

DATE OF DETERMINATION	29 July 2024
DATE OF PANEL DECISION	28 July 2024
DATE OF PANEL BRIEFING	23 July 2024
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright and Catherine Redding
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 9 July 2024.

MATTER DETERMINED

PPSNTH-282 – Narrabri – DA2024/0067 – 306 Therribri Road, Boggabri – Establishment of a 5MW Solar PV Electricity Generation Facility with Associated Infrastructure (2 Staged Development) (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 reasons outlined in the Council Assessment Report.

The Panel is satisfied that, subject to the imposition of conditions, the proposed development is unlikely to have any unacceptable impacts on the environment.

The Panel is further satisfied the site is suitable for the proposed development and that on cessation of operations the site can be rehabilitated to support agricultural uses.

Accordingly, the proposed development is deemed to be in the public interest.

CONDITIONS

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

- Delete Condition B2(a) and renumber the remaining parts accordingly
- Amend Condition C4(a) to insert the following at the end of this part:
The TMP should include a requirement for an induction of drivers using the private haul road with regard to traffic safety given the volume of coal truck usage.

- Amend Condition D13 to read as follows:

D13. Installation of electrical equipment

Critical solar panel and electrical infrastructure must be positioned a minimum of 650mm above ground level.

Reason: For safety and protection of assets, critical solar infrastructure is to be raised above the 150mm 1 in 100 flood level plus 500mm freeboard.

- Delete Condition E6. S138 Roads Act Approval and renumber the remaining conditions accordingly
- Insert new Condition F8 and renumber the remaining conditions accordingly, which reads as follows:

F8. Entry Gate Setback

Any entry gate and relevant section of fencing installed for the subject development shall be set back sufficient distance to enable suitable heavy vehicle storage length within the site. This is to allow for the off-street standing of large vehicles as needed when the gates are closed.

- Amend now Condition F9 Decommission Management Plan (former condition F8), to read as follows:

F9. Decommission Management Plan

A Decommission Management Plan must be provided to Council (or relevant approval authority) generally consistent with the Concept Decommissioning Plan for review and approval no later than 12 months prior to the end of the operational life of the solar farm (i.e. 34 years from the date of the Occupation Certificate) or no later than 6 months prior to the proposed cessation of operations should the solar farm cease operations in less than 35 years. The Plan shall identify the rehabilitation measures that will be implemented post development to return the land to its pre-development state. The solar energy project owner or operator shall be responsible for decommissioning and rehabilitation unless there is an agreement with the 'host landowner' that clearly outlines alternate responsibilities. The Plan must include, but not be limited to, the following:

- (a) Expected timeline for rehabilitation completion;
- (b) Removal from the site of all solar panels, above and below ground infrastructure, fencing, all footings and any other structures or infrastructure relating the approved development. Only landscaping may remain;
- (c) Programme of site restoration to return the land to its previous condition prior to use as a solar farm. Restoration works are to include, but not be limited to:
 - (i) Filling with clean soil all holes in the ground resulting from the removal of footings and underground infrastructure (including cabling); and
 - (ii) Suitable revegetation of any areas of exposed earth.
- (d) Following removal of the BESS and its footings, site restoration shall include a contamination report prepared by a suitably qualified person to identify whether the ground in and around the location of the BESS is contaminated. Should contamination be found, remediation is to occur to restore the soil to a condition suitable for agricultural purposes;
- (e) Details on waste management aimed at maximising the recycling or reuse of all materials arising from the development;
- (f) Mitigation measures to reduce traffic, dust and noise impacts during the decommissioning phase; and
- (g) Identify an appropriate access route for use during the decommission phase.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.



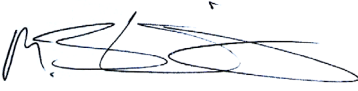

- Insert new Advisory Note:

(3) Safe Work Protocol

A safe work protocol should be prepared and implemented to minimise potential risk of exposure of construction workers to soil contamination during excavation works or contamination during installation of the BESS.

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)	 Stephen Gow
 Michael Wright	 Catherine Redding

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-282 – Narrabri – 2024/0067
2	PROPOSED DEVELOPMENT	Electricity Generating Facility sub-5mW AC Solar Farm (2 stage development with capacity for future BESS)
3	STREET ADDRESS	Lot 21 DP DP754940, Boggabri
4	APPLICANT/OWNER	Tam Durney of RPS Group Boggabri Coal Operations Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Primary Production) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy Transport and Infrastructure) 2021 Narrabri Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: Nil Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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	<ul style="list-style-type: none"> Council Assessment Report: 24 June 2024 Written submissions during public exhibition: 0 Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 17 April 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Stephen Gow (Chair), Michael Wright <u>Council assessment staff</u>: Gunther Weidenmann <u>Independent Planning Consultant</u>: Lillian Charlesworth <u>Department staff</u>: Carolyn Hunt and Lisa Ellis Applicant Briefing: 23 July 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright and Catherine Redding <u>Applicant representatives</u>: Simon Pollock and Tam Durney <u>Council assessment staff</u>: Gunther Weidenmann <u>Independent Planning Consultant</u>: Lillian Charlesworth <u>Department staff</u>: Carolyn Hunt and Lisa Ellis Final briefing to discuss Council's recommendation: 23 July 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright and Catherine Redding <u>Council assessment staff</u>: Gunther Weidenmann <u>Independent Planning Consultant</u>: Lillian Charlesworth <u>Department staff</u>: Carolyn Hunt and Lisa Ellis

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report