

DATE OF DETERMINATION	22 August 2024
DATE OF PANEL DECISION	22 August 2024
DATE OF PANEL MEETING	20 August 2024
PANEL MEMBERS	Garry Fielding (Chair), Donna Rygate, Graham Brown, David Somerville, Heather Nicholls
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 20 August 2024, opened at 10am and closed at 10:42am.

MATTER DETERMINED

PPSWES-214 – DA2024/7 – Blayney – 269 Marshalls Lane, Blayney – Electricity Generating Facility - 5MW AC 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* subject to a deferred commencement condition requiring the land title for the Crown road adjoining the southern boundary of the site being transferred to the owner of the site, and other conditions.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

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

- Condition 1 being amended to provide a 12-month period for the Deferred Commencement to be effected.
- Condition C1 being amended as follows:
 - Requiring additional landscape screening to include the entire length of the eastern boundary to where the fence changes direction in the north-east corner of the site. This landscape screening is to be located to ensure a minimum distance of 10m for the Asset Protection Zone is maintained between the solar panels and the landscaping/fencing. In order to achieve this, parts of the screen along the eastern boundary may consist of a single row of planting within a landscaped strip less than 5m wide where necessary. In addition, a number of locally native, drought-resistant tree species growing to a minimum mature height of 10m are to be planted in the north-east corner of the site in locations where overshadowing of the solar array will not arise.
 - Requiring the stock proof fence to be located on the property boundary such that the security fence is located within the site and concealed from public view by landscaping.






- Including within the landscaped buffer strip, locally native, drought-resistant tree species growing to a minimum mature height of 10m (in addition to those plant species already shown on the landscape plans).
- Condition F5 being amended requiring all priority weeds on the site to be removed, as well as requiring watering and maintenance of the required landscaping to maximise the opportunity for vegetation growth prior to the commencement of operations.
- Condition F.9(b) be amended as follows:
 - covenant requiring decommissioning, rehabilitation and restoration within six (6) months following the earlier of the cessation of operations (i.e. upon the cessation of the commercial supply of electricity to the grid) or the end of life of the project (i.e. 40 years from the date of the Occupation Certificate) and for this to occur at no cost to Council.

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:

- Disadvantages of solar energy
- Loss of farmland
- Decommissioning of land use
- Visual impacts
- Noise and Dust
- Site unsuitability
- Impacts to flora

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and conditions of consent (as amended), and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Garry Fielding (Chair)	 David Somervaille
 Donna Rygate	 Heather Nicholls
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-214 – DA2024/7 – Blayney
2	PROPOSED DEVELOPMENT	Electricity Generating Facility - 5MW AC Solar Fam
3	STREET ADDRESS	269 Marshalls Lane, Blayney
4	APPLICANT/OWNER	Applicant: Elton Zhang - GREEN GOLD ENERGY PTY LTD Owners: James Stonestreet and Rachel Stonestreet
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 (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Blayney Local Environmental Plan 2012 Draft environmental planning instruments: Nil 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: 2 August 2024 Written submissions during public exhibition: 8 Verbal submissions at the public meeting: Megan Fardon, Subangani Vijayakumar, Wendy McNally <ul style="list-style-type: none"> Council assessment officer – Lillian Charlesworth (Consultant DPHI) On behalf of the applicant – Elton Zhang, Sarah Hills and David Canterbury Total number of unique submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 23 April 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, David Somerville <u>DPHI staff</u>: Lillian Charlesworth <u>Council assessment staff</u>: Andrew Muir, Jennifer Evans, Claire Johnstone Applicant Briefing: 23 April 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, David Somerville <u>DPHI staff</u>: Lillian Charlesworth <u>Council assessment staff</u>: Andrew Muir, Jennifer Evans, Claire Johnstone

		<ul style="list-style-type: none">○ <u>Applicant representatives</u>: Steph Kurta
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report