

DATE OF DETERMINATION	29 September 2021
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Marcia Doheny and Robert Kneale
APOLOGIES	Stephen Gow and Cameron Staines
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 15 September 2021.

MATTER DETERMINED

PPSNTH-97– Narrabri Shire Council – DA2021/0049 at 211 Vine Lane, Boggabri – 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 zone and satisfies relevant zone objectives, the applicable development standards and guidelines, and relevant provisions of the applicable SEPPs.
2. The site of the proposed development is suitable for the intended use- it is adjacent to electricity transmission lines and a local road, has adequate separation from neighbouring residences and is free of environmental constraints.
3. The proposal will be socially and economically beneficial – it will provide local employment during the construction phase and, once operational, a supply of competitively priced non-polluting electricity.
4. The proposal is compatible with strategic plans encouraging development of renewable energy facilities in suitable locations.
5. 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:

- Amend Condition A1 so that “Landscape Plan: Prepared by SLR Consulting Pty Ltd, Reference 620.00000.20399-v0.2, Page 25, Dated 16/12/2020;” is replaced by “Landscape Plan: Prepared by SLR Consulting Pty Ltd, Reference 620.00000.20399-v0.2, Page 25, Dated 16/12/2020 as amended by Condition A7;”
- Condition A7 to be added to read:

An amended Landscape Plan is to be prepared and submitted to Council for approval. The amended Landscape Plan shall provide additional landscape plantings as necessary to mitigate visual impacts to the closest residences to the north west and south east of the site.

- Condition B4 (e) (ii) to be amended to read:

Where practical and necessary to avoid unacceptable noise impacts at any neighbouring residence use localised mobile screens or construction hoarding around piling rig/plant to act as barriers between construction works and receivers or use some other acceptable mitigation measure such as temporary relocation of the affected people.

- Condition B4 (f) to be added to read:

Communications plan

- To be provided to residences and community members in the vicinity of the site
- To include the stages and processes for construction and operation of the solar farm
- To include a complaints management procedure and contact number




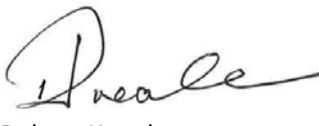
- Condition D9 to be amended to read:

Native vegetation

There must be no removal or disturbance of native vegetation outside of the approved development footprint, including canopy trees, understorey and ground cover vegetation without the prior written consent of Council.

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 OAM (Chair)	 Penny Holloway
 Marcia Doheny	 Robert Kneale

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-97 – Narrabri Shire Council – DA2021/0049
2	PROPOSED DEVELOPMENT	Establishment of a 5MW Solar PV Electricity Generation Facility with Associated Infrastructure
3	STREET ADDRESS	Lot 151 DP 755475 – 211 Vine Lane, Boggabri
4	APPLICANT OWNER	NSW Community Renewables (Boggabri) Pty Ltd C/- KDC Pty Ltd Paul James Bell and Joanne Clara Bell
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 (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Koala Habitat Protection) 2020 State Environmental Planning Policy (Primary Production and Rural Development) 2019 State Environmental Planning Policy (Infrastructure) 2007 Narrabri Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Narrabri Shire Council Development Control Plans Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 15 September 2021 Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 29 July 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Robert Kneale <u>Council assessment staff</u>: Gunther Weidenmann, Donna Ausling, Rhassel Mahasso and Michelle Henry <u>Department staff</u>: Carolyn Hunt and Lisa Foley Final briefing to discuss council's recommendation: 23 September 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Marcia Doheny and Robert Kneale <u>Council assessment staff</u>: Gunther Weidenmann <u>Department staff</u>: Carolyn Hunt and Lisa Foley Applicant Briefing: 23 September 2021

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway and Marcia Doheny ○ <u>Council assessment staff</u>: Gunther Weidenmann ○ <u>Department staff</u>: Carolyn Hunt ○ <u>Applicant representatives</u>: Shane Humphreys, Jason Gao, Rachel Pettitt, Patrick Quinlan and Jeremy Every <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report