



LEETON
SHIRE COUNCIL

EF10/503

22 January 2020

Department of Planning, Industry and Environment
Att: Nicole Bewer
GPO Box 39
SYDNEY NSW 2001

Dear Nicole

Proposed Yanco Solar Farm (SSD-9515)

1. I refer to Council's submission dated 22 May 2019 in response to the exhibition of the above application (**Objection**) and subsequent discussions and correspondence.
2. Council has been asked to clarify its current position in respect of the proposed Yanco Solar Farm.
3. As a result of further information provided by the developer ib vogt and other matters including the drought currently affecting the Murray Darling Basin, Council at its meeting on 27 November 2019 resolved to conditionally support the proposed development.
4. The conditions on which Council will support the development are as follows:
 - 4.1 Any consent to the development being subject to a condition of consent limiting the period of time for which the development can operate to 30 years; and
 - 4.2 The developer ib vogt, entering into a planning agreement with the council for monetary contributions to be applied by Council for a public purpose at council's discretion, and which require rehabilitation of the land at the end of the 30 year period.
5. Unless a condition is imposed to give effect to 4.1 above, and the terms of a planning agreement as contemplated by 4.2 above are finalised, and either the planning agreement is fully executed, or a condition requiring its execution is imposed, Council maintains its objection to the proposed development.
6. In respect of point 4.1 above, the limit on operations is agreed to by ib vogt.
7. As set out in Council's Objection, Council's primary concern with the development is that it is proposed on prime irrigated agricultural land, and that that land ought not be lost to agriculture. Council is of the view that limiting the period during which the

development can operate ensures that the land can be returned to agricultural uses at the end of operation of the solar farm.

8. We note that s4.15(1)(d) of the *Environmental Planning & Assessment Act 1979 (EPA Act)* specifically authorises the imposition of a condition on a development consent which *limits the period during which development may be carried out in accordance with the consent so granted*.
9. Council requests that if development consent is granted to the development, a condition of consent be imposed reflective of the agreement to limit the operation of the consent by ib vogt, pursuant to s4.15 of the EPA Act and that a condition also be imposed requiring rehabilitation of the site of the proposed development on completion of the development, to enable its future use as agricultural land.
10. In respect of the proposed planning agreement, again, this has been proposed by ib vogt. Council is currently negotiating the final terms of this agreement with ib vogt. Council's Objection referred to the need for a condition of consent to provide for the payment of monetary contributions by ib vogt.
11. Council also requests inclusion of a condition in any consent to the effect that the developer must enter into a planning agreement in the terms of the offer made by the developer. Our view is the offer made by ib vogt already is sufficient to enable a condition to that effect to be imposed pursuant to s7.7(3) of the EPA Act. However we will seek to obtain a further formal offer from ib vogt to be provided as soon as possible, which reflects the finalised terms of the planning agreement.
12. Council maintains its view set out in its Objection in respect of the other required conditions of consent.

Yours faithfully



Paul Maytom
Mayor



Jackie Kruger
General Manager