

<b>DATE OF DETERMINATION</b>	17 November 2021
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Ray Smith, Will Marsh
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 9 November 2021.

#### **MATTER DETERMINED**

PPSWES-99 – Bland – DA2022/0004 - Cartwrights Lane, Wyalong - Electricity Generating Works (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 following reasons:

- The proposed development is not considered to have any significant negative impacts upon the environment or upon the amenity of the locality.
- The proposed development is consistent with the objectives of the applicable Environmental Planning Instruments, Development Control Plan and Council policies.

#### **CONDITIONS**

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

- Condition B7, amended to read as follows:  
***Vehicle Access Requirements***  
*Entry and exit points are to be clearly signposted and visible from Wargin Road. All required works are to be completed in accordance with Council standards prior to the commencement of construction works on the site. The access is to be constructed and maintained to an all-weather standard to the satisfaction of Council. Details must be provided on the Construction Certificate plans.*  
Reason: *To ensure safe, practical and legal vehicle access is provided to the site*
- Condition B11, amended and moved to Part E, to read as follows:  
***Operations Environmental Management Plan***  
*An Operations Environmental Management Plan ('OEMP') for the development shall be submitted to and approved by Council prior to the issue of an occupation certificate.*  
Reason: *To ensure the solar farm is operated in accordance with relevant Australian Standards and best practice.*

- Condition C3, amended to read as follows:

**Aboriginal Archaeology**

*The applicant is to ensure that any work is carried out in accordance with the methodology and recommendations in the Due Diligence Aboriginal Archaeological Assessment, prepared by Virtus Heritage, dated May 2021.*

Reason: To ensure the development does not adversely impact on Aboriginal cultural heritage.

- Condition D7, amended to read as follows:

**Construction Noise**

*While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction is carried out in accordance with the methodology and recommendations in the Noise Assessment for the application by Muller Acoustic Consulting Pty Ltd dated July 2021*

Reason: To protect the amenity of the neighbourhood.

- Conditions F13 and 14 are deleted.

- New condition F13 to read:

**Flora and fauna**






*Any potential impacts on flora and fauna are to be addressed through the methodology and recommendations in the Flora and Fauna Assessment Report prepared by Kleinfelder and dated 04 June 2021.*

Reason: To ensure the development does not adversely impact on flora and fauna.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered a written submission made during public exhibition that related to the construction of access over a Crown Road.

The panel considers that concern raised by the community have been adequately addressed in the assessment report and the conditions.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Ray Smith
 Will Marsh	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-99 – Bland – DA2022/0004
2	PROPOSED DEVELOPMENT	Electricity Generating Works (5MW Solar Farm)
3	STREET ADDRESS	Cartwrights Lane, Wyalong
4	APPLICANT/OWNER	Rachel Pettit (SLR Consulting)/Harold & Carolyn McMahon
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Civil Plans</li> <li>• Statement of Environmental Effects</li> <li>• Stormwater Management Plan</li> <li>• Flora and Fauna Assessment</li> <li>• Traffic Impact Assessment</li> <li>• Visual Analysis and Reflectivity Statement</li> <li>• Aboriginal Archaeological Assessment</li> <li>• Noise Assessment</li> <li>• Waste Management Plan</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: <b>9 November 2021</b></li> <li>• Written submissions during public exhibition: 1</li> <li>• Total number of unique submissions received by way of objection: 1</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 28 September 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Ray Smith, Will Marsh</li> <li>○ <u>Council assessment staff</u>: Erin Green, Lesley Duncan</li> <li>○ <u>Panel Secretariat</u>: Carolyn Hunt, Kim Holt</li> </ul> </li> <li>• Site inspection: Panel members visited the site individually on different days due to Covid-19 precautions</li> <li>• Final briefing to discuss council's recommendation: 16 November 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Ray Smith, Will Marsh</li> <li>○ <u>Council assessment staff</u>: Erin Green, Lesley Duncan</li> <li>○ <u>Applicant representatives</u>: Rachel Pettit, Jeremy Every, Patrick Quinlan</li> <li>○ <u>Panel Secretariat</u>: Carolyn Hunt, Sharon Edwards</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report