

<b>DATE OF DETERMINATION</b>	12 March 2025
<b>DATE OF PANEL DECISION</b>	12 March 2025
<b>DATE OF PANEL BRIEFING</b>	11 March 2025
<b>PANEL MEMBERS</b>	Dianne Leeson (Chair), Stephen Gow and Michael Wright
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 26 February 2025.

#### **MATTER DETERMINED**

PPSNTH-360 - Moree - DA2024/50 - 408 Burrington Road, Moree - Construction of a 4.95MW solar farm, ancillary battery storage and associated plant, fencing and landscaping (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, amenity and other impacts of the development such as traffic and safety, visual impact, reflectivity and glare, and fire and hazards risks can be adequately managed, and the site rehabilitated to enable a return to agricultural use in the future.

The Panel concluded that the site is suitable for the proposed development and 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.

- Insert new Condition A1(A) that reads as follows:

##### **A1(A) Limit on Approval Timeframe**

To confirm and clarify the terms of approval and as provided for by Section 4.17(d) of the *Environmental Planning and Assessment Act 1979*, the use of the site for the solar farm is limited to a period of thirty (30) years from the release of an occupation certificate.

**Reason:** To limit the period during which the development may be carried out.

- Amend Condition A6 to read as follows:

##### **A6 Requirements of Government Agencies**

The following conditions and comments have been imposed by government agencies:

(a) **NSW Rural Fire Service**

The Bushfire Management and Protection Measures as recommended in Chapter 6 of Harris Environmental Consulting – Bush Fire Management and Emergency Response Plan (version 1.1) dated 7/8/24 shall be incorporated and must include the following:

1. Water supply and utilities - The provision of a minimum of 20,000 litres of static water should be located within the development site to ensure adequate water is provided to protect assets during and after the passage of a bushfire.
2. Asset Protection Zones (APZ) - The APZ is located wholly in grassland that should be kept mown (<100mm in height). An APZ around the assets within the fenced compound provides a defensible space and safe operational access to all assets and associated facilities.

**Reason:** The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

(b) **Essential Energy**

The applicant is to ensure that:-

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

**Reason:** To maintain the safety of workers and others in and around the site, and, to protect electricity infrastructure.

- Insert new Condition A7 that reads as follows:

**A7 Battery Energy Storage Systems (BESS) Compliance**

The installation of the Battery Energy Storage System is to comply with *AS/NZS 5139:2019 – Electrical installations – Safety of battery systems for use with power conversion equipment*.

**Reason:** To ensure compliance with the relevant standards.

- Amend Condition B3 to read as follows:

**B3 Battery Energy Storage Systems (BESS) and Medium-Voltage Power Station (MVPS) Containment**

The BESS and MVPS shall be provided with appropriate bunding or similar containment systems with a capacity that will exceed the oil storage volume of the transformers and must be demonstrated on the Construction Certificate plans.

**Reason:** To prevent water or land contamination from potential spills or leaks from the transformers or BESS from polluting the site and surrounding areas.

- Amend Condition B6(b) Visual Mitigation Measures, to read as follows:
  - (b) The solar panels and associated framing, all infrastructure and supporting structures are to be constructed of non-reflective material. Evidence shall be provided to the Certifying Authority.
- Amend Condition B9 to delete the words 'roads and public land' in the first sentence and replace with 'Burrington Road'

- Insert new Condition B10, which reads as follows:

**B10 Construction Site Management Plan (CSMP)**

Prior to the issue of a Construction Certificate, the applicant must provide a Construction Site Management Plan (CSMP) for approval by the 'Principal Certifier' / Council incorporating the following:

- 1) Sediment and Erosion Control Plan;
- 2) Construction Traffic Management Plan (CTMP);
- 3) Waste Management Plan;
- 4) Operations Environmental Management Plan
- 5) Fire Emergency Management Plan

The CSMP should be developed in consultation with Council and, at a minimum, include the following information: -

- (a) Description of the proposed construction works and work program;
- (b) Identification of relevant statutory requirements and conditions of consent that apply to the construction phase of the development;
- (c) Set standards and performance measures for each of the relevant environmental matters associated with construction work;
- (d) Description of what actions and measures will be implemented to mitigate the potential impacts of the construction works and ensure such works will comply with the relevant standards and performance measures;
- (e) Description of what measures and procedures will be implemented to:
  - i. Manage construction traffic;
  - ii. Register and respond to complaints during construction works;
  - iii. Mitigate any potential environmental impacts, including but not limited to noise, flora and fauna, dust, stormwater and visual impacts;
  - iv. Respond to the discovery of any items of indigenous or non-indigenous heritage significance;
  - v. Respond to emergencies including bushfire, BESS or other infrastructure fire or spill, and flooding events; and,
  - vi. Ensure the health and safety of construction workers.
- (f) Explanation of how the environmental performance of the construction works will be monitored, and what actions will be taken if any non-compliance is detected; and,
- (g) Description of the role, responsibility, authority accountability, and reporting of key personnel involved in the construction of the development.

Note: The CTMP will need to provide details on manoeuvrability for a B-double vehicle 26 metres right-hand-turn into Porters Lane and left-hand-turn onto Borah Creek Road and demonstrate mitigation strategies.

Note: The abovementioned CSMP shall be implemented during the construction stage as detailed in Condition D2.

Note: The Fire Emergency Management Plan shall consider the NSW Department of Planning's Hazard Industry Planning Advisory Paper No. 1 Emergency Planning (January 2011).

**Reason:** To require details of measures that will protect the public and the surrounding environment during site works and construction.

- Insert new Condition D15, that reads as follows:

**D15 Landscaping**

All landscaping required by the approved Landscape Plan, including the removal of all noxious weeds, must be completed within six (6) months from the start of construction.

**Reason:** To ensure there is adequate landscaping undertaken on the site and an adequate visual screening buffer has been established on the site.


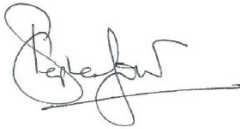

- Delete Condition E4 and renumber the remaining conditions accordingly
- Amend now Condition E5(a) Easements and Covenants (former Condition E6(a)), to reads as follows:
  - (a) A positive covenant requiring decommissioning, rehabilitation and restoration of all infrastructure within six (6) months following end of life of the project and for this to occur at no cost to Council.
- Amend Condition F2 Emergency Management Plans, to remove the word 'Bushfire' and insert "Fire Emergency' in the first sentence

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Impact on land use in the rural zone
- Concerns about local ecological systems, air quality, soil erosion, flooding, visual amenity, glare traffic, local Aboriginal heritage, reticulated water use, neighbouring land value, weather and natural phenomena

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-360 - Moree - DA2024/50
2	PROPOSED DEVELOPMENT	Construction of a 4.95MW solar farm, ancillary battery storage and associated plant, fencing and landscaping
3	STREET ADDRESS	408 Burrington Road, Moree
4	APPLICANT OWNER	Chris Smith & Associates on behalf of ACEnergy Pty Ltd Mitchell Heal
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 and Conservation) 2021</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Primary Production) 2021</li> <li>Moree Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments: Draft Remediation of Land State Environmental Planning Policy</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Moree 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: 24 February 2025</li> <li>Written submissions during public exhibition: 2</li> <li>Total number of unique submissions received by way of objection: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 11 December 2025 <ul style="list-style-type: none"> <li><u>Panel members</u>: Dianne Leeson (Chair) and Michael Wright</li> <li><u>Council assessment staff</u>: Paul Sio</li> <li><u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> <li>Applicant Briefing: 11 March 2025 <ul style="list-style-type: none"> <li><u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright</li> <li><u>Applicant representatives</u>: Duncan Lowis, Ahmed Adel and Danny Wilkinson</li> <li><u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Apology (Paul Sio)</li> <li>• Final briefing to discuss Council's recommendation: 11 March 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova</li> <li>○ <u>Council assessment staff</u>: Apology (Paul Sio)</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report (and amended on 06/03/2025)