

DATE OF DETERMINATION	17 November 2021
DATE OF PANEL DECISION	17 November 2021
DATE OF PANEL MEETING	5 October 2021
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Susan Budd, Craig Filmer
APOLOGIES	Penny Day
DECLARATIONS OF INTEREST	Tim Fletcher - Allen Grimwood (Zenith Planning) who prepared the SEE is a personal friend.

MATTER DETERMINED

PPSSTH-89 - HILLTOPS - DA2021/0145 at LACHLAN VALLEY WAY BOOROWA 2586 – SOLAR ENERGY SYSTEM (5MW SOLAR FARM) (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 *Boorowa Local Environmental Plan 2012*
- 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 residential zoned land, dwellings and public roads, is able to be satisfactorily mitigated by way of vegetation screening.
- The Panel was satisfied, in accordance with Clause 66C of *State Environmental Planning Policy (Infrastructure) 2007*, that the potential safety risks or risks to the integrity of the APA gas pipeline development are minimal and acceptable. In this regard the Panel considered the correspondence of APA, the operator the pipeline dated 1 July 2021.
- 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

- Inclusion of condition requiring the preparation, approval and implementation of a Construction Environmental Management Plan (CEMP).
- Inclusion of a condition requiring the preparation, approval and implementation of an Operation Environmental Management Plan (OEMP). The OEMP should specifically include measures to manage weeds on the site monitor glint and glare impacts, and on-going management of the landscape screen areas, including supplementary watering of plants to ensure establishment.
- Include a condition requiring submission of an amendment to Landscape Details Plan drawing number BOO1B-7300 indicating a tree buffer width of 4m and height of 3m.
- Amend Condition 19 to require Meads Lane to be restored to the applicable Council road standard following construction and prior to operation of the development.
- Amend Condition 49 to reference the amended Landscape Details Plan.
- Amend Condition 60 to require that the decommissioning plan is to be reviewed 3 months prior to implementation, in consultation with Council.

Council submitted revised recommended conditions of consent to the Panel on 26 October 2021. The Panel has endorsed the revised conditions subject to the below amendment to Condition 63 (in bold):


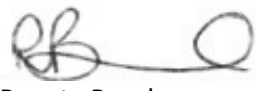


*63 A Rehabilitation and Decommissioning/Closure Plan shall be prepared and submitted for approval by Council a minimum of three (3) months prior to implementation in consultation with Council. The plan shall **be consistent with the commitments in the Waste and Decommissioning Assessment - Boorowa 1B Solar Farm, prepared by ITP Development Pty Ltd dated 1 April 2021, and shall** include rehabilitation objectives and strategies, including:*

- (a) A description of the design criteria of the final landuse and landform;*
- (b) indicators to guide the return of the land back to agricultural production;*
- (c) expected timeline for the rehabilitation program;*
- (d) management controls regarding decommissioning and removal of all solar arrays, above and below ground infrastructure and any structures or infrastructure relating to the solar energy works, upon cease of solar energy works;*
- (e) a commitment to remove all solar farm infrastructure located below the land surface;*
- (f) consultation with Council regarding proposed waste management prior to implementation.*

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission made during public exhibition. The Panel notes that the issue of concern related to the proximity of the proposed development to residential zoned land in the Boorowa South Urban Release Area.

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 landscape screening of the development and the requirement for the Operation Environmental Management Plan to include on-going management of the landscape screen areas, including supplementary watering of plants to ensure establishment.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Susan Budd	 Craig Filmer

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-89 - HILLTOPS - DA2021/0145
2	PROPOSED DEVELOPMENT	SOLAR ENERGY SYSTEM (5MW SOLAR FARM)
3	STREET ADDRESS	4177 LACHLAN VALLEY WAY, BOOROWA NSW
4	APPLICANT/OWNER	RICHARD PATRICK CORCORAN C/O- ITP DEVELOPMENT 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"> ◦ Boorowa Local Environmental Plan 2012 • Draft environmental planning instruments: <ul style="list-style-type: none"> ◦ Draft Hilltops Local Environmental Plan 2021 • Development control plans: <ul style="list-style-type: none"> ◦ Boorowa Development Control Plan 2013 • 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 August 2021 • Council supplementary report: 26 October 2021 • Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: Tuesday, 5 October 2021 <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Susan Budd, Craig Filmer ◦ <u>Council assessment staff</u>: Bill Vanry ◦ <u>DPIE Staff</u>: Sung Pak, Michelle Burns
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report