

**DETERMINATION AND STATEMENT OF REASONS**  
WESTERN REGIONAL PLANNING PANEL

|                                 |                                                        |
|---------------------------------|--------------------------------------------------------|
| <b>DATE OF DETERMINATION</b>    | 12 July 2023                                           |
| <b>DATE OF PANEL DECISION</b>   | 12 July 2023                                           |
| <b>DATE OF PANEL MEETING</b>    | 11 July 2023                                           |
| <b>PANEL MEMBERS</b>            | Garry Fielding, Graham Brown, Donna Rygate, David Webb |
| <b>APOLOGIES</b>                | Lionel Garner                                          |
| <b>DECLARATIONS OF INTEREST</b> | None                                                   |

Papers circulated electronically on 3 July 2023 (Assessment Report).

**MATTER DETERMINED**

PPSWES -167 – Hay - DA2022-26, Lots 9-11 DP 756755 19 Murray Street, Hay, Electricity Generating System (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 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 and the following amendments.

**CONDITIONS**

The Panel made the following amendments to Conditions A1 and A2.

**Condition A1 - Approved Plans and Supporting Documentation is amended to read:**

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

| Plan/Report Title                                  | Reference No           | Revision | Prepared by            | Date       |
|----------------------------------------------------|------------------------|----------|------------------------|------------|
| Site Plan                                          | NSW-02                 | D        | Green Gold Energy      | 08/05/2023 |
| Electrical Equipment Elevation Drawing             |                        | B        | Green Gold Energy      | 13/03/2020 |
| 796908 Green Gold Energy – Elwomple_Mechanical Set | M101-M102, M201        | A        | Nextracker Inc         | 07/09/2021 |
| Landscape Plan                                     | Drawing No. 20158/LS01 | 2        | Chris Smith Associates | May 2023   |

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

**Condition A2 – Reports: Recommendations & Proposals is amended to read:**

The development must be constructed, operated and decommissioned in accordance with the recommendations/proposals contained in the following specialist reports.

| <b>Plan/Report Title (incl Reference, date, author)</b>                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Green Gold Energy, Construction Environmental Management Plan (GG-CEMP)                                                                             |
| Chris Smith & Associates, Statement of Environmental Effects, August 2022 (Ref: 20158)                                                              |
| Low Impact Development Consulting, Recycling & Waste Management Plan – demolition, construction and in-operation, Commercial Solar Farm, 15/11/2021 |
| Aboriginal Cultural Heritage Due Diligence Assessment, Version 1 19/211/21                                                                          |
| Traffic Works Pty Ltd Traffic Impact Assessment Report for Green Gold Energy Pty Ltd Project No 201077, Final Report 1/10/2021                      |
| Chris Smith & Associates Land Use Conflict Risk Assessment March 2023 (Ref 20158)                                                                   |

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel noted no written submissions were made during public exhibition.

| <b>PANEL MEMBERS</b>                                                                                          |                                                                                                      |
|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <br>Garry Fielding (Chair) | <br>Graham Brown |
| <br>Donna Rygate           | <br>David Webb   |

| <b>SCHEDULE 1</b> |                                 |                                            |
|-------------------|---------------------------------|--------------------------------------------|
| <b>1</b>          | <b>PANEL REF – LGA – DA NO.</b> | PPSWES -167 – Hay - DA2022-26              |
| <b>2</b>          | <b>PROPOSED DEVELOPMENT</b>     | Electricity Generating System (Solar Farm) |
| <b>3</b>          | <b>STREET ADDRESS</b>           | Lots 9-11 DP 756755 19 Murray Street, Hay  |

|   |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| 4 | <b>APPLICANT/OWNER</b>                   | Applicant – Chris Smith & Associates<br>Owner – J L Headon & L M Headon                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 5 | <b>TYPE OF REGIONAL DEVELOPMENT</b>      | 5 Private infrastructure and community facilities over \$5 million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 6 | <b>RELEVANT MANDATORY CONSIDERATIONS</b> | <ul style="list-style-type: none"> <li>• Environmental planning instruments:</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Hay Local Environmental Plan (LEP) 2011.</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: Nil</li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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.</li> <li>• Attachment A: Draft Conditions of Consent</li> <li>• Attachment B: Green Gold Energy, Construction Environmental Management Plan (GG CEMP)</li> <li>• Attachment C: Chris Smith &amp; Associates, Statement of Environmental Effects, August 2022 (Ref: 20158)</li> <li>• Attachment D: Low Impact Development Consulting, Recycling &amp; Waste Management Plan – demolition, construction and in-operation, Commercial Solar Farm, 15/11/2021</li> <li>• Attachment E: Aboriginal Cultural Heritage Due Diligence Assessment, Version 1 19/211/21</li> <li>• Attachment F: Traffic Works Pty Ltd Traffic Impact Assessment Report for Green Gold Energy Pty Ltd Project No 201077, Final Report 1/10/2021</li> <li>• Attachment G: Chris Smith &amp; Associates Land Use Conflict Risk Assessment March 2023 (Ref 20158)</li> <li>• Attachment G: Development Application DA Form_1671512386</li> <li>• Attachment H: Essential Energy response DA2022-26 EE response 4.1.23, 4th January 2023</li> <li>• Attachment I: Department of Primary Industries – Agriculture, CNR-49438 – DA 2022-26 Murray St Solar Farm, 20th December 2022</li> </ul> |

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|    |                                                       | <ul style="list-style-type: none"> <li>Attachment J: NSW Rural Fire Service Response Development Application, Electricity Generating Works – 19 Murray Street Hay 2711, 22nd December 2022</li> <li>Attachment K: Chris Smith and Associates Response DA2022-26 Electricity Generating System (Solar Farm) 28th March 2023</li> <li>Written submissions during public exhibition: 0</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 8  | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>Site inspection: 27 April 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate</li> </ul> </li> <li>Briefing: 08 May 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Graham Brown, David Webb, Donna Rygate</li> <li><u>Council assessment staff</u>: Jack Terblanche</li> <li><u>Applicant</u>: Duncan Lowis, Callista Harris, Darren Spriggs, Elton Zhang</li> </ul> </li> <li>11 July 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding, Graham Brown, Donna Rygate, David Webb</li> <li><u>Council assessment staff</u>: Jack Terblanche</li> <li><u>Applicant</u>: Duncan Lowis, Callista Harris, Darren Spriggs, Elton Zhang</li> </ul> </li> </ul> |
| 9  | COUNCIL RECOMMENDATION                                | Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 10 | DRAFT CONDITIONS                                      | Attached to the Council Assessment Report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |