

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 6 July 2021.

MATTER DETERMINED

PPSWES-83 – Narrandera – DA052-2020-2021 at 1083 Buckingbong Road, Gillenbah – 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) and electricity transmission line (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 following 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 22 DP 754540, 1083 Buckingbong Road, Gillenbah NSW 2700, NSW, subject to the following conditions of consent."
- Condition 2 Approved Plans and Documentation amended.
Reason: To avoid any conflict between the approved plans and conditions and the conditions of consent, add words "or otherwise amended by 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 otherwise amended by the conditions of this consent:"
- Condition 12 Waste Management amended.

Reason: Remove the requirement to modify the SEE, relying instead on the submission and approval of the Waste Management Plan. Condition amended to read 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 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. Condition amended to read as follows:

"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 prior to the issue of the Occupation Certificate.

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

- Condition 22 Decommissioning Plan amended




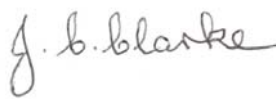

Reason: To ensure preparation and approval of a decommissioning plan. Condition amended to read as follows:

"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.*

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-83 – Narrandera – DA052-2020-2021
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) and electricity transmission line.
3	STREET ADDRESS	1083 Buckingbong Road, Gillenbah
4	APPLICANT/OWNER	Applicant - Narrandera Solar Project Pty Ltd Owner – Lawndock Property Investments Pty Ltd
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 (Infrastructure) 2007 State Environmental Planning Policy (Koala Habitat Protection) 2020 State Environmental Planning Policy (Koala Habitat Protection) 2021 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: 30 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

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 22 DP 754540, 1083 Buckingbong Road, Gillenbah NSW 2700, 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 otherwise amended by the conditions of this consent:

Ref No	Drawing/Document Title	Prepared by	Version	Date
Proposed micro solar farm, 1083 Buckingbong Road, Gillenbah, NSW	Statement of Environmental Effects – Prepared for Narrandera Solar Project Pty Ltd – Report Reference [200576]	MJM Consulting Engineers	Final	4/05/21.21
Proposed micro solar farm, 1083 Buckingbong Road, Gillenbah, NSW	Bushfire Assessment & Emergency Management and Operations Plan – Proposed micro solar farm, 1083 Buckingbong Road, Gillenbah, NSW for Narrandera Solar Project Pty Ltd – Report Reference [200576]	MJM Consulting Engineers	Final	4/05/21.21
Gillenbah Micro Solar Farm Project	Construction Management Plan	ACLE	0	17/03/21
Summary Report	Gillenbah Solar Farm Flood, Drainage and Groundwater Assessment Report – Document No. 21010374_R01V02_Gillenbah_SolarFarm.docx	Water Technology – water, Coastal, & Environmental Consultants	V02	3 May 2021
Development Application Cost Plan	Development Application Cost Plan – 1083 Buckingbong Road Gillenbah NSW 2700	MCG Quantity Surveyors		April 8, 2021
Gillenbah Solar Farm	Site Plan – Drawing No. G-1.0_0001101	ACENERGY	B	30/03/2021
Gillenbah Solar Farm	Location Diagram – Drawing No. G-2.0_0001101	ACENERGY	B	30/03/2021
Gillenbah Solar Farm	DC Coupled Energy Storage Container Elevations – Drawing No. G-3.0_0001101	ACENERGY	B	30/03/2021
Gillenbah Solar Farm	Central Inverter, HV Switchboard, O/H Pole Elevations - Drawing No. G-4.0_000101	ACENERGY	B	30/03/2021
Gillenbah Solar Farm	Security Fence Details - Drawing No. G-5.0_0001101	ACENERGY	B	17/03/2021

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).

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: <i>To comply with Section 4.53(1) of the Environmental Planning and Assessment Act, 1979, as amended.</i></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: <i>OEH requirement under the National Parks and Wildlife Act 1974 and Threatened Species Conservation Act 1995.</i></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: <i>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.</i></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 Sturt Highway, Buckingbong Road and Dellapool Road only.</p> <p>Prior to any works commencing and at the completion of works, the Applicant shall inspect Buckingbong and Dellapool Roads from the intersection of the Sturt Highway to the entrance of the development site with the Narrandera Council Works Manager, to determine the condition of these roads before and after works in order to ascertain any works that may be required to return these sections of Buckingbong and Dellapool Roads to their 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: <i>To ensure that any damage to Council infrastructure as a result of the development is repaired or made good by the developer.</i></p>
7.	<p>Operating conditions</p> <p>The Applicant must ensure that;</p> <ul style="list-style-type: none"> (a) the internal access road from Dellapool Road 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 Buckingbong and Dellapool Roads; (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 <i>Buckingbong and Dellapool Roads</i>. <p>REASON: <i>To ensure vehicles accessing and leaving the site do so in a safe manner that does not negatively impact on Buckingbong and Dellapool Roads.</i></p>
8.	<p>Flood Protection</p> <p>The following recommendations contained within the Gillenbah Solar Farm Flood, Drainage and Groundwater Assessment Report – Document No. 21010374_R01V02_Gillenbah_SolarFarm.docx, are to be complied with;</p> <ul style="list-style-type: none"> i) All sensitive infrastructure such as the inverters and battery storages are to be located above the maximum of the 1% AEP flood level with a minimum of 300mm freeboard. The 1% AEP flood level height is to be established by a surveyor and marked onsite.

	<p>ii) Solar panel arrays are to be designed to be positioned so as to have the lowest edge of the panel above the 1% AEP flood level height established under Condition of Consent 8 (i) above.</p> <p>iii) The solar panel arrays and the footings for the containers housing the inverters and batteries are to be designed to withstand the expected flood velocities identified in the report. These designs are to be submitted to Council with the application for the Construction Certificate.</p> <p>iv) The all weather access track to the proposed development site from Dellapool Road should be designed to cater for the overland flow paths identified in the report.</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 in accordance with Part 5.9 of the Statement of Environmental Effects for the proposed micro solar farm at 1083 Buckingbong Road Gillenbah 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 Pty Ltd by MJM Consulting Engineers – Report Reference [200576] 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. • A copy of the Bushfire Emergency Management Plan is to be kept onsite at all times. • The Bushfire Emergency Management Plan is to be incorporated into the Construction Management Plan for the Gillenbah Micro Solar Farm Project produced by ACLE. <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. 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. 2. <u>Disposal of Effluent.</u>

	<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 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

	REASON: <i>To protect the amenity of the area.</i>
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 and should incorporate the recommendations contained within the Gillenbah Solar Farm Flood, Drainage and Groundwater Assessment Report – Document No. 21010374_R01V02_Gillenbah_SolarFarm.docx.</p> <p>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>Approval under Section 138 Roads Act 1993</p> <p>The Applicant is to apply to Narrandera Shire Council for, and receive, approval under Section 138 of the NSW Roads Act 1993 before carrying out any works over or in Dellapool Road to construct the proposed electricity transmission line connecting the solar farm on Lot 22 DP 754540 to the existing 11KV transmission line on Lot 1 DP 754540.</p> <p>REASON: <i>A person must not erect a structure or carry out work in, on or over or disturb the surface of a public road without the prior consent of the local roads authority.</i></p>
21.	<p>Creation of a Section 88B Instrument</p> <p>The applicant is to create a Section 88B Instrument under the NSW Conveyancing Act 1919 over the site of the proposed electricity transmission line on Lot 1 DP 754540 for the purpose of establishing an electricity transmission line on Lot 1 DP 754540 that benefits the solar farm on Lot 22 DP 754540.</p> <p>REASON: <i>The proposed electricity transmission line is located on a separate lot to that of the principal development of the solar farm which relies upon access across Lot 1 DP 754540 to deliver the electricity generated on Lot 22 DP 754540.</i></p>

22.	<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>
23.	<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 amended.</i></p>