

<b>DATE OF DETERMINATION</b>	24 December 2021
<b>DATE OF PANEL DECISION</b>	24 December 2021
<b>DATE OF PANEL MEETING</b>	20 December 2021
<b>PANEL MEMBERS</b>	Gordon Kirkby (Chair), Sue Francis, Andrew Hutton, Peter O'Dwyer
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 24 December 2021.

#### **MATTER DETERMINED**

PPSSTH-98 – Greater Hume – DA10.2006.57.3 at 269 Back Henty Road Culcairn for a 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 by way of Clause 34 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) being within the RU1 Primary Production Zone under *Greater Hume Local Environmental Plan 2012* (GHLEP) which is a prescribed zone.
- The proposed development is generally consistent with the objectives of the RU1 Primary Production Zone under GJHLEP.
- The development is appropriately located on the site to minimise visual impact of the development from surrounding residences, road and rail lines. The Panel was satisfied that, subject to the conditions of consent, the visual impact of the development 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.
- Subject to a condition of consent limiting the size and access route for heavy vehicles, the traffic impacts of the development will be acceptable.
- 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.

The Panel notes that further investigations for Aboriginal cultural heritage were recommended in the Due Diligence report that accompanied the development application. The Panel has included a condition of

consent that requires these investigations to be undertaken and, if Aboriginal objects are identified that are likely to be impacted, appropriate approvals are obtained prior to construction.

## CONDITIONS





The development application was approved subject to the conditions in the council assessment report with a number of amendments.

- Provide more clarity with respect to the issues to be addressed in the Construction Site Management Plan and Operations Environment Management Plan.
- To require further investigation of the proposed tree to be removed to ensure that it is not hollow bearing and if so, to require compensatory nesting boxes.
- To require all heavy vehicles to access the site by way of the Feedlot Road level crossing and to prevent B-Double vehicles accessing the site.
- To require the preparation and submission of a Waste Management Plan to address construction, operation and decommissioning waste classification and handling.
- To require further Aboriginal cultural heritage investigations to be undertaken to verify if any objects are likely to be impacted by the development.
- To require an Emergency Management Plan to be prepared and implemented to minimise bushfire risk.
- To align the construction noise criteria with the recommendations in the Acoustic Assessment.
- To require a road dilapidation assessment to be undertaken for the decommissioning phase of the development.

The revised conditions are included at **Attachment A**.

## CONSIDERATION OF COMMUNITY VIEWS

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

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Sue Francis
 Andrew Hutton	 Peter O'Dwyer

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-98 – Greater Hume – DA10.2006.57.3
2	PROPOSED DEVELOPMENT	5 MW Electricity Generating Works (Solar) and associated works.
3	STREET ADDRESS	Lot 56 DP 753757 269 Back Henty Road, Culcairn
4	APPLICANT/OWNER	NSW Community Renewables (Culcairn) Pty Ltd c/-SLR Consulting Pty Ltd Regmont 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"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 33 – Hazardous and Offensive Development</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Primary Production and Rural Development) 2009</li> <li>○ State Environmental Planning Policy (Koala Habitat Protection) 2019</li> <li>○ Greater Hume Local Environmental Plan 2012</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Greater Hume Development Control Plan 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 2 December 2021</li> <li>• Applicant response to submissions 16 December 2021</li> <li>• Written submissions during public exhibition: Nil</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 20 December 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Gordon Kirkby (Chair), Sue Francis, Andrew Hutton, Peter O'Dwyer</li> <li>○ <u>Council assessment staff</u>: Colin Kane, David Hunter</li> <li>○ <u>Applicant representatives</u>: Rachel Pettitt, Jeremy Every, Jason Gao, Patrick Quinlan</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report