

<b>DATE OF DEFERRAL</b>	16 November 2020
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Sandra Hutton, Clare Brown
<b>APOLOGIES</b>	Daryll Morris, John Taylor, Andrew Hutton
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 4 November 2020.

#### **MATTER DEFERRED**

PPSWES-47 – Berrigan – DA40/21/DA/DM at Broughans Road Finely for a solar farm

#### **REASONS FOR DEFERRAL**

The panel agreed to defer the determination of the matter to enable the following information and details to be provided to the Council for the Panel's further consideration:

1. The preparation of an Acoustic Report which assesses the full impact of the proposed solar facility's development upon all sensitive receivers within the vicinity of the site;
2. The preparation of a fully dimensioned and properly scaled Site Plan that shows all elements forming the proposed solar facility and incorporates a five-metre wide landscape buffer zone to all boundaries within the lease area. In this respect, the Proposed Landscaped Buffer shown in the Concept Site Plan that accompanied the DA is instead to be relocated within and along the south-western boundary of the lease area.
3. The preparation of plans that provide a summary and typical details of the facility including typical tracker spacing and heights, typical array sections and typical equipment arrangements rather than relying on system brochures, typical access track sections, vehicle turning details, typical fencing details and siting of stormwater management infrastructure and typical details.
4. The preparation of a landscape plan that details the provision of the five-metre wide vegetation buffer around the perimeter of the proposal including around storage areas and temporary office structures located within the lease area, and clear of required defendable space, APZ and other approved works. The proposed landscaping is to be so designed to ensure that, within 3 years of the commencement of construction, the buffer will provide effective screening of the view of the solar panels and ancillary infrastructure on site from nearby residences and public places and will break up the horizontal visual presentation of the solar arrays across the rural landscape to adjoining lands. The landscape plan is to include the following details:
  - i. Nominated endemic plant species including native drought tolerant trees and shrubs;
  - ii. Number, size and maturity of plants proposed including planting locations and spacing;
  - iii. Measures to protect the vegetation from vehicles, livestock and pests; and
  - iv. Details of irrigation/watering of the landscape buffers.
5. Advice as to whether the lease area will be used for the grazing of livestock and, if so, how the solar array design will accommodate ongoing rural use and how the solar array and associated infrastructure will be protected from damage.
6. Plans of the proposed substation and site office showing their dimensions and external appearance and materials. In this regard, details of arrangements with and requirements of Essential Energy in respect of the proposed solar facility are also required.
7. Advice confirming that the proposed culvert crossing is able to structurally accommodate the B-double vehicles intended to transport solar panels and ancillary infrastructure to the site, and any typical




requirements for that crossing. In this regard, confirmation is also required that the proposed culvert crossing is the subject of land owner's consent.

8. A Traffic Management Plan (TMP) prepared by a suitably qualified and experienced traffic consultant detailing the following:
- i. The type and number of vehicles accessing the site for construction and decommissioning phases;
  - ii. Details of the entire transport route to be utilised for development-related traffic during construction, operation and decommissioning phases;
  - iii. Works required in the road network (local and regional) necessary to accommodate the vehicle type and number identified in the TMP;
  - 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, but not limited to:
    - (a) Temporary traffic controls, including detours or signage,
    - (b) Notifications to the local community about project-related traffic impacts,
    - (c) Procedures for receiving and addressing complaints from the community about development related traffic,
    - (d) Measures proposed to mitigate any associated general traffic, school buses, pedestrian and cyclist impacts should be clearly identified,
    - (e) Scheduling of haulage vehicle movements to minimise convoy length or platoons,
    - (f) Actions to respond to local climate conditions that may affect road safety such as fog, dust, and wet weather,
    - (g) Process to respond to any emergency repair or maintenance requirements in the transport route,
    - (h) Identification of traffic control devices required to be installed in the road reserves along the transport route. Any such devices to be in accordance with NSW Transport for NSW / Roads and Maritime Services publication 'Traffic Control Worksite Manual', and
    - (i) A traffic management system for managing over-dimensional vehicles;
  - v. A heavy vehicle driver's code of conduct that addresses:
    - (a) travelling speeds,
    - (b) driver fatigue,
    - (c) procedures to ensure that drivers adhere to the designated transport routes and
    - (d) procedures to ensure that drivers implement safe driving practices.

9. The SEE is to be amended to incorporate an addendum that references and addresses all the matters listed in 1 to 8, above.

The requested information and details outlined above are to be provided to the Council within 30 days of advice of the deferral being provided to the applicant. When this information has been received, the panel will determine the matter electronically.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-47 – Berrigan – DA40/21/DA/DM
2	PROPOSED DEVELOPMENT	<p>Construction of a solar renewable energy development with a capacity of up to 4.95 Megawatts (“MW”) on approximately 17 hectares. The facility will include:</p> <ul style="list-style-type: none"> <li>• 16,500 solar photovoltaic panels to be mounted in arrays on single axis trackers</li> <li>• Cabling from solar arrays to panel inverters</li> <li>• Substation and connection to local electricity network in the north west corner of the development area</li> <li>• Unsealed perimeter and internal access tracks and parking</li> <li>• laydown area for storage of equipment and machinery</li> <li>• perimeter security fencing (2 metres height) comprising steel posts and transparent mesh</li> <li>• internal drainage detention basin and outfall</li> <li>• landscaping</li> <li>• waste storage area</li> </ul>
3	STREET ADDRESS	Lot 126 Broughans Road, Finley Lot 126 DP752299
4	APPLICANT/OWNER	Mary and Kevin Stephens
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Primary Production and Rural Development) 2019</li> <li>○ State Environmental Planning Policy No.55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Koala Habitat Protection) 2019</li> <li>○ Berrigan Shire Land Use Strategy 2018</li> <li>○ Berrigan Shire Local Strategic Planning Strategy 2020-2040</li> <li>○ Riverina Murray Regional Plan 2036</li> <li>○ Berrigan Local Environmental Plan 2013</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Berrigan Development Control Plan 2014</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 3 November 2020</li> </ul>

		<ul style="list-style-type: none"> <li>Revised assessment report with numbered conditions: 11 November 2020</li> <li>Written submissions during public exhibition: 1</li> <li>Unique submissions received by way of objection: 2</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 5 November 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Clare Brown, Daryll Morris</li> <li><u>Council assessment staff</u>: Liz Schindler, Laurie Stevens</li> </ul> </li> <li>Site inspection: 4 November 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Clare Brown</li> <li><u>Council assessment staff</u>: Liz Schindler</li> </ul> </li> <li>Final briefing to discuss council's recommendation: [date] <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Clare Brown</li> <li><u>Council assessment staff</u>: Liz Schindler, Laurie Stevens</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report