

<b>DATE OF DETERMINATION</b>	20 July 2023
<b>DATE OF PANEL DECISION</b>	20 July 2023
<b>PANEL MEMBERS</b>	Dianne Leeson (Chair), Michael Wright, Stephen Gow, Brooke Sauer and Cr Gregory Smith
<b>APOLOGIES</b>	Cr Susannah Pearce
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 5 July 2023.

#### **MATTER DETERMINED**

PPSNTH-194 – Moree - DA2023/6 at Windmill Rd, Garah and 2761 Carnarvon Hwy, Ashley – Erection of a 4.99MW 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, subject to conditions, for the reasons outlined in the Council Assessment Report.

In addition, the Panel agrees that impacts of the development can be adequately managed to address visual amenity and glare, road safety, bush fire and flood risk, and rehabilitation of the site to enable a return to agricultural use in the future.

The Panel concluded the development is in the public interest as it will deliver positive economic benefit during construction and operation, with ongoing beneficial sustainability outcomes through renewable energy use.

#### **CONDITIONS**

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

- Amend Condition B6(b) to read as follows:  
'The solar panels and associated framing are to be constructed of non-reflective materials.'
- Amend Condition E3 to include the following:  
'(e) removal of temporary storage area and associated infrastructure'
- Insert new condition E8:  
**E8. Emergency Evacuation Plan**

Prior to the issue of an Occupation Certificate, the applicant is to provide Council with an updated Midkin Emergency Evacuation Plan including an amendment to cover the solar farm facility and floods.

- Amend Condition F2 to read as follows:  
'The Emergency Management Plans ('EMP') for the development (Spill and Contamination Response /Bushfire Management/Flood) shall be activated when required throughout the operation of the development and shall be updated if required.'


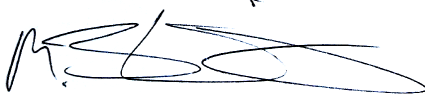
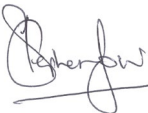


During occupation of the development, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*. Any required bushfire protection measures are to be maintained throughout the operation of the solar farm at the site.

**Reason:** To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

- Amend Condition F3 by adding at the end 'The OEMP is to be submitted to Council prior to commencement of operations.'

#### 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	
 Dianne Leeson (Chair)	 Michael Wright
 Stephen Gow	 Brooke Sauer
 Cr Gregory Smith	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-194 – MOREE - DA2023/6
2	PROPOSED DEVELOPMENT	Proposed electricity generating works - construction of a 4.99MW solar farm and associated plant, fencing and landscaping.
3	STREET ADDRESS	Lot 2 DP 773238 - 1957 Carnarvon Highway, Ashley and Lot 3 DP 773238 - 2761 Carnarvon Highway, Ashley (also known as 338 Windmill Road, Garah)
4	APPLICANT  OWNER	OGP Group, trading as The Trustee for Oil Gas Power International Services Unit Trust AFF Land Pty Limited as Trustee for AFF Land Trust
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Environmental Protection and Biodiversity Conservation Act 1999 and Regulations 2000;</li> <li>Biodiversity Conservation Act 2016;</li> <li>National Parks &amp; Wildlife Act 1974;</li> <li>Contaminated Land Management Act 1997;</li> <li>Heritage Act 1977;</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021;</li> <li>State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021;</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021;</li> <li>State Environmental Planning Policy (Planning Systems) 2021;</li> <li>State Environmental Planning Policy (Primary Production) 2021;</li> <li>Moree Plains Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Moree Plains Development Control Plan 2013</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 3 July 2023</li> <li>Written submissions during public exhibition: Nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: Wednesday, 24 May 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Brooke Sauer and Susannah Pearse</li> <li><u>Council assessment staff</u>: Paul Sio and Ian Arnott</li> </ul> </li> <li>Site inspection: Tuesday, 4 April 2023</li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Stephen Gow and Susannah Pearse</li> <li>○ <u>Council assessment staff</u>: Leanne Ivanov</li> </ul> <ul style="list-style-type: none"> <li>● Final briefing to discuss council's recommendation: 11 July 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Stephen Gow, Brooke Sauer and Greg Smith</li> <li>○ <u>Council assessment staff</u>: Paul Sio</li> <li>○ <u>Consultant Assessment Planner</u>: John McFadden</li> <li>○ <u>Department Staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Ellis</li> </ul> </li> </ul> <ul style="list-style-type: none"> <li>● Applicant Briefing: 11 July 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Stephen Gow, Brooke Sauer</li> <li>○ <u>Applicant representatives</u>: Arie Zuanic, Ben Jackman, Gary Dagres, Chris Paloyanidis, Craig Duncan, Simon Pollock</li> <li>○ <u>Council assessment staff</u>: Paul Sio</li> <li>○ <u>Consultant Assessment Planner</u>: John McFadden</li> <li>○ <u>Department Staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Ellis</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report