

DATE OF DETERMINATION	29 October 2025
DATE OF PANEL DECISION	29 October 2025
DATE OF PANEL MEETING	21 October 2025
PANEL MEMBERS	Alison McCabe (Chair), Roberta Ryan, Eugene Sarich, Jacinta Ledlin
APOLOGIES	Tony McNamara
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 14 October 2025.

MATTER DETERMINED

PPSHCC-362 - Muswellbrook- DA 2019 -102 (3) - 511 Richmond Grove Road, Sandy Hollow 2333 – Sandy Hollow – Solar Farm Modification Application (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 listed at item 8 in Schedule 1.

The application is for a modification to the existing consent for a solar farm approved by the Panel in May 2020.

The modification, while minor in scope, affects a number of the conditions imposed by the Panel.

The Panel, in its deliberation of the matter, was satisfied that the consent had been physically commenced.

The Panel, in its consideration of the matter, sought additional information regarding:

- The height of panel structures;
- Whether a Works Authorisation Deed (WAD) has been approved by Transport for NSW (TfNSW); and
- Whether any further trees were required to be removed because of the access.

The Panel also queried conditions regarding:

- Reference to approved plans;
- Width of APZ in landscape area;
- Need for Condition 6 given lodgement of a landscape plan; and
- Form of the modification to the consent.

A supplementary memo dated 23 October 2025 was prepared by Council and has been considered by the Panel addressing the above.

The Panel is satisfied that the development, as modified, is substantially the same development as originally approved. The modification to conditions, with some minor amendments, is considered acceptable and does not undermine the original intent and purpose to mitigate impacts.

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979* subject to the modification of conditions at Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the modification application for the following reasons:

- i. The development, as modified, does not result in any unreasonable impacts.
- ii. The development is considered to be substantially the same development as that originally approved.
- iii. The impacts arising from the modified development are adequately mitigated.

CONDITIONS

The Modification Application was approved subject to the conditions at Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the one (1) written submission made during public exhibition. The Panel notes the issues of concern in relation to visual impacts.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Roberta Ryan
 Eugene Sarich	 Jacinta Ledlin

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-362 - Muswellbrook- DA 2019 -102 (3)
2	PROPOSED DEVELOPMENT	Sandy Hollow – Solar Farm, Section 4.55(2) Modification Application to: • Modify the landscaping screening requirements • Remove references to permanent amenities buildings, and • Remove the requirement to seal part of the internal access road.
3	STREET ADDRESS	511 Richmond Grove Road, Sandy Hollow 2333
4	APPLICANT/OWNER	Sandy Hollow Solar Pty Limited Stroud Agricultural Company Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Muswellbrook Local Environmental Plan 2009 • Draft environmental planning instruments: Nil • Development control plans: ○ Muswellbrook Development Control Plan 2009 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • 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	• Council Assessment Report: 13 October 2025 • Council Supplementary Memo: 23 October 2025 • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Initial Briefing: 5 August 2025 ○ <u>Panel members</u>: Alison McCabe (Chair), Tony McNamara, Roberta Ryan, Eugene Sarich ○ <u>Council assessment staff</u>: Donna Watson ○ <u>Applicant representatives</u>: Sarah Hillis, Eric Caesar, Robert Craig, Litsa Stavrakakis ○ <u>Department</u>: Leanne Harris • Final briefing to discuss Council's recommendation: 20 October 2025 ○ <u>Panel members</u>: Alison McCabe (Chair), Roberta Ryan, Eugene Sarich, Jacinta Ledlin ○ <u>Council assessment staff</u>: Donna Watson, Hamish McTaggart ○ <u>Applicant representatives</u>: Sarah Hillis, Eric Caesar, Robert Craig, Martin Myburn ○ <u>Department</u>: Leanne Harris, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

SCHEDULE 2

Modification of Conditions of Development Consent DA/2019/102 as modified

1. Condition No. 1 amended to read as follows

(1) Development in Accordance with Plans

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Title	Revision	Drawn by	Drawing Date	Received
CI-000-001	Cover Sheet, Drawing Registry and Locality plan	A	Stantec	9 November 2023	12 April 2024
CI-007-001	General Notes	A	Stantec	9 November 2023	12 April 2024
CI-050-001	General Arrangement Plan	A	Stantec	9 November 2023	12 April 2024
CI-060-001	Siteworks Plan	A	Stantec	9 November 2023	12 April 2024
CI-070-001	Erosion and Sediment Control Plan	A	Stantec	9 November 2023	12 April 2024
CI-076-001	Erosion and Sediment Control details	A	Stantec	9 November 2023	12 April 2024
CI-080-001	Utilities Coordination Plan	B	Stantec	30 November 2023	12 April 2024
CI-500-001	Catchment plan	A	Stantec	9 November 2023	12 April 2024
CI-520-001	OSD Basin Plan	A	Stantec	9 November 2023	12 April 2024
CI-526-001	Basin details	A	Stantec	9 November 2023	12 April 2024
CI-526-101	Site Works and Stormwater Details	A	Stantec	9 November 2023	12 April 2024
S-501	Pier Tolerances (6 ft pier)	C	Nextracker	26 August 2025	2 October 2025
LP01	Cover sheet	D	Moir	4 November 2024	26 March 2025
LP02	Landscape Plan	D	Moir	4 November 2024	26 March 2025
LP03	Detailed Plans & Sections	D	Moir	4 November 2024	26 March 2025
LP04	Detailed Plans & Sections	D	Moir	4 November 2024	26 March 2025
LP05	Specification 01	D	Moir	4 November 2024	26 March 2025
LP06	Specification 02	D	Moir	4 November 2024	26 March 2025

2. Condition No. 2 amended to read as follows

(2) Development in Accordance with Documentation

The development is to be carried out generally in accordance with the documents referenced below, endorsed with Council's approval stamp, except where amended by the conditions:

Title	Written by	Date
Statement of Environmental Effects (Appendix A, B, D, E, F, G, H I inclusive)	NGH Environment	November 2019
Biodiversity Assessment Report	NGH Environment	February 2020
Modification Report and Attachments	NGH Environment	June 2024
Modification Report (Modification Lodgement date 7 April 2025)	NGH	March 2025

Note: Nothing in this consent authorises any site activities or civil works including, but not limited to earthworks, the installation of any utility service, excavation, filling of land, construction of any roads, pathways or retaining walls, undertaking landscaping works or riparian corridor rehabilitation, bushfire hazard management works, clearing of vegetation or the removal of topsoil, before a construction certificate has been issued for the development.

3. Condition No. 4 amended to read as follows

(4) Amenities Building Requirement

Temporary amenities providing hand washing and toilet facilities, and a place to eat meals, is to be provided on the site for the construction, operation and decommissioning phases of the development. Amenities are to be placed within the area identified for temporary construction buildings.

4. Condition No. 6 – deleted

Condition 6 deleted (condition deleted as part of DA 2019/102 modification lodgement date 7 April 2025).

5. Condition No. 9 amended to read as follows

(9) Vehicle Access Design and Construction Requirements

The vehicle access design plans submitted to Certifying Authority with the Construction Certificate shall be consistent with the Detailed Design Plans approved by Transport for NSW as part of the WAD Detailed Design Acceptance approval dated 15 May 2025 and stamped with Transport for NSW corresponding approval stamp.

A copy of the WAD Detailed Design Acceptance Approval Letter is to be provided to the Certifying Authority related to the site vehicle access works as part of any Construction Certificate application.

If any alteration is required to the approved design plans any such alteration is to be approved by Transport for NSW and a copy of the updated plan provided to Council. Subject to Council's review of the corresponding plan, it may be necessary to seek acceptance of that updated plan through a further Section 4.55 Modification.

Note: A WAD must be entered into between the developer and Transport for NSW prior to the commencement of the works related to the Golden Highway improvements required by this condition related to requirements of this approval. The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the Transport for NSW.

6. Condition No. 17 amended to read as follows

(17) Landscape Design Plan

Site landscaping plans are to be submitted to the Certifying Authority with the Construction Certificate. These landscape plans are to be consistent with the approved plans and requirements included below:

- (a) Landscape plans approved as part of the Section 4.55(2) modification application lodgement date 7 April 2025 and directly referenced in the table of approved plans in Condition 1.
- (b) As per the approved landscape plans the landscaped area width at the western site development boundary may include a maximum of 2m of grass seeded turf that forms part of the Asset Protection Zone buffer area. The landscape strip along the northern development boundary is not to include any area that forms part of the Asset Protection Zone.
- (c) As per the approved landscape plans the landscape screen planting is to be planted with a mixture of both shrubs and trees to achieve screening from ground level to a minimum height of 4m.
- (d) All existing vegetation shown to be retained on the Stantec Utilities Coordination Plan reference number CI-080-001 (stamped approved plan) is to be retained and appropriately detailed in the corresponding construction plan.

7. Condition No. 45 – deleted

Condition 45 deleted (condition deleted as part of DA 2019/102 modification lodgement date 7 April 2025).

8. Condition No. 53 amended to read as follows

(53) Amenities Building Requirement

During operation, temporary amenities are to be provided at the development site for use by Staff where on-site works would extend for two continuous working days or more