

DATE OF DETERMINATION	23 June 2021
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Chris Wilson, Nigel Judd
APOLOGIES	None
DECLARATIONS OF INTEREST	Tim Fletcher

Public meeting held by teleconference on 23 June 2021, opened at 10am and closed at 10:30am.

MATTER DETERMINED

PPSSTH-80 – TEMORA SHIRE COUNCIL – DA17/2021 at 197 Moroneys Lane Temora 2666 – Construct a 5MW solar farm at 197 Moroneys Lane Temora (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.

In addition, the Panel was satisfied that:

- The proposed development is permissible with consent and consistent with the objectives of the RU1 Primary Production Zone under *Temora Local Environmental Plan 2010*.
- The development is appropriately located on the site to minimise visual impact and maximise distance to dwellings on adjoining land. Further to this, the Panel was satisfied that, subject to the amended conditions of consent, the visual impact of the development when viewed from nearby dwellings and public roads, is able to be satisfactorily mitigated by way of vegetation screening.
- The Panel was satisfied that the proposed development was not inconsistent with the land use outcomes in the *Temora Shire Local Strategic Planning Statement 2020*.
- The Panel was satisfied that, subject to the conditions of consent, the impacts associated with construction, operation and decommissioning are able to be mitigated or managed.

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report with the following amendments:

1. Amend Condition 2 to replace the words “June” with “Temora Shire”.
2. Amend Condition 15 (Construction Environmental Management Plan):
 - Include a new part:
 - p) *Addressing complaints relating to construction of the development.*
3. Amend Condition 17 (Operations Environmental Management Plan):
 - Amend Part h) to the following:
 - h) *Bushfire management, including confirmation of fire fighting water supply sources and annual inspection of the site prior to the Bushfire Danger Period.*
 - Amend Part j) to the following:





- J) Management of water runoff and risk of erosion, including how effectiveness of measures will be monitored and steps to mitigate any offsite impacts if they occur*
- Include two additional parts:
 - l) monitoring of glare impacts of the development, and proposed mitigation measures should glare impacts be identified.*
 - m) management and maintenance of vegetation screening including supplementary watering of plants.*
4. Amend Condition 21:
- Include the following words after the first sentence:
The decommissioning plan shall be reviewed 3 months prior to implementation in consultation with Council.
 - Include a new Part:
f) consultation with Council regarding proposed waste management prior to implementation.
5. Insert a new condition in the General Section:
- *The landscape area for visual screening shall be a minimum 4 metres in width around the perimeter of the development. Tree species shall be drought resistant and be able to grow to a minimum 3 metres in height at maturity. An amended landscape plan reflecting these requirements is to be submitted for approval by Council.*
6. Amend the numbering of conditions to be sequential

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
- Perceived impacts on property values
- Impacts on future land use of adjoining properties
- Potential glare impacts
- Site decommissioning and remediation

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 addressing the above issues. The Panel has amended conditions relating to visual impact and vegetation screening to further mitigate impacts.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Chris Wilson	 Nigel Judd

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-80 – TEMORA SHIRE COUNCIL – DA17/2021
2	PROPOSED DEVELOPMENT	Construct a 5MW solar farm at 197 Moroneys Lane Temora
3	STREET ADDRESS	197 Moroneys Lane Temora 2666
4	APPLICANT/OWNER	Applicant: Mr Zaed Aznam Owner: Mr Phillip Smith & Mrs Debbie Smith
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 (Primary Production and Rural Development) 2019 Temora Local Environmental Plan 2010 Temora Shire Council Developer Contributions Plan 2019 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: 11 May 2021 Written submissions during public exhibition: 4 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Robert Granleese Council assessment officer – Clare Golder On behalf of the applicant – Allen Grimwood Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: Tuesday, 22 June 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Nigel Judd <u>Council assessment staff</u>: Clare Golder Final briefing to discuss council's recommendation: Wednesday, 23 June 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Chris Wilson, Nigel Judd <u>Council assessment staff</u>: Clare Golder <u>DPIE Staff</u>: Michelle Burns, Sung Pak
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report