

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	25 July 2022
DATE OF PANEL DECISION	21 July 2022
PANEL MEMBERS	Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Brooke Sauer and Susannah Pearse
APOLOGIES	None
DECLARATIONS OF INTEREST	Brooke Sauer noted for the record that the applicant may be involved in two Grains Research & Development Corporation (GRDC) grant funded research projects that she co-manages with the University of Sydney on behalf of PCT Agcloud Pty Ltd. Cr Sauer is the sole director of IntellectAg Pty Ltd, which is remunerated from project funds received by PCT Agcloud from GRDC. The Chair considered the declaration, and was satisfied that it did not preclude Cr Sauer's participation in this determination.

Papers circulated electronically on 12 July 2022.

MATTER DETERMINED

PPSNTH-133 – Moree Plains – DA2021/53 at 2910 Gwydir Highway, 2540 Watercourse Road and 833 Goonal Road, Moree – 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*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

1. The proposal is permissible in the RU1 Primary Production zone and is consistent with relevant zone objectives; it is also permissible by virtue of clause 2.35(1)(b) of the Transport and Infrastructure SEPP and satisfies the applicable provisions of other relevant SEPPs.
2. The proposal is consistent with strategic plans applying to the area including the New England North West Regional Plan because it promotes development of renewable energy generating facilities in suitable locations.
3. The site of the proposed development is suitable for the intended use. It is largely free of environmental constraints, adequately separated from sensitive land uses, will not conflict with any nearby use or sterilise any valuable agricultural land, is proximal to electricity transmission lines and has suitable road access via a local road linking directly to a State highway.
4. The development site is largely concealed from public viewing and the proposal's visual impacts are acceptable.
5. The proposal will provide competitively priced, non-polluting electricity to the community and is therefore socially beneficial.

6. The Panel notes that no objections were received when the application was placed on public exhibition.
7. Council's Engineering Department is satisfied with the traffic information provided by the applicant in response the issues raised by TfNSW on 12/07/22 and that the issues have been resolved, which is satisfactory to the Panel.
8. For the reasons given above, approval of the application is in the public interest.

CONDITIONS

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

- Condition A5 – insert 'whichever occurs first within the 35 years' at the end of the condition after the word 'decommissioned'.
- Condition A7(c) – remove the reference to TfNSW and insert NRAR
- Condition B6 – remove the reference to TfNSW
- Condition B5(b)a. – remove reference to 'Rosedale Road' and insert 'Watercourse Road and Goonal Road'
- Condition E5 – to be deleted
- Insert new condition under Operational Conditions -
The Applicant shall enter into a Connection Agreement for the development with Essential Energy prior to any connection to the electricity grid.
- Include NRAR GTAs at the end of the conditions under the General Terms of Approval heading and remove reference to TfNSW

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	
 Paul Mitchell (Chair)	 Stephen Gow
 Penny Holloway	 Susannah Pearse
 Brooke Sauer	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-133 – Moree Plains – DA2021/53
2	PROPOSED DEVELOPMENT	Erection of a 4.95MW Solar Farm
3	STREET ADDRESS	2910 Gwydir Highway, Moree 2540 Watercourse Road, Moree 833 Goonal Road, Moree
4	APPLICANT OWNER	Sundown Pastoral Co Pty Ltd Sundown Pastoral Co Pty Ltd and Namoi Cotton Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Primary Production) 2021; - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Moree Plains Local Environmental Plan 2011 - Draft environmental planning instruments: Nil - Development control plans: - Moree Development Control Plan 2013 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</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	- Council Assessment Report: 11 July 2022 - Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 16 February 2022 <u>Panel members</u> Paul Mitchell (Chair), Stephen Gow, Penny Holloway and Stephen Ritchie <u>Council assessment staff</u>: Leanne Ivanov, Murray Amos and Katrina Walker <u>Department staff</u>: Carolyn Hunt and Cameron Brooks - Final briefing to discuss council's recommendation: 19 July 2022 <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway and Susannah Pearse <u>Council assessment staff</u>: Erin Daniel, Murray Amos, Lila Fisher and Stuart Reynolds <u>Department staff</u>: Carolyn Hunt and Lisa Foley - Applicant Briefing: 19 July 2022

		- o <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Brooke Sauer and Susannah Pearse - o <u>Council assessment staff</u>: Erin Daniel, Murray Amos and Stuart Reynolds - o <u>Department staff</u>: Carolyn Hunt and Lisa Foley - o <u>Applicant representatives</u>: Emma Mailler, Peter Taylor and Marie Duffy <u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report