

DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	10 June 2020
PANEL MEMBERS	Garry Fielding (Chair), Andrew Hutton, Clare Brown
APOLOGIES	Sandra Hutton
DECLARATIONS OF INTEREST	Clr Bill Sheafe and Jack Terblanche (Director of Community Development) declared a conflict of interest owing to their roles at Hay Shire Council and councils' involvements with the application.

Papers circulated electronically between 13 May 2020 and 10 June 2020.

MATTER DETERMINED

PPSWES-23 – Mid Western – DA2020/029 at Mid Western Highway – 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.

CONDITIONS

The development application was approved subject to the recommended conditions in the council assessment report, with the following amendments.

- Condition 1 amended to read as follows:
Development in Accordance with Documents
 1. The Applicant shall carry out the development generally in accordance with the:
 - a) Development and layout plans dated 20/12/19 and numbered HAY2A-G-040, HAY2A-G-210, HAY2A-G-211, HAY2A-C-120, HAY2A-C-430, HAY2A-C-530, HAY2A-C-630, HAY2A-C-710, HAY2A-E-340, HAY2A-E-430, and HAY2A-E-530, the subdivision plan dated 16/12/19 and numbered HAY2A-X, and the Waste Agreement condition required under this consent.
 - b) Statement of Environment Effects dated 17 December 2019;
 - c) Noise Assessment Hay 2A Solar Farm dated 16 December 2019
 - d) Hay Solar Farm Development Traffic Impact Assessment Report dated 15 February 2019
 - e) Hay 2A Solar Farm Water Assessment dated 10 January 2019
- Condition "Drainage" noted after Condition 6 needs to be numbered.
- Condition 7 amended to read as follows:
Satisfactory arrangements are to be made with Essential Energy with respect to the proposed solar farm. The Applicant is to enter into the required Connection Agreement/s and any other

requirements with Essential Energy for the development, which may include the payment of fees and contributions. Refer to Essential Energy's Network Connections team for requirements via email.

networkconnections@essentialenergy.com.au

(Reason: To comply with Essential Energy Safety Requirements)

- Condition 12 amended to read as follows:
The proposed subdivision approved under this consent shall be registered prior to the issuing of a construction certificate for the solar farm and associated infrastructure the subject of this consent.
(Reason: To ensure no conflict between subdivision and construction occurs)
- Condition 14 amended to read as follows:
Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of Lot 110 in DP 1187931 Mid Western Highway are to be complied with in the subdivision and development of the site.
(Reason: To comply with Essential Energy Requirements)
- Conditions 15 & 16 to be amended by Council officers to identify the easements referred to therein.
- Remove "18" listed next to the reason for Condition 17.
- Deletion of Condition 19 referring to Hay 1A solar farm (DA 2019/040).
- Condition 32 amended to correct numbering, as follows:
A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) Showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) Stating that unauthorised entry to the work site is prohibited.
Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed
(Reason: To satisfy statutory requirements)
- Condition 33 amended to correct numbering, as follows:
 - a) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
 - b) Waste materials must be disposed of at a waste management facility.
 - c) The work site must be left clear of waste and debris at the completion of the works.*(Reason: To ensure that building and any other site works are undertaken in a manner which will be non- disruptive to the local area.)*
- Condition 35 amended as follows:
Occupation or use of the proposed development the subject of this consent shall not commence until an occupation certificate has been issued by the Certifying Authority. The final occupation certificate shall not be issued until such time as all relevant conditions of this consent have been complied with.
(Reason: To comply with statutory requirements)
- Condition 41 amended to correct numbering, as follows:

The Applicant shall ensure that all plant and equipment used for the Development is:

- a) Maintained in a proper and efficient condition; and
- b) Operated in a proper and efficient manner.

(Reason: To protect neighbourhood amenity)

- Condition 43 amended to correct numbering, as follows:

The Applicant shall:

- a) Implement suitable measures to manage pests, vermin and declared noxious weeds on the site of the development; and
- b) Inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

(Reason: To ensure environmental protection)

- Number the following conditions listed between Condition 28 and Condition 29:

- Soil Conditions
- No Dwelling Entitlement
- Waste Agreement

- Waste Agreement (currently un-numbered) amended to read as follows:

Waste Agreement

A Waste Agreement Plan being submitted to and approved by Council prior to the issuing of a construction certificate outlining how all waste from each phase of the development will be managed. The Plan shall outline, but not be limited to, the appropriate steps for the handling of all waste streams in accordance with the NSW EPA's waste hierarchy which sets out the priorities for the efficient use of resources.

(Reason: To appropriately manage waste generated by the proposal)

- An additional condition being imposed as follows:




Decommissioning and Rehabilitation Plan

A decommissioning and rehabilitation plan being submitted to and approved by Council prior to the issuing of a final occupation certificate for the proposed development the subject of this consent, such plan to incorporate a rehabilitation timeframe to Council's satisfaction.

(Reason: To ensure the site is appropriately rehabilitated following decommissioning of the proposed solar farm)

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	
 Garry Fielding (Acting Chair)	 Andrew Hutton
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-23 – Mid Western – DA2020-029
2	PROPOSED DEVELOPMENT	Construction of a 5MW solar farm and subdivision.
3	STREET ADDRESS	Lot 110 DP 1187931, Mid Western Highway, Hay NSW 2711
4	APPLICANT/OWNER	IT Power (Australia) 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"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development)2011 State Environmental Planning Policy No 55-Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2001 Hay Local Environmental Plan 2011 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: 13 May 2020 Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Papers were circulated electronically between 13 May 2020 and 10 June 2020
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report