

DATE OF DETERMINATION	2 August 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Shane Wilson, Jenny Clarke
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on Tuesday, 6 July 2021.

MATTER DETERMINED

PPSWES-72 – Narrandera – DA047-2020-2021 at 273 Walkers Road, Corobimilla – Proposed micro solar farm (electricity generating works) including solar panels on tracking systems and associated infrastructure (security fencing, vegetation screen, site roadworks and carpark, a power station containing inverter, transformer, and switchgears and five DC coupled energy storage containers on Lot 22) and electricity transmission line (on Lot 1) (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the council assessment report, noting that Council's report has appropriately addressed all relevant matters for consideration under s4.15 of the EP&A Act 1979.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report, with the below amendments, as listed in Schedule 2.

- Condition 1 Consent

Reason: to amend the description of the consent, condition amended to read as follows:

"This Consent is for construction and use of 5MW micro solar farm (electricity generating works) including solar panels on tracking systems and associated infrastructure, including security fencing, vegetation screen, site roadworks, a power station containing inverter, transformer and switchgears and five DC coupled energy storage containers, on Lot 7 in DP 754551, 273 Walkers Road, Corobimilla, NSW, subject to the following conditions of consent."

- Condition 2 Approved Plans and Documentation

Reason: To avoid any conflict between the approved plans and the conditions of consent, add words "or where otherwise amended under the conditions of this consent", condition amended to read as follows:

“The applicant must ensure that the development is undertaken in accordance with the following documents submitted with development application or where otherwise amended under the conditions of this consent:”

- New condition (to be inserted as Condition 7, and subsequent conditions renumbered accordingly).
Reason: To improve the road surface for vehicles accessing the development site, amended to include required road works within Walkers Road at its intersection with the Newell Hwy.
Condition to read as follows:

“Walkers Road Upgrades

Prior to the Commencement of Works on the development site, the developer shall upgrade 30 metres of Walkers Road from the intersection of the Newell Highway towards the development site. Works to be conducted include 7 metre width 20mm crushed rock gravel approved by Council, 6 metre width 14mm / 7mm double seal and appropriate turnouts at the intersection with the Newell Highway. The road construction works shall be completed to the satisfaction of Council’s Deputy General Manager Infrastructure or delegate.

Note: Additional approvals may be required to work adjacent to the Newell Highway prior to construction commencing and are the responsibility of the developer.

REASON: To ensure safe access for heavy vehicles used during the construction of the development.”

- Condition 9 Noxious Weeds Control (renumbered as Condition 10), amended to read as follows:
“The Applicant is to submit a Weed Management Plan for the assessment and approval of Council prior to the issue of a Construction Certificate.”
- Condition 11 Waste Management (renumbered as Condition 12) amended.
Reason: Remove the requirement to modify the SEE, relying instead on the submission and approval of the Waste Management Plan as follows;

“The applicant is to submit to Council for assessment and approval prior to the issue of a Construction Certificate a Waste Management Plan that addresses the following matters:”

- Condition 12 Vegetation Screening (renumbered as Condition 13) amended.
Reason: Require vegetation screening around the full perimeter of the development site to ensure appropriate visual screening of the completed works within the rural landscape. In addition, a Vegetation Management Plan is to be prepared as outlined in the condition.

“The applicant is to establish the vegetation screen on the outside of the security fence around the entire perimeter of the development site and construct a new farm type stock fence to protect the vegetation from stock grazing. A Vegetation Management Plan is to be submitted to Council for assessment and approval prior to the issue of a Construction Certificate, that provides information on the species of shrubs, details regarding the ongoing maintenance for the life of the development (eg watering schedule) including how any damaged, diseased or dying plants during that time will be replaced.

The vegetation screening is to be planted and the stock fence established prior to the issue of the Occupation Certificate.

The vegetation screening is to be maintained for the life of the development.”

- New condition (to be inserted as Condition 20, and subsequent conditions renumbered accordingly).
Reason: To ensure preparation and approval of a decommissioning plan. Condition to read as follows:

“Decommissioning Plan

No later than 12 months prior to the proposed cessation of operation, a decommissioning plan must be provided to Council (or relevant approval authority) for review and approval. The objective of

this is to restore the land to its pre-existing state suitable for agricultural use. It must include, but not be limited to, the following:

- a. expected timeline for rehabilitation completion;*
- b. decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating the approved development; and*
- c. programme of site restoration to return the land back to a suitable state for agricultural purposes.*






All decommissioning works are to occur within twelve (12) months of cessation of the use, in accordance with an approved Decommissioning Plan. Waste from solar panels must be recycled where possible, and subject to a separate Waste Agreement approved by Council outline the arrangements of the disposal of waste if it is to be disposed of at a Council owned facility.

REASON: *To ensure that the process of decommissioning of the site does not create any issues relating to disposal of materials, contamination or traffic."*

- *Condition 19 Occupation Certificate Application (renumbered as condition 21) amended to read as follows:
"Once all conditions have been met, application for an Occupation Certificate shall be submitted to and approved by the Principal Certifying Authority **prior to operation of the development.**"*

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Jenny Clarke
 Shane Wilson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-72 - Narrandera – DA047-2020-2021
2	PROPOSED DEVELOPMENT	Proposed micro solar farm (electricity generating works) including solar panels on tracking systems and associated infrastructure (security fencing, vegetation screen, site roadworks and carpark, a power station containing inverter, transformer, and switchgears and five DC coupled energy storage containers on Lot 22) and electricity transmission line (on Lot 1).
3	STREET ADDRESS	273 Walkers Road COROBIMILLA NSW 2700
4	APPLICANT/OWNER	Applicant - Narrandera Solar Project No.2 Pty Ltd Owner – B R Davies
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Private infrastructure and community facilities
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Koala Habitat Protection) 2020 State Environment Planning Policy (Primary Production and Rural Development) 2019 State Environmental Planning Policy No 33 – Hazardous and Offensive Development Narrandera Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Narrandera Development Control Plan 2012 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 15 June 2021 Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 13 July 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Shane Wilson, Jenny Clarke <u>Council assessment staff</u>: Garry Stoll <u>Panel Secretariat</u>: Amanda Moylan Site inspection: 13 July 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Shane Wilson, Jenny Clarke <u>Council assessment staff</u>: Garry Stoll <u>Panel Secretariat</u>: Amanda Moylan Final briefing to discuss council's recommendation: Friday, 16 July 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Shane Wilson, Jenny Clarke <u>Council assessment staff</u>: Garry Stoll <u>DPIE staff</u>: Michelle Burns, Amanda Moylan

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2
Approved Conditions of Consent

GENERAL CONDITIONS

1. Consent

This Consent is for construction and use of 5MW micro solar farm (electricity generating works) including solar panels on tracking systems and associated infrastructure, including security fencing, vegetation screen, site roadworks, a power station containing inverter, transformer and switchgears and five DC coupled energy storage containers, on Lot 7 in DP 754551, 273 Walkers Road, Corobimilla, NSW, subject to the following conditions of consent.

2. Approved Plans and Documentation

The applicant must ensure that the development is undertaken in accordance with the following documents submitted with development application or where otherwise amended under the conditions of this consent:

Ref No	Drawing/Document Title	Prepared by	Version	Date
Proposed micro solar farm, 273 Walkers Road, Corobimilla, NSW	Statement of Environmental Effects – Prepared for Narrandera Solar Project No2 Pty Ltd – Report Reference [210064]	MJM Consulting Engineers	Final	22.03.21
Proposed micro solar farm, 273 Walkers Road, Corobimilla, NSW	Bushfire Assessment & Emergency Management and Operations Plan - Prepared for Narrandera Solar Project No2 Pty Ltd – Report Reference [210064]	MJM Consulting Engineers	Final	23.03.21
Corobimilla Micro Solar Farm Project	Construction Management Plan	ACLE	0	17/03/21
Development Application Cost Plan	Development Application Cost Plan – 273 Walkers Road, Corobimilla NSW 2700	MCG Quantity Surveyors		March 16,2021
Corobimilla Solar Farm	Site Plan – Drawing No. G-1.0_000101	ACENERGY	A	08/02/2021
Corobimilla Solar Farm	Location Diagram – Drawing No. G-2.0_000101	ACENERGY	B	17/03/2021
Corobimilla Solar Farm	DC Coupled Energy Storage Container Elevations – Drawing No. G-3.0_000101	ACENERGY	B	17/03/2021
Corobimilla Solar Farm	Central Inverter, HV Switchboard, O/H Pole Elevations - Drawing No. G-4.0_000101	ACENERGY	C	22/03/2021

	Corobimilla Solar Farm	Security Fence Details - Drawing No. G-5.0_000101	ACENERGY	B	17/03/2021
	Corobimilla Solar Farm, 273 Walkers Road, Corobimilla Part Lot 7 DP 754551	Contour Plan - Part Lot 7 DP 754551, 273 Walkers Road, Corobimilla – PN 13566 – Sheet 1 of 1	PHL Surveyors		18/02/2021
<p>REASON: To enable the development to be in accordance with the development approval. (Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended).</p>					
3.	<p>Lapsing of Consent</p> <p>This Consent is valid for a period of five years from the date of consent. It will lapse if the approved use of any land or construction work has not commenced prior to that date. No further extensions will be granted.</p> <p>REASON: To comply with Section 4.53(1) of the Environmental Planning and Assessment Act, 1979, as amended.</p>				
4.	<p>Aboriginal Heritage</p> <p>Should any Aboriginal relics be encountered during any works for this development, then all excavation or disturbance to the area is to cease immediately and the Office of Environment and Heritage is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.</p> <p>REASON: OEHL requirement under the National Parks and Wildlife Act 1974 and Threatened Species Conservation Act 1995.</p>				
5.	<p>Amenity - General</p> <p>The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, dust, waste water or waste products.</p> <p>REASON: So that the development does not reduce the amenity of the area. Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended.</p>				
6.	<p>Access Route to and from the Site</p> <p>The access to and egress from the site of the development is to be via the Newell Highway and Walkers Road, only.</p> <p>Prior to any works commencing and at the completion of works, the Applicant shall inspect Walkers Road from the intersection of the Newell Highway to the entrance of the development site with the Narrandera Council Works Manager, to determine the condition of this section of road before and after works in order to ascertain any works that may be required to return this section of Walkers Road to its pre-development state.</p> <p>Should it be determined that works are required, these works are to be rectified at the cost of the Applicant before an Occupation Certificate will be issued.</p> <p>REASON: To ensure that any damage to Council infrastructure as a result of the development is repaired or made good by the developer.</p>				
7.	<p>Walkers Road Upgrade</p> <p>Prior to the Commencement of Works on the development site, the developer shall upgrade 30 metres of Walkers Road from the intersection of the Newell Highway towards the development site. Works to be conducted include 7 metre width 20mm crushed rock gravel approved by Council, 6 metre width 14mm / 7mm double seal and appropriate turnouts at the intersection with the Newell</p>				

	<p>Highway. The road construction works shall be completed to the satisfaction of Council's Deputy General Manager Infrastructure or delegate.</p> <p>Note: Additional approvals may be required to work adjacent to the Newell Highway prior to construction commencing and are the responsibility of the developer.</p> <p>REASON: <i>To ensure safe access for heavy vehicles used during the construction of the development.</i></p>
8.	<p>Operating conditions</p> <p>The Applicant must ensure that;</p> <ul style="list-style-type: none"> (a) the internal access road from Walkers to and within the development site is to be constructed as an all weather road; (b) there is sufficient parking on-site for all vehicles accessing the site, and no parking of vehicles occurs on Walkers Road; (c) all vehicles are to be loaded and unloaded on site, and enter and leave the site in a forward direction, and construction vehicles leaving the site are in a clean condition to minimise dirt being tracked onto Walkers Road. <p>REASON: <i>To ensure vehicles accessing and leaving the site do so in a safe manner that does not negatively impact of Walkers Road.</i></p>
9.	<p>Battery Storage</p> <p>The storage and operation of the DC Coupled Energy Storage battery containers is to comply with Australian Standard AS 5139:2019.</p> <p>REASON: <i>To ensure that battery storage and use in the energy storage systems complies with the current Australian Standards in order to reduce or avoid any hazards or contamination from the battery storage systems.</i></p>
10.	<p>Noxious Weeds Control</p> <p>The Applicant is to submit a Weed Management Plan for the assessment and approval of Council prior to the issue of a Construction Certificate.</p> <p>REASON: <i>To ensure that noxious weeds are managed and controlled in accordance with NSW Biosecurity Act 2015 and to prevent the site from becoming a biosecurity threat from the growth of noxious weeds.</i></p>
11.	<p>Bushfire Protection</p> <p>The actions identified under Section 6 of the Bushfire Assessment & Emergency Management and Operations Plan - Prepared for Narrandera Solar Project No2 Pty Ltd by MJM Consulting Engineers – Report Reference [210064] that incorporates Section 8.3 of the NSW Rural Fire Service Planning for Bushfire Protection guidelines for the site are to be implemented prior to the issue of an Occupation Certificate.</p> <p>In particular the following is to be provided;</p> <ul style="list-style-type: none"> • A minimum 10m wide Asset Protection Zone • The installation of a 20,000 litre non-combustible dedicated water tank fitted with approved Storz connections. • Maintenance of site and facility access. <p>REASON: <i>To prepare for, minimise and protect the site from the effects of bush fires.</i></p>
12.	<p>Waste Management</p> <p>The applicant is to submit to Council for assessment and approval prior to the issue of a Construction Certificate a Waste Management Plan that addresses the following matters:</p> <ol style="list-style-type: none"> 1. <u>Disposal of packaging waste.</u> The Applicant is to detail expected quantities and types of waste to be generated during the construction phase and separate these wastes into the type and quantities of recyclables and general waste.

	<p>The Proponent is to provide details of disposal strategies for both waste streams including locations of intended disposal facilities as well as the scheduling of deliveries at these locations.</p> <p>2. <u>Disposal of Effluent.</u></p> <p>The Applicant is to provide details of the Contractor to be appointed to dispose of the effluent from the portable sanitary facilities at the site. These details are also to include the location of the licenced disposal facility and copies of any required NSW Environmental Protection Authority licences.</p> <p>REASON: <i>To ensure that all possible waste from the development is appropriately recycled and that all other waste is appropriately disposed of.</i></p>
13.	<p>Vegetation Screening</p> <p>The applicant is to establish the vegetation screen on the outside of the security fence around the entire perimeter of the development site and construct a new farm type stock fence to protect the vegetation from stock grazing. A Vegetation Management Plan is to be submitted to Council for assessment and approval prior to the issue of a Construction Certificate, that provides information on the species of shrubs, details regarding the ongoing maintenance for the life of the development (eg watering schedule) including how any damaged, diseased or dying plants during that time will be replaced.</p> <p>The vegetation screening is to be planted and the stock fence established prior to the issue of the Occupation Certificate.</p> <p>The vegetation screening is to be maintained for the life of the development.</p> <p>REASON: <i>To ensure that the site is provided with visual screening upon completion of works.</i></p>
14.	<p>Erection of Signs for Development</p> <p>Appropriate signs are to be erected in accordance with Section 98A Environmental Planning & Assessment Regulation 2000 as follows. A sign must be erected in a prominent position on any site on which building work is being carried out:</p> <ol style="list-style-type: none"> Showing the name, address and telephone number of the Principal Certifying Authority for the work, and Showing the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and Stating that unauthorised entry to the work site is prohibited. <p>Any such sign is to be maintained while the construction work is being carried out, but must be removed when the work has been completed.</p> <p>REASON: <i>This is a prescribed condition of consent under the Environmental Planning and Assessment Regulation 2000, as amended.</i></p>
15.	<p>DA Record to be Kept On-Site</p> <p>The Applicant shall at all times maintain at the site during construction a legible copy of the plan and specifications approved with the Construction Certificate endorsement of the certifying authority.</p> <p>REASON: <i>To ensure all contractors have access to an approved plan.</i></p>
16.	<p>Public Access to Site</p> <p>Public access to the site is to be prevented when construction work is not in progress or the site is unoccupied.</p> <p>REASON: <i>To ensure that the construction and excavation works and all associated work practices are undertaken in a safe manner complying with the requirements of SafeWork NSW.</i></p>
17.	<p>Hours of Operation - Construction</p>

	<p>Building or construction work shall be carried out only in accordance with the provisions below, unless altered by a statutory authority under Covid construction amendments;</p> <ul style="list-style-type: none"> • between 7:00am and 6:00pm Monday to Friday • between 8:00am and 1:00pm Saturday • no work to be undertaken on Sundays and public holidays <p>REASON: <i>To protect the amenity of the area.</i></p>
18.	<p>Erosion and Sediment Control</p> <p>Erosion and sediment control measures shall be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. Materials from the site are not to be tracked into the road by vehicles entering or leaving the site. At the end of each working day any dust, dirt or other sediment shall be swept off the road, contained on the site and not washed down any stormwater pit or gutter.</p> <p>REASON: <i>To ensure that construction and excavation works do not negatively impact on the local road infrastructure.</i></p>
19.	<p>Structural Adequacy</p> <p>The Applicant must ensure that all new buildings and structures are constructed in accordance with the relevant requirements of the Building Code of Australia.</p> <p>The Applicant is required to obtain both a Construction and Occupation Certificate for the development.</p> <p>The Applicant is to appoint a Principal Certifier Authority, who if not Narrandera Shire Council, is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.</p> <p>REASON: <i>Compliance with section 6.6 of the Environmental Planning & Assessment Act 1979, as amended.</i></p>
20.	<p>Decommissioning Plan</p> <p>No later than 12 months prior to the proposed cessation of operation, a decommissioning plan must be provided to Council (or relevant approval authority) for review and approval. The objective of this is to restore the land to its pre-existing state suitable for agricultural use. It must include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) expected timeline for rehabilitation completion; b) decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating the approved development; and c) programme of site restoration to return the land back to a suitable state for agricultural purposes. <p>All decommissioning works are to occur within twelve (12) months of cessation of the use, in accordance with an approved Decommissioning Plan. Waste from solar panels must be recycled where possible, and subject to a separate Waste Agreement approved by Council outline the arrangements of the disposal of waste if it is to be disposed of at a Council owned facility.</p> <p>REASON: <i>To ensure that the process of decommissioning of the site does not create any issues relating to disposal of materials, contamination or traffic.</i></p>
21.	<p>Occupation Certificate Application</p> <p>Once all conditions have been met, application for an Occupation Certificate shall be submitted to and approved by the Principal Certifying Authority prior to operation of the development.</p> <p>REASON: <i>Compliance with section 6.9 of the Environmental Planning & Assessment Act 1979, as</i></p>

	<i>amended.</i>
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