC Act,
- The proposed development will not impact areas mapped as having 'high biodiversity value' as indicated by the NSW Biodiversity Values Map,
- The proposed development will not involve clearing of native vegetation that exceeds the Biodiversity Offset clearing threshold for the site.

The report concludes that a Biodiversity Development Assessment Report (BDAR) is not required for the proposed development, given the above points.

- ***Environment Protection and Biodiversity Conservation Act 1999***

The 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020' considered the *Environment Protection and Biodiversity Conservation Act 1999* and revealed that Matters of National Environmental Significance are unlikely to occur. No listed species, ecological communities, migratory species or important habitat for such entities were identified within the subject site. Therefore referral to the Commonwealth Minister for the Environment is not recommended.

The scattered vegetation that is present on the site will be avoided with the development. Mitigation measures are provided for weed control to ensure protection of surrounding native habitats.

- ***National Parks and Wildlife Act 1974***

The 'Draft Due Diligence Aboriginal Archaeological Assessment by Virtus Heritage March 2020' was undertaken in accordance with the provisions of the *National Parks and Wildlife Act 1974*. All Aboriginal objects are protected regardless of their significance or land tenure and in the event of any heritage significant object is identified through works onsite, all works must cease immediately and the recommendations from the report be followed.

- ***Aboriginal Archaeological Assessment***

The 'Draft Due Diligence Aboriginal Archaeological Assessment by Virtus Heritage March 2020' provides advice on the archaeological (scientific) values of the project area and the cultural

values, as assessed by the Cummeragunja Local Aboriginal Land Council (LALC). In general, the Cummeragunja LALC, its board, and members have no objection to the proposed development on Aboriginal heritage grounds. However they suggest that measures be put in place to ensure any unexpected finds are dealt with appropriately. This could be in the form of an unexpected finds protocol and engagement of Cummeragunja LALC members to assist in the development and delivery of inductions and tool box talks to discuss the protocols around Aboriginal heritage if an object was found through excavation works. They would also appreciate consideration of employment opportunities for Aboriginal community members.

- **Potential Noise Impacts**

A 'Noise Assessment by MAC Muller Acoustic Consulting April 2020' has been carried out for the proposal to determine the potential noise impacts from the proposal during construction (for a maximum of 6 months), operational phase and decommissioning.

Vehicle Traffic

All vehicles will access the project site from the Newell Highway onto McNamara Street and then onto Broockmanns Road. During peak times such as during the construction phase, anticipated traffic has been calculated at 18 vehicle trips per hour consisting of 10 light vehicles, 3 road works vehicles and 2 delivery vehicles. The majority of traffic movements associated with the development will occur during the construction of the solar farm (maximum 6 months). Heavy vehicles will only be permitted to travel on local roads during the hours of operation for construction and decommissioning works Monday to Friday 7:00 am to 6:00 pm Saturday 8am to 1pm no work on Sundays or public holidays. Heavy vehicles will not be permitted to travel during school pick up and drop off times which is between 7:30-9:00 am and 3:00-4:30pm on Gazetted School days.

The Newell Highway, McNamara Street and Broockmanns Road are Gazetted designated heavy vehicle routes. There is existing heavy vehicle movement in association with the operational agriculture industry in the area and the Finley livestock sale yards located on the corner of Hamilton and McNamara Street. Given the existing heavy vehicle traffic utilising this road network, the traffic movements from the proposal has been assessed as not increasing the impact of existing residence along these roads given that they are Gazetted designated heavy vehicles routes and the existing traffic use on these roads.

Once the development is operational, anticipated traffic generation has been calculated to include one light vehicle for a staff member associated with maintenance inspections which is anticipated to be short term and infrequent.

Civil works

Construction and decommissioning activities will include installing the PV arrays which will include trenching, piling and assembly at several locations simultaneously for a maximum of 6 months. Construction and decommissioning works will be limited to Monday to Friday 7:00 am to 6:00 pm Saturday 8am to 1pm no work on Sundays or public holidays. The following construction works are included to set the proposal up and to decommission the site once development is complete:

Earthworks

Earthworks will be required for internal roads, cabling and stripping of topsoil and civil works.

Vibration

A qualitative assessment of potential vibration impacts has been completed and due to the nature of the works proposed and distances to potential vibration sensitive receivers is greater than 25 metres, human exposure to vibration is anticipated to be minimal.

Construction noise levels was assessed to temporarily exceed the NMLs when works are at their nearest proximity as at one receiver. The exceedance would be temporary, of short duration and is primary due to piling activities. There are a number of recommendations in the A 'Noise Assessment by MAC Muller Acoustic Consulting April 2020' report to be implemented where required during construction phase to reduce these emissions to this receiver and to the surrounding community (see detailed below). Furthermore, there are effective strategies proposed to ensure that if there are complaints from the community that they will be accommodated by the operators and strategies implement any noise impacts that are causing an impact on the community.

Construction noise mitigation measures

As per the 'Noise Assessment by MAC Muller Acoustic Consulting April 2020', the proposal will incorporate the following noise mitigation measures to reduce the predicted noise impacts:

- A construction noise management protocol will be implemented to minimise noise emissions, manage out of hours (minor) works to be inaudible, and to respond to potential concerns from the community,
- Wherever possible use localised mobile screens or construction hoarding around plant to act as barriers between construction works and receivers, particularly where equipment is near the side boundary and/or a residential receiver including areas in constant or regular use (eg unloading and laydown areas),

- Operating plant machinery in a conservative manner (no over-revving), shutdown when not in use, and be parked/started at farthest point from relevant assessment locations;
- Selection of the quietest suitable machinery available for each activity,
- Minimise noisy plant/machinery working simultaneously where practicable,
- Minimise impact noise wherever possible,
- Utilise a broadband reverse alarm in lieu of the traditional high frequency type reverse alarm,
- Provide toolbox meetings, training and education to drivers and contractors visiting the site during construction so they are aware of the location of noise sensitive receivers and to be cognisant of any noise generating activities,
- Signage is to be placed at the front entrance advising truck drivers of their requirement to minimise noise both on and off-site,
- Utilise project related community consultation forums to notify residences within close proximity of the site with project progress, proposed/upcoming potentially noise generating works, its duration and natural and complaint procedure.
- Construction hours limited to Monday to Friday 7:00 am to 6:00 pm Saturday 8am to 1pm no work on Sundays or public holidays. Heavy Vehicle traffic movement will not be permitted to travel during school pick up and drop off times which is between 7:30-9:00 am and 3:00-4:30pm for Gazetted School days.

Operational

Once the project is operational the PV panels would generate electricity which would be fed into the power grid via a power-line to the point of connection on Hamilton Street or Dales Road. Key noise emissions from the operation are associated with the inverter and transformer(s). It is noted that emissions from these sources are anticipated to be acoustically insignificant compared to ambient background noise levels at assessed receivers. Routine maintenance will occur during standard working hours except for emergencies. Typical noise associated with this would include light vehicle movements on site and maintenance equipment.

- **Traffic Impact Assessment**

A 'Traffic Impact Assessment by Intersect Traffic April 2020' has been provided for the proposal. McNamara Street, Hamilton Street and Broockmanns Road are local roads under the control and maintenance of Berrigan Shire Council and a 50 km speed zoning applies. McNamara Street and Broockmanns Road are Gazetted designated heavy vehicle route for vehicles to travel from the Newell Highway to access sites such as the Finley livestock sale yards on Hamilton Street and the agriculture industry west of the township of Finley.

McNamara Street and Broockmanns Road (from Hamilton Street to the subject site) are sealed roads. McNamara Street is approximately 9-16 metres wide and Broockmanns Road is approximately 6 metres wide. There is a narrow road bridge adjacent to the proposal site for the crossing of an irrigation canal.

The site will be accessed via Broockmanns Road. Access onsite will include a 4 metre wide gravel road and will provide the turning movements of cars and service vehicles onsite. Onsite car parking is provided sufficiently for the development. All vehicle movements to and from the site off Brockmanns Road will be undertaken in a forward direction.

The report concludes that the additional traffic generated by this development will not adversely impact on the efficiency or effectiveness of the local and state road network. A Road Management plan and agreement with Council will ensure that the local roads are not compromised from the development and to ensure the safe movement of local traffic. A Traffic Management Plan will detail the traffic generation and the required road upgrades to local road network including catering for turning movements of heavy vehicles to access the subject site.

- **Dust impacts**

Dust will be created through onsite earthworks internal roads, cabling and stripping of topsoil and civil works. Dust will also be created through construction works onsite including trenching, piling and heavy vehicle movement accessing the site. The dust impacts from the construction and decommissioning phase will be temporary for a maximum of six months. Dust suppression measures that will be implemented include:

- An active water truck onsite during construction and decommissioning phases on roads where required
- Active water spray on working equipment and water spray mechanisms to spray any dust generating activities.
- as per Social impacts discussion below, an aim of the proposal is to:
 - establish good relations with people living in the vicinity of the proposal site at the beginning of the proposal and maintained,
 - implement community consultation plan to manage impacts to community stakeholders, including reduce potential construction impacts,
 - protocols to keep the community updated about the progress and potential benefits,
 - inform community of impacts,
 - respond to complaints,

- information on how customers can access the renewable energy source and a process to monitor social impacts and amend mitigation and management measures as required.

- **Waste**

A waste management plan will ensure that all waste generated through the construction, operation and decommissioning are:

- Waste is kept to a minimum and recycled where appropriate,
- stored only temporarily onsite in minimal stockpiles and
- all waste is removed from the site and disposed of in appropriate disposal facilities.

- **Reflective Glare**

A 'Reflective Glare Assessment by SLR April 2020' has been undertaken to assess the potential for reflected light induced impacts on aviation, road operations, industrial and heavy machinery operations, and residential amenity.

The proposed solar PV panels include solar trackers which result in minimal potential for horizontal reflectivity to occur as light is generally reflected upwards. As a result, impacts on residents, roadway operation, and on any surrounding mechanical operators is considered to be negligible at all times of the year.

Furthermore, given the site's distance from the nearby Finley airport, it is considered the proposal will have minimal impact on airport operations. In regards to aerial agricultural spraying, the potential for aviation glare was negligible all year round due to the low incidence angle of reflected rays resulting from the titling action of the tracking system.

Glare resulting from onsite lighting will be mitigated to effectively control potential light spill and glare generated by the proposed development.

- **Visual**

A 'Visual Impact Assessment by Mara Consulting April 2020' for the proposal assesses the potential visual impact of the proposal. Visual impact is sourced primarily from neighbouring residences and open agriculture landscape with minimum natural landscaping such as trees. Given directly around the proposal site, the visual impact will be that the solar arrays will contrast with the surrounding natural forms. To manage visual impacts, a minimum of a 5 metre wide landscaping screen will be established to provide a visual buffer consisting of a number of mature trees and shrubs around the required boundaries. All proposed panels will be anti-reflective coating and the materials, textures and colour selection will relate to the palette of the

surrounding environment. Other facilities onsite will also be in a colour selection to the palette of the surrounding environment to ensure the development does not contrast significantly with the surrounding landscape.

- **Stormwater**

A 'Stormwater Management Report (200337) by DRB Consulting Engineers April 2020' details how the proposed stormwater management system has been designed to reduce post-development flows to align with the pre-development conditions on the site. The proposal will include a stormwater detention basin holding a total volume of 252 m³ supported with a low flow pipe and overflow weir. The stormwater drainage strategy for the development is summarised as:

- All impervious runoff from the proposed Photovoltaic Arrays will discharge to the existing ground surface where the natural flow regime will be maintained.
- Runoff from the proposed gravel/hardstand area catchment will be conveyed via sheet flow and grass-lined swales to the proposed above ground onsite stormwater detention basin.
- Discharge from the above ground onsite stormwater detention basin will be limited to the pre-development flow rates.
- The water quality treatment train will reduce the post-development pollution levels to the pre-development levels, as well as achieving the 'best practice' pollution reduction targets.

The above information is from 'Stormwater Management Report (200337) by DRB Consulting Engineers April 2020'.

Whilst the runoff from the PV arrays will increase the water flow onto the ground and it is believed that this causes erosion in that particular location which reduces the ability for the stormwater to discharge into the existing ground surface. All stormwater will must be managed onsite and a stormwater management plan will ensure that stormwater will not impact on adjoining properties or the roadway.

- **Security**

The proposal area will be fully fenced with 2.2 metre security fencing. Motion activated security lighted may be installed at the site. Security fencing and lighting will be designed and located to minimise impact on the neighbouring environment.

- **Social**

A 'Social Impact Statement by Mara Consulting April 2020' has been prepared for the proposal. The most common perceived advantages of renewables included environmental benefits and lower cost of electricity. The project will contribute to help Australia meeting the Renewable Energy Target, reduce greenhouse gas emissions to assist in meeting the international climate conditions, and assist in the transition towards cleaner electricity generation.

The ability to generate up to 5MW of electricity potentially powering 2,000 homes during daylight hours whilst reducing CO₂ emissions by around 200,000 tones over the lifespan of the project.

To maximise the social benefits of the proposal the following recommendations include:

- Liaison with local industry representatives to maximise the use of local contractors, manufacturing facilities, materials,
- Established visual screening early to minimise the visual impact on the solar farm. Visual screening should be done in consultation with closest property holders,
- Establish good relations with people living in the vicinity of the proposal site at the beginning of the proposal and maintained,
- Implement community consultation plan to manage impacts to community stakeholders, including reduce potential construction impacts, protocols to keep the community updated about the progress and potential benefits, inform community of impacts, respond to complaints, information on how customers can access the renewable energy source and a process to monitor social impacts and amend mitigation and management measures as required.

The proposal will require a construction team of 30 employees for a period of six months. The accommodation of these employees can be satisfactorily addressed through the existing housing supply in the neighbouring townships.

- **Economic**

The overall strategic plan, the Riverina Murray Regional Plan 2036 highlights the role of renewable energy in the growth of the Riverina Murray region. The proposed development will align with the goals of the regional plan as it will provide an appropriately sized renewable energy project in a ready access to the electrical network.

The suitability of the site for the development

The proposed development will provide an appropriately sized renewable energy project with a ready access to the electrical network.

Any submissions made in accordance with this Act or the regulations

- **Public Consultation**

The proposal has been advertised as per the advertising requirements set out in the Community Engagement Framework & Community Participation Plan (adopted 20 November 2019) as pursuant to Section 7 (d) of the *Local Government Act 1993*. The following details how the proposal was advertised.

Berrigan Shire Council website

The proposal and all the supporting documents were placed on the Berrigan Shire Council website from 19 May 2020 until 26 June 2020. The website detailed that for the proposal, members of the public were invited to make a comment within this period and could contact staff if they had any questions on the proposal.

Neighbour Notification

A notification letter was also sent in the post to the surrounding land owners on 19 May 2020 to make them aware that the development may affect their property. The notification provided the recipient 21 days to make a comment on the proposal.

Local Newspaper

The proposal was also advertised in the Southern Riverina News (SRN).

- **Submissions on the proposal**

A total of six (6) submissions were received on the proposal. A summary of submissions and comments on submissions is provided in the table below.

No.	Summary of Submission	Comment on Submission
1	<p>The submitter has the following concerns about the proposed development:</p> <ul style="list-style-type: none">a) As per the Social Impact Statement there has not been sufficient consultation with the neighbouring properties.b) The value of their property declining in value.c) Given the recent drought there will be substantial dust impacts from heavy vehicle traffic onsite during the construction phase.d) Impact on their rural aspect and landscaping will not assist given it takes time to establish vegetation.e) safety on Broockmanns Road given the number of trucks travelling and that it is a narrow roadf) according to Environmental Effects Statement noise limitations will be exceeded during the construction phase and questions what mitigation measures are proposedg) that there will be further stages of development.	<ul style="list-style-type: none">a) See comment number 1 below.b) See comment number 2 below.c) See comment number 3 below.d) See comment number 2 below.e) See comment number 4 below.f) See comment number 2 and 3 below.g) See comment number 7 below.

2	<p>The submitter has the following concerns about the proposed development:</p> <ul style="list-style-type: none"> a) Heavy vehicles they believe have a detrimental effect on local roadways. b) Believe the heavy vehicles will damage their local road and will be dangerous for local use including school buses. c) Questions the new electricity infrastructure required and where it would be located. 	<ul style="list-style-type: none"> a) See comment number 4 below. b) See comment number 4 below. c) See comment number 5 below.
3	<p>The submitter is supportive of a solar farm in the greater Berrigan Shire Local Government Area however he has the following concerns with the proposal in this location:</p> <ul style="list-style-type: none"> a) It is too close to the township of Finley as it will impact the visual amenity of the hobby farms along Broockmanns and Dales Roads. b) The submitter questions what energy transportation infrastructure requirements for the proposal and potential impact this will have on the amenity of the neighbouring area. c) The submitter is concerned that the social benefits stated in reports will not come to fruition 'opportunity to provide renewable energy solutions for the Finley community' d) Concerned not enough locals may be employed as part of the development 	<ul style="list-style-type: none"> a) See comment number 2 below. b) See comment number 5 below. c) See comment number 9 below. d) See comment number 9 below.
4	<p>The submitter has the following concerns about the proposed development:</p> <ul style="list-style-type: none"> a) As per the Social Impact Statement there has not been sufficient consultation with the neighbouring properties b) Given that they live on an existing low traffic and on a narrow road, they are concerned about increased heavy vehicle traffic impacting the local area by: c) Safety of local users (motor bike, push bike and local school bus). d) The bridge between proposed development and Hamilton Street they believe is too narrow for local use and the proposed traffic e) Increasing traffic around the Saleyards which already has a high amount of heavy vehicle traffic f) Concerned it will impact on their rural aspect and lifestyle with impacts such as noise, dust and increased traffic g) Concerned will not provide the social benefits as stated for the long term employment opportunities or businesses such as the hospitality industry. Believes that the proposal will have impacts with little social ongoing benefits for the township of Finley 	<ul style="list-style-type: none"> a) See comment number 1 below. b) See comment number 4 below. c) See comment number 4 below. d) See comment number 4 below. e) See comment number 4 below. f) See comment number 2 below. g) See comment number 9 below.

5	<p>The submitter is in support of the proposal. They have identified the following potential impacts from the development that they would like to be addressed:</p> <ul style="list-style-type: none"> a) Traffic safety on McNamara Street given that children utilise the area to access education and believe appropriate route for heavy vehicle traffic is along Hamilton Street to the Riverina Highway north b) Dust as they are affected from prevailing winds from the site and a suggested mitigation mechanisms such as boundary landscaping c) Soil transferring to local roads and a suggested mitigation mechanism such as an onsite truck wash down bay d) Decommissioning the site and site remediation 	<ul style="list-style-type: none"> a) See comment number 4 below. b) See comment number 2 and 3 below. c) See comment number 4 below. d) See comment number 8 below.
6	<p>The submitter is supporting of concept of creating renewable energy. They object to the proposal at this location for the following reasons:</p> <ul style="list-style-type: none"> a) Lack of neighbour consultation by consultants and lack of public meeting b) That it is too close to Finley as it is invasive and will impact many residents c) Future expansion of the proposal in the future increasing impacts d) Visual impact will decrease value of property in Broockmanns and Dales Road e) Questions where the energy infrastructure power lines will be required f) Does not believe that it will gain social benefits such as local employment g) Potential impact on aeroplane pilots safety flying over the site h) Social benefits they do not agree with 'that there will be power generated for local use' i) Potential impacts of noise and dust on their residence and the neighbouring community and its effect on residential amenity. j) Impact on visual rural amenity particularly sun set views as they are in the immediate vicinity of the viewing zone 	<ul style="list-style-type: none"> a) See comment number 1 below. b) See comment number 2 below. c) See comment number 7 below. d) See comment number 2 below. e) See comment number 5 below. f) See comment number 9 below. g) See comment number 6 below. h) See comment number 9 below. i) See comment number 2 below. j) See comment number 2 and 3 below.

• **Response to Submissions**

Comment Number 1

Theme of submission: there has not been insufficient consultation with neighbouring properties
Comment on submission: the proposal has been advertised as per the Community Engagement Framework & Community Participation Plan (adopted 20 November 2019) as pursuant to

Section 7 (d) of the *Local Government Act 1993* (and as detailed above under heading 'Public Consultation'.

Comment Number 2

Theme of submission: the proposal will have an impact on the residential amenity.

Comment on submission: the proposal is accompanied with a number of detailed reports outlining potential impacts on the neighbouring environment and include mitigation strategies to ensure that these impacts reduce the impacts on residential amenity. A majority of potential impacts will occur during the construction and decommissioning phases which will occur for a maximum of 6 months. There are a number of strategies that will be implemented to ensure that there are minimal long term visual impacts from the proposal for example, a minimum of 5 metre wide mature landscaping screening will be established to ensure that the proposal will not impact on the visual outlook. The proposal will be located 800-1000 metres from existing R5 Large Lot Residential allotments providing sufficient setback to existing allotments. These allotments front onto Hamilton Street and on many of these allotments to the rear of the existing dwellings is existing vegetation and ancillary structures (between dwellings and the proposal) that already screen off rural views west of the allotments.

Comment Number 3

Theme of submission: the proposal will have noise and dust impacts on the neighbouring environment.

Comment on submission: as per Comment No 2 above, there will be a number of mitigation strategies to reduce the potential impacts from the proposal, especially noise and dust during the construction and decommissioning phases. Strategies include dust suppression measures such as water carts onsite and fixed spray on plant machinery onsite and dust suppressant strategies once operational. Furthermore, community consultation will be implemented to make affected property owners aware of works onsite which will provide an opportunity for community comment or complaints register which will be actioned.

Comment Number 4

Theme of submission: heavy vehicles required for the construction and decommissioning of the proposal will have an impact on the safety of the local road network and on the residential amenity of the neighbouring environment.

Comment on submission: The heavy vehicle movements will be required to travel only on the Gazetted designated heavy vehicle routes - Newell Highway, McNamara Street and Broockmanns Road. Heavy vehicles will only be permitted to travel during the designated operational hours and will not be permitted to travel during the School pick up and drop off periods on Gazetted School Days to ensure the safety on local roads during this crucial period. A

number of mitigation strategies will ensure any other identified potential impacts from heavy vehicle movement such as noise are mitigated. A road maintenance agreement will be required to ensure the local roads will not be compromised by the development. Vehicles leaving the site will be in a clean condition to ensure that dirt is not tracked onto the public road network. Onsite vehicle access way will be required to accommodate for vehicle movement onsite. An assessment of the proposal is that the proposed number of vehicles for the proposal can be accommodated on the existing road network and will not impact on the function of the local road network.

Comment Number 5

Theme of the submission: Questioning the location of the energy infrastructure power lines that will be required.

Comment on submissions: the Finley electrical substation of which the development proposes to connect to is located approximately 1.4 km south-east of the site on Tong Street.

Comment Number 6:

Theme of the submission: Potential impact on the Finley Airport and Air safety.

Comment of submission: Finley Airport is located approximately 1.1 km to the south-east of the site. A 'Reflective Glare Assessment by SLR April 2020' has been undertaken to assess the potential for reflected light induced impacts. The report concluded that there is minimal impacts on aviation (given the distance from the airport) and low incidence angle of reflected rays on the likes of aerial agricultural spraying, road operations, rail operations, industrial and heavy machinery operations, and residential amenity from reflective glare.

Comment Number 7:

Theme of submission: that there will be further stages of development

Comment of submission: the approval is for the 5MW solar facility. No further development is approved by Council.

Comment Number 8:

Theme of submission: questioning the decommissioning of the site

Comment of submission: The site will be required to be decommissioned and rehabilitated once development is complete to ensure that the land can be utilised to meet the objectives of the RU1 Primary Production zone under the Berrigan LEP.

Comment Number 9:

Theme of submission: concerned the social impacts of the proposal and that the proposal will not source employees from the local community.

Comment on submission: A 'Social Impact Statement by Mara Consulting April 2020' assessed the proposal as consistent with the regulatory and business development framework, including state government legislation and the Berrigan Shire Council and State government strategic plans. The proposal is seen as having a positive impact on intergenerational equality, with provisions of cleaner energy in the future. The proposal supports the Commonwealth and NSW Climate Change commitments, providing energy for 2000 homes and reducing CO₂ emissions by around 200,000 tonnes over the lifespan of the project. It is assessed as an appropriate development in relation to the projected changes to population and demographics in the region.

Information about the proposal will be provided on the developers website including how energy can be sourced from the site. Furthermore, there are a number of strategies proposed to maximise the social benefits anticipated through the development that will be implemented such as liaison with local industry representatives to maximise the use of local contractors, manufacturing facilities and materials, establish good relations with the community and implement and log book mitigation strategies early and during works to ensure minimal impacts on the neighbouring community. Any complaints on the proposal will be able to be lodged via the developers website and actively actioned where required to reduced the impact on the residential amenity of the neighbouring environment.

- **The public interest**

A 'Social Impact Statement by Mara Consulting April 2020' assessed the proposal as consistent with the regulatory and business development framework, including state government legislation and the Berrigan Shire Council and State government strategic plans. The proposal is seen as having a positive impact on intergenerational equality, with provisions of cleaner energy in the future. The proposal supports the Commonwealth and NSW Climate Change commitments, providing energy for 2000 homes and reducing CO₂ emissions by around 200,000 tonnes over the lifespan of the project. It is assessed as an appropriate development in relation to the projected changes to population and demographics in the region. The potential impacts from the proposal have been assessed and as having an unlikely to have significant negative social impacts to the locality and region and there are a number of strategies included to minimise impacts on the neighbouring environment.

In order to maximise the social benefits anticipated through the development, it is recommended that:

- Liaison with local industry representatives to maximise the use of local contractors, manufacturing facilities, materials

- Establish visual screening early to minimise the visual impact on the solar farm, and done in consultation with closes property holders in accordance with the Visual Impact Assessment
- Establish good relations with people living in the vicinity of the proposal site at the beginning of the proposal and maintain
- Implement a community consultation plan to manage impacts to community stakeholders, including:
 - Protocols to keep the community updated about the progress of the development and benefits,
 - Protocols to inform relevant stakeholders of potential impacts (haulage, noise, air quality act),
 - Protocols to respond to any complaints received,
 - Information on how potential customers can access the renewable energy source.

Conclusion / Legislation

In assessing this development application, the relevant parts of Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been taken into account.

Recommendation

That development application 168/20/DA/DM be approved subject to the following draft conditions:

Approved Plans

The development shall be implemented substantially in accordance with the details set out on the Approved Plans 'Statement of Environmental Effects by KDC April 2020' (including appendices A to L), on the application form, and on any supporting information received with the application except as amended by the conditions specified hereunder.

Disturbed Area

The total disturbed area of the solar array is not to exceed the area marked on Approved Plans (approximately 14.97 hectares). This is to ensure the orderly development with the aim of minimising the environmental impacts.

Construction Certificate

No work is to commence until the person granted development consent has had the detailed plans and specifications endorsed by the Council or other accredited certifier and has received a "Construction Certificate" [Section 81A EP&A Act 1979].

Appointment of PCA and Notice of Commencement

No work is to commence until the person granted development consent has:

- a) Obtained a Construction Certificate for each structure
- b) Appointed a PRINCIPAL CERTIFYING AUTHORITY
- c) Notified the Council of the appointment
- d) Appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved.
- e) Given the Council at least 2 days' notice of the intention to commence erection of the building. (Section 81A EP&A Act 1979)

Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Hours of Operation – Civil Works

The hours of operation for civil works, earthworks, construction, operation and decommissioning on-site shall be limited to the between 7:00am and 6:00pm Monday to Friday inclusive, 8:00am and 1:00pm Saturdays and no work shall be carried out on Sundays and Public Holidays without the prior consent of the Council. Minor maintenance work is permitted outside of these hours when work is carried out with hand tools.

This is to ensure hours of operation for the development does not impact on the residential amenity of neighbouring environment.

Duration of Civil Works

Construction and decommissioning works are permitted for a maximum period of 6 months from the date of commencement of construction or decommissioning works.

Traffic Management Plan

Prior to the issue of the construction certificate and any road upgrades required under this consent, the Applicant must:

- d) prepare a Traffic Management Plan for the development in consultation with Council. This plan must include, but not limited to:
 - i. Details of the entire transport route to be used for development-related traffic;
 - ii. A protocol for undertaking dilapidation surveys to assess the:
 - Existing condition of local roads on the transport route/s prior to construction or decommissioning activities and

- Condition of the transport route/s following construction or decommissioning activities;
- iii. A protocol for the repair of any roads identified in the dilapidation surveys to have been damaged during construction or decommissioning works;
- iv. Details of the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route/s during construction and decommissioning works including:
 - Temporary traffic controls, including detours or signage,
 - Notifying the local community about project-related traffic impacts,
 - Procedures for receiving and addressing complaints from the community about development related traffic,
 - Minimising potential for conflict with school buses or other motorists as far as practicable,
 - scheduling of haulage vehicle movements to minimise convoy length or platoons,
 - responding to local climate conditions that may affect road safety such as fog, dust, wet weather,
 - responding to any emergency repair or maintenance requirements and
 - a traffic management system for managing over-dimensional vehicles;
- v. a driver's code of conduct that addresses:
 - travelling speeds,
 - driver fatigue,
 - procedures to ensure that drivers adhere to the designated transport routes and
 - procedures to ensure that drivers implement safe driving practices.
- e) A copy of the Traffic Management Plan must be submitted to Council for approval prior to the issue of the construction certificate.

This is to ensure effective transport infrastructure is established for the development and that the transport requirements for the development does not impact on the local traffic requirements for the area.

Broockmanns Road and Site Access

Prior to the issue of the construction certificate, and to the satisfaction of Council and in accordance with the *Austroads Guide to Road Design* (as amended by RMS supplements), the following road upgrades must be completed:

- a) Upgrade Broockmanns Road from its intersection of the site access road to a minimum of 20 metres east of the site, including paving and widening of the road to allow two-way heavy vehicle traffic and to allow the turning movement of heavy vehicles to access the site as per Council Engineering Guidelines.
- b) A culvert in the road reserve to ensure water drainage along the road reserve.
- c) A sealed access driveway from the property boundary to Broockmanns Road to allow turning movement of vehicles to the satisfaction of Council engineering.

This is to ensure effective transport infrastructure is established for the development and that the transport requirements for the site does not impact on the local traffic requirements for the area.

Works in Road Reserve

No work is to be carried out beyond the property boundary on any road reserve, naturestrip, footpath, concrete kerb, paved area, and building or supply service without the prior written consent of the Council, in order to protect community assets and eliminate potential hazards to the community in the "public place".

An "Application for Works, Structures and Activities on a Council Road" must be submitted to Council, along with relevant plans and the determined fee. Consent must be obtained, before commencement of any work.

Vehicle Restrictions

The following vehicle restrictions apply to the development:

- a) Development does not generate more than 18 vehicle trips per hour consisting of 10 light vehicles, 3 road works vehicles and 2 delivery vehicles on the public road network; and
- b) All vehicles traffic associated with the development must travel to and from the project site via the Newell Highway, McNamara Street, Broockmanns Road and the approved site entry point.
- f) Length of any vehicles used for the development does not exceed 19 metres unless Council agrees otherwise.
- g) Heavy Vehicle movements on local roads identified are limited to Monday to Friday 7:00 am to 6:00 pm, Saturday 8am to 1pm and no movements on Sundays or public holidays will be permitted. No heavy vehicles will be permitted to travel during school drop off and pick up times between 7:30-9:00 am and 3:00-4:30pm on Gazetted School Days.
- h) Noise prevention strategies for heavy vehicles are to be implemented where appropriate

- i) All vehicles must enter and exit the site in a forward direction
- j) All vehicles must load and unload on-site.
- k) Vehicles leaving the site must be in a clean condition and do not result in dirt being tracked onto the public road network.
- l) Dust prevention strategies are to be implemented for vehicle movements onsite where appropriate.
- m) All vehicles must park onsite.

The applicant must keep accurate records to identify compliance with the above.

This is to ensure effective transport infrastructure is established for the development and that the transport requirements for the site does not impact on the local traffic requirements for the area.

Vehicle Access

An onsite vehicle access must include the following:

- a) An all-weather access road to link development to Broockmanns Road to the satisfaction of Council's engineering staff and incorporate stormwater drainage measures.
- b) Must ensure that all vehicles can enter and exit the site in a forward direction and vehicles can safely turn around onsite.
- c) Any perimeter gate for the access driveway must be a minimum of 8 metres wide and setback a minimum of 20 metres from Broockmanns Road.

This is to ensure safe vehicle movements for the development onsite.

Onsite vehicle parking

A designated area must be provided onsite linking to the access driveway for all vehicles to park on-site. All access to vehicle parking areas must be an all weather surface.

This is to ensure safe vehicle movements for the development onsite and to ensure the development does not impact on the local road network.

Stormwater

All stormwater water from the development must be managed onsite. Prior to issue of the construction certificate:

- a) a stormwater management plan must be prepared in consultation with Council and
- b) submitted a copy of these plans for approval by Council.

This is to ensure that stormwater from the development does not impact on adjoining allotments or the road reserve.

Erosion and Sedimentation Control Plan

An Erosion and Sedimentation Control Plan (ESCP) must be submitted to Council and approved by Council prior to the issue of the construction certificate. Strategies identified in the plan must be progressively implemented during works. An ESCP must include, but is not limited to:

- minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version;
- ensure the solar panels and associated infrastructure are designed, constructed and maintained to avoid causing any tunnel erosion on site;
- implement appropriate flood management practices to ensure post-development flows from the site are limited to pre-development flows for all storms up to and including the 100-year Average Recurrence Interval event; and
- ensure all works (including waterway crossings) are undertaken in accordance with the *Guidelines for Controlled Activities on Waterfront Land (2012)*, or its latest version.

This is to ensure erosion and sedimentation does not affect neighbouring environment and or the local road network.

Water Pollution

The applicant must ensure that the development must not cause any water pollution, as defined under Section 120 of the *Protection of the Environment Operations Act 1997*.

Top Soil

Top soil removed for site works must to be distributed back onto the land where appropriate to encourage vegetation growth post construction and post decommissioning. Any stockpiling of top soil is to be stored to ensure it can be utilised for future uses including decommissioning of the site. Top soil collected is to be cleared of any noxious or highly invasive weed species.

This is to ensure the ongoing use of the land to meet the objectives of the RU1 Primary Production zone as per the *Berrigan Local Environmental Plan 2013*.

Noise Suppression

Noise recommendations and strategies as per the 'Noise Assessment by MAC Muller Acoustic Consulting April 2020' are to be implemented where required. This is including, but not limited to:

- a) A construction noise management protocol with strategies to minimise noise emissions during work hours and have periodic onsite toolbox meetings to educate operators of strategies and the location of sensitive receivers.
- b) A community communication plan and a consultation forum for residences within close proximity (including update on progress of project, proposed/upcoming potentially noise generating works and complaint procedure).
- c) A one-off noise validation monitoring assessment be completed to quantify emissions from site and to confirm emissions meet relevant criteria.
- d) Localised mobile screens or construction hoarding around plant to act as barriers between construction works and receivers, where equipment is near the side boundary and areas in constant use (unloading and laydown areas).
- e) Selection of quietest machinery, operating machinery in a conservative manner, shutdown machinery when not in use, park/start machinery at farthest point from receivers and machinery maintained to manufacturer's specification.
- f) Utilise a broadband reverse alarm in lieu of the traditional high frequency type reverse alarm.

This is to ensure there are minimum noise impacts on the surrounding environment.

Dust suppression

Recommendations of the 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020 must be implemented where required. This is to include, but not limited to:

- a) Setting maximum speed limits for all traffic within the subject site to limit dust generation,
- b) Use of a water tanker on all roads and access tracks, fixed spray on plant machinery or similar to spray any dust generating activities where required,
- c) Application of dust suppressants or covers on soil stockpiles where required.
- d) Installing a watering system across the site once site is operational.
- e) Installing ground cover free of weeds as soon as practicable, but within 12 months of completing any construction or decommissioning.

This is to minimise the generation of dust and associated impacts on adjacent and natural environments.

Lighting

Any security lighting onsite must minimise the off-site lighting impacts of the development. This is to include, but not limited to, ensure that all external lighting associated with the development:

- a) Is installed as low intensity lighting (except where required for safety or emergency purposes)
- b) Does not shine above the horizontal line; and

- c) Complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

This is to ensure that any lighting for the proposal has minimal effect on residential amenity in the neighbouring environment.

Landscaping

A landscaping plan must be submitted to Council and approved by Council prior to the issues of the construction certificate. A landscaping plan must include, but is not limited to:

- a) A 5 metre wide mature vegetation buffer around the perimeter of the proposal including around storage areas and temporary office structures to the satisfaction of Council.
- b) Landscaping is to consist of native species to the area and a number of mature native drought tolerant trees and shrubs.
- c) Landscaping must be located so it is protected from vehicle movements.

Landscaping must effectively screen the view of the solar panels and ancillary infrastructure on site from surrounding residences and within 3 years of the commencement of construction. Sufficient watering must be provided to ensure establishment of landscaping. The landscaping area must be kept free from weeds.

This is to enhance the visual amenity of the area.

Visual amenity

The applicant must:

- a) Minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels, including but not limited to anti-reflective coating.
- b) Materials, textures and colour selection of infrastructure onsite is to relate to the palette of the surrounding environment.
- c) Any situation where the tilting action of the solar array is disabled, panels should not be left horizontal, but be left tilted to the west, ideally at a tilt angle of at least 10° to horizontal.
- d) Not mount any advertising signs or logos on site, except where this is required for safety purposes.

This is to avoid the potential for adverse glare and enhance the visual amenity of the area.

Emergency Response Plan

Prior to the commencement of operations, a site specific Emergency Response Plan (ERP) must be prepared in consultation with the relevant local emergency services agencies. This plan must identify, but is not limited to, procedures in the event of an emergency onsite or in the vicinity of the site and any fire safety measures. At least two copies of the plan must be kept on site in prominent positions such as adjacent to the site entry point and in general congregation areas at all times. This is to ensure the safety of anyone accessing or working the site.

Site Safety Plan

A Site Safety Plan (SSP) covering all safety requirements of the development must be submitted to Council and be approved by Council prior to the issue of the construction certificate. A SSP is to include, but not limited to, any current COVID-19 safe workplace plans, traffic movements, signage and storage. This is to ensure the safety of anyone accessing or working the site.

Operating Conditions

The following operating conditions must be followed:

- Minimise the fire risks of the development.
- Ensure that the development:
 - Includes at least a 10 metre fire defensible space around the perimeter of the solar array area that permits unobstructed vehicle access;
 - Manages the defensible space and solar array area as an Asset Protection Zone;
 - Complies with the relevant asset protection requirements in the RFS's *Planning for Bushfire Protection 2006* (or equivalent) and *Standards for Asset Protection Zones*;
 - Is suitable equipped to respond to any fires on site;
- Assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
- Notify the relevant local emergency management committee following construction of the development, and prior to the commencement of operations.

Native flora and fauna

Vegetation is to be retained onsite as per 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020' and strategies must be implemented from the report where required. This is to minimise impact from development on vegetation onsite and on the surrounding environment.

Control of weeds

Recommendations of the 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020 must be implemented where required. This includes, but is not limited to:

- All vehicles, equipment, footwear and clothing should be clean and free of weed propagules prior to entering the subject site;
- Any weeds that are removed during the proposed works should be disposed of appropriately.

This is to ensure the control of weeds from the site to surrounding neighbouring environments

Chemical containment

The recommendations of the 'Flora and Fauna Assessment Report by Kleinfelder 24 April 2020 must be implemented where required. This includes, but is not limited to:

- All chemicals must be kept in clearly marked bunded areas;
- Regularly inspect vehicles and mechanical plant for leakage of fuel or oil;
- No re-fuelling of vehicles, washing of vehicles or maintenance of vehicles and plant to be undertaken within 20 m of natural drainage lines.
- Any soil affected by any fuel or chemical spillages is to be removed from the site and deposited within a landfill licensed to receive that soil.

This is to protect the site from any soil contamination and to assist in the latter rehabilitation of the site.

Battery Storage Restrictions

Battery storage is not permitted on the project site without prior approval from Council. This is to ensure that there is no potential contamination on the subject site due to the development.

Storage and Handling of Dangerous Goods

In regards to Storage and Handling of Dangerous Goods, the following must apply:

- Storing and handling all dangerous or hazardous materials on-site in accordance with AS1940-2004 the storage and handling of flammable and combustible liquids, or its latest version;
- Ensure that substation is suitable bunded; and
- Minimise any spills of hazardous materials or hydrocarbons, and clean up any spills as soon as possible after they occur and remove any affected soil in an approved waste facility.

Waste Management

No waste is permitted to be received or disposed of onsite. All waste must be removed from site as soon as practicable and must be sent to an appropriately licensed waste facility for disposal that can suitably accept the waste material. A Waste Management Plan must be prepared in consultation with Council and be approved by Council prior to issue of the construction certificate. The plan must include, but is not limited to:

- a) Waste minimisation and recycling strategies to minimise waste going to landfill;

- b) A list all anticipated waste during construction and decommissioning the development and a classification of all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- c) Storage and handling of waste on site (including a site map of where any waste that is to be stored onsite) in accordance with its classification;
- d) A list of where waste will be disposed of at a suitable reciprocal in accordance with its classification;
- e) An appropriate location of waste stockpile onsite during construction and decommissioning to minimises impact on the residential amenity of the neighbouring neighbourhood.

This is to ensure waste from the development is minimisation and affectively managed to minimise the impacts on the residential amenity in the surrounding environment.

Demolition

Any demolition works shall be conducted and the site maintained in a safe condition during the process of the demolition in accordance with Australian Standard 2601-2001 the Demolition of Structures, Workcover guidelines and the Work Health and Safety Regulation 2011.

Asbestos Material

Work involving the removal of more than ten (10) square metres of asbestos containing material must be undertaken by a NSW licensed contractor as required by the NSW Work Health and Safety Regulations 2011.

Prior to commencement of any work, the Principal Certifying Authority must be provided with: Written notice is to include the following details:

- a) A copy of a signed contract with a person licensed to remove asbestos,
- b) The contract must specify the landfill site to which the asbestos containing material is to be delivered.

Community Consultation

Recommendations from the 'Social Impact Statement – Finley Solar Farm by MARA Consulting 27 April 2020' are to be implemented where required. This includes, but is not limited to:

- a) Liaison with local industry representatives to maximise the use of local contractors, manufacturing facilities, materials;
- b) Establish visual screening early to minimise the visual impact on the solar farm, and done in consultation with closes property holders in accordance with the Visual Impact Assessment;

- c) Establish good relations with people living in the vicinity of the proposal site at the beginning of the proposal and maintain;
- d) Implement a community consultation plan to manage impacts to community stakeholders, including but not limited to:
 - I. Protocols to keep the community updated about the progress of the development and benefits,
 - II. Protocols to inform relevant stakeholders of potential impacts (haulage, noise, air quality act),
 - III. Protocols to respond to any complaints received,
 - IV. Information on how potential customers can access the renewable energy source.

Heritage

The recommendations in the 'Draft Due Diligence Aboriginal Archaeological Assessment by Virtus Heritage March 2020' must be implemented where required. This includes, but is not limited to, all site workers should be inducted and briefed on the possible identification of Aboriginal sites and objects during construction.

In event of any artefacts, items of heritage significance or human remains are discovered on site, all works are to cease immediately and the area must be secured. Notification must be provided immediately to Berrigan Shire Council and any relevant authority (such as Department of Planning Industry and Environment) and work must not recommence in the area until this is authorised by the relevant authority.

This is to ensure the conservation of significant Heritage.

Security Fence

Any security fencing installed is to be permeable fencing and not include any barbed wire or any type of wire that can cause harm. This is to enhance the visual amenity of the development area.

Temporary Office

Prior to the issue of the construction certificate, an application for approval pursuant to Section 68 of the *Local Government Act, 1993* to place a temporary office is to be lodged with Council.

Decommissioning and Rehabilitation

Within 18 months of the cessation of operations, the site must be rehabilitated to the satisfaction of Council. This rehabilitation must comply with the objectives in the following table:

Feature:	Objective:
Development site (as a whole)	<ul style="list-style-type: none">• Safe, stable and non-polluting

	<ul style="list-style-type: none"> Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use
Solar farm infrastructure	<ul style="list-style-type: none"> To be decommissioned and removed, unless the Council agrees otherwise
Land use	<ul style="list-style-type: none"> Restore land capability to pre-existing agricultural use
Community	<ul style="list-style-type: none"> Ensure public safety

This is to ensure that the development does not impact the long term use of the site as per the objectives of the RU1 Primary Production zone under the *Berrigan Local Environmental Plan 2013*.

Incident or Non-Compliance Notification

Council must be notified in writing immediately after an incident or non-compliance within the conditions of consent detailing the incident or non-compliance and reasons for this (if known) and what actions have been done, or will be, undertaken to address this.

Access to information

The following information, but is not limited to, for the development must be publically available on its website as relevant to the stage of the development and is up to date:

- The Statement of Environmental Effects;
- The final layout plans for the development;
- Current statutory approvals for the development;
- The proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
- How complaints about the development can be made;
- A complaints register;
- Any other matter required by Council.