

DATE OF DETERMINATION	12 March 2025
DATE OF PANEL DECISION	11 March 2025
DATE OF PANEL MEETING	11 March 2025
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow and Michael Wright
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 11 March 2025, opened at 2.34pm and closed at 3.19pm.

MATTER DETERMINED

PPSNTH-301 - Liverpool Plains - 10.2024.79.1 - Borah Creek Road, Quirindi (Lot 130 DP 751009) – Establishment of a 5MW Solar PV Electricity Generation Works with Associated Infrastructure (Battery Energy Storage System) (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 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.

The Panel is satisfied that, subject to the imposition of conditions, amenity and other impacts of the development such as traffic and safety, visual impact, reflectivity and glare, and fire and hazards risks can be adequately managed, and the site rehabilitated to enable a return to agricultural use in the future.

In response to community concern regarding visual amenity, the Panel has imposed condition A3(f) requiring medium density vegetation screening to be planted along the full frontage to Borah Creek Road and significant lengths of the northern and southern boundaries within 6 months of the commencement of construction.

The Panel concluded that the site is suitable for the proposed development and is in the public interest as it will deliver positive economic benefit during construction and operation, with ongoing beneficial sustainability outcomes through renewable energy use.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend Condition A2 Report Recommendations to insert the following below the table:
'In the event of any inconsistency between conditions of this approval and the report recommendations referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.'

- Amend Condition A3 to read as follows:

A3 Visual Mitigation Measures

To ensure reflection and glare from the solar panels is minimised, the following shall be implemented:

Construction

- (b) Planting be undertaken as soon as practicable in the construction process;
- (c) Dust be managed in response to visual cues and areas of soil disturbance rehabilitated progressively or immediately post-construction;
- (d) Use of non-reflective and earthy coloured materials (e.g. green, beige or muted wheat) where possible for all infrastructure and supporting structures;
- (e) Installation of an anti-reflective coating on the solar panels and associated framing. Evidence shall be provided to the Certifying Authority.
- (f) Medium density vegetation screening planted within six (6) months of commencement of construction, 1-2 rows deep, comprising of varying native species and advanced (sapling) plants. Planting and maintenance of a vegetation screen within Lot 130, DP 751009 and adjacent to the following boundaries as depicted on the proposed landscaping plan (Plan Number C6301, Revision 4): -
 - (i) Western boundary - for entire length of boundary;
 - (ii) Northern boundary - for entire length of boundary; and
 - (iii) Southern boundary - for a distance of 50 metres.
 Alternatively, an agreement for reasonable offset mitigation measures be negotiated by the applicant, with the owners of the property of 630 Borah Creek Road, Quirindi, subject to the endorsement of Council, prior to the commencement of construction

Operation

- (g) Ongoing maintenance of ground cover and vegetation screening.

Reason: To minimise visual impacts from the solar farm on the adjoining properties/road.

- Insert new Condition A14, which reads as follows:

A14 Limit on Approval Timeframe

To confirm and clarify the terms of approval and as provided for by Section 4.17(d) of the Environmental Planning and Assessment Act 1979, the use of the site for the solar farm is limited to a period of thirty-five (35) years from the release of an occupation certificate.

Reason: To limit the period during which the development may be carried out.

- Amend Condition B5 to insert the following words at the end of the condition, 'and not preclude the ability for continued grazing'.
- Amend Condition B5 to read as follows:

B5 Internal Access and Parking

Prior to the issue of a Construction Certificate, the Applicant shall submit suitable plans and details regarding the internal access road, stormwater drainage across the road, to Council for review and approval.

Reason: To ensure compliance with the approved application.

- Amend Condition B14 Car parking to read as follows:

B14 Vehicular Access and driveways

All driveways, access ramps, vehicular crossings shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1-2004. Details are to be provided with the Construction Certificate application.

Reason: To ensure driveways, access ramps, and vehicular crossings complies with the relevant Australian Standards.

- Amend Condition E3 Completion of all Works, part (a) to remove the words 'Car parking areas and'
- Insert new Condition E10, which reads as follows:

E10 Easements and Covenants

Prior to the issue of an Occupation Certificate, the following easements and/or restrictions created under the *Conveyancing Act 1919* must be registered on the title of the land with the NSW Land Registry Services:

A positive covenant requiring decommissioning, rehabilitation and restoration within six (6) months following end of life of the project and for this to occur at no cost to Council.

The proprietor, or successor, must bear all costs associated with the preparation of these instruments. Liverpool Plains Shire Council is to be clearly identified as the authority empowered to modify, vary or release the terms of the encumbrances on title.

Reason: To ensure the development provides the necessary easements and restrictions on the land title.


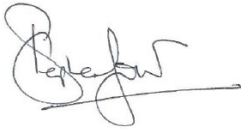
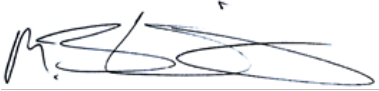
- Amend Condition F1 Continue Operations, part (a) to remove the words 'vehicular parking'
- Amend Condition F5(b) to remove the second sentence and amend the condition reason to remove the words 'and has adequate car parking provided on the site'
- Amend Condition F13 to insert the following words in the first sentence after 'harbourage of pest', '(including feral animals)'

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Visual impacts (glare and scenic landscape)
- Impacts on existing road infrastructure
- Insufficient screening measures
- Safety of pedestrians
- Fire hazard
- Potential radiation from operating equipment
- Impacts on Biodiversity
- Potential stormwater impacts
- Sustainable impacts (i.e. recyclable / disposable parts)
- Contamination of surface and ground water
- Impact on Primary Agricultural land
- Traffic impacts and access
- Impacts on potential Aboriginal Archaeological Heritage
- Inadequate community consultation and timeframes to respond with submissions
- Decrease in the value of surrounding properties
- Social and economic impacts
- Impacts on development potential of adjoining land
- Potential for Biosecurity impacts
- Suitability of the site
- Construction impacts.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-301 - Liverpool Plains - 10.2024.79.1
2	PROPOSED DEVELOPMENT	Establishment of a 5MW Solar PV Electricity Generation Works with Associated Infrastructure (Battery Energy Storage System)
3	STREET ADDRESS	Borah Creek Road, Quirindi (Lot 130 DP 751009)
4	APPLICANT OWNER	Ms Jou Jong on behalf of EDP Australia Pty Ltd Mr Will Jury & Ms Rachael Buckley
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"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Primary Production) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy Transport and Infrastructure) 2021 Liverpool Plains Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Liverpool Plains Shire Council Development Control Plan 2012 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	<ul style="list-style-type: none"> Council Assessment Report received: 04 March 2025 Council Supplementary Report received: 6 March 2025 Written submissions during public exhibition: 21 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Elizabeth Roseby On behalf of the applicant – Allen Grimwood and Albert Ngo Council assessment officer – Nathan Barlett Total number of unique submissions received by way of objection: 21
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 21 August 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright <u>Council assessment staff</u>: Elizabeth Cumming, Nathan Bartlett and Ben Kirk <u>Department staff</u>: Carolyn Hunt and Lisa Ellis Site inspection: 6 February 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright <u>Council assessment staff</u>: Nathan Bartlett and Nathan Skelly

		<ul style="list-style-type: none"> ○ <u>Applicant representatives:</u> Louis Bartels • Final briefing to discuss Council's recommendation: 11 March 2025 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Dianne Leeson (Chair), Stephen Gow, Michael Wright ○ <u>Council assessment staff:</u> Nathan Bartlett, David Kitson and Ben Kirk ○ <u>Department staff:</u> Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and amended on 06 March 2025 (V3)