

NSW Planning Assessment Commission Determination Beryl Solar Farm (SSD 8183)

The Planning Assessment Commission has decided to grant consent to the State significant development application by First Solar Pty Ltd to construct and operate the Beryl Solar Farm. The decision follows the Commission's public meeting at the Gulgong RSL on 21 November 2017.

The approved solar farm, to be located on agricultural land about 5 kilometres west of the mid western town of Gulgong, will have an installed capacity of about 74 megawatts of electricity.

In reaching its decision, the Commission considered carefully First Solar's proposal, the concerns raised by the community, as well as the Department's assessment report and recommendations. The Commission was persuaded by the depth of concern expressed by the community to investigate the extent and nature of potential visual and noise impacts of the proposal, in particular.

The Commission found need to impose consent conditions that require First Solar to appoint an independent auditor and commission an audit report within six months of the start of construction to ensure efforts to plant vegetation will be sufficient to provide appropriate visual screening in both the short and long term.

The Commission also found reason to impose consent conditions that require First Solar to implement a complaint handling and recording protocol for the life of the development, particularly in respect of the potential for unexpected noise impacts. Complaints, and First Solar's response to those complaints, must be published publicly on First Solar's website in the first instance and may be followed up by the Department of Planning and Environment if this becomes necessary.

Though addressing particular issues, these conditions have wider benefits and will assist in giving the local community confidence about the environmental performance of the whole development.

The Commission considered carefully the arguments for and against the location of solar infrastructure on land within the project site zoned R5 – Large-lot Residential. The Commission found that there were compelling strategic and policy reasons to delete solar infrastructure from the R5 land. These arguments relate to the planning instruments that apply to the land, the availability of R5 land and the community's concern for the encroachment of solar infrastructure on residential land.

On balance, the Commission found that the renewable energy benefits of the proposal, excluding the R5 land, correspond to National and State renewable energy objectives, while also furthering the aims, objectives and matters to consider in the *Environmental Planning and Assessment Act 1979*, and relevant Environmental Planning Instruments including the *Mid-Western Regional Local Environmental Plan 2012*.