

DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Thursday, 1 August 2019
PANEL MEMBERS	Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson and Bill Sheaffe
APOLOGIES	None
DECLARATIONS OF INTEREST	Jack Terblanche: Is the assessing officer for this development application.

Papers circulated electronically between 23 July 2019 and 30 July 2019.

MATTER DETERMINED

2019WES003 – Hay Shire Council – DA2019-040 at Lot 110 DP 1187931, Mid-Western Highway, Hay NSW 2711 – Construction of a 5MW solar farm using single axis trackers (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.

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 development is permissible with consent under the provisions of *State Environmental Planning Policy (Infrastructure) 2007*.
- The Panel is satisfied that the potential visual impact of the development on surrounding land uses and vehicles on the Mid Western Highway can be mitigated through appropriate screening of the development including a vegetative screen along the southern boundary.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

Include a new Condition requiring the Applicant to prepare an Emergency Management Plan:

Prior to the issue of any Construction Certificate an Emergency Management Plan (EMP) for the development shall be submitted to and approved by Council. The EMP shall address emergency management procedures associated with fire risk as a consequence of the built features of the development (i.e. solar panels, electrical wiring, substations etc), including containment of any contaminants on-site.

- Amend Condition 23(a) to include the following words at the end:

in particular, the Applicant shall plant vegetative screening along the southern (Mid-Western Highway) boundary. Details of the screening shall be submitted for the approval of the Council in consultation with the Roads and Maritime Service.





SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2019WES003 – Hay Shire Council – DA2019-040
2	PROPOSED DEVELOPMENT	Construction of a 5MW solar farm using single axis trackers
3	STREET ADDRESS	Lot 110 DP 1187931, Mid-Western Highway, Hay NSW 2711
4	APPLICANT/OWNER	Applicant: IT Power Renewable Energy Consulting Owner: JMT Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Hay Local Environmental Plan 2011 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No – 55 Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 • Draft environmental planning instruments: Nil • Development control plans: Nil • 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: 27 June 2019 • List any clause 4.6 variation requests here: Nil • Written submissions during public exhibition: 0
8	PAPERS CIRCULATED ELECTRONICALLY	Papers were circulated electronically between Tuesday, 23 July 2019 and 30 July 2019.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

The amendments to the conditions are to ensure the site has appropriate emergency management procedures in the event of the bushfire and the ensure there is appropriate screening along the Mid-Western Highway boundary.

CONSIDERATION OF COMMUNITY VIEWS

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

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Mark Grayson	 Bill Sheaffe