

DATE OF DETERMINATION	15 December 2021
DATE OF PANEL DECISION	15 December 2021
PANEL MEMBERS	Penny Holloway (Chair), Marcia Doheny and Andrew Hutton
APOLOGIES	Paul Mitchell and Stephen Gow
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 8 December 2021.

MATTER DETERMINED

PPSNTH-98 – Narrabri – DA2021/0069 at 3843 Yarrie Lake Rd, Wee Waa – 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 for the following reasons:

1. The proposal is permissible in the RU 1 zone by virtue of clause 34 of the Infrastructure SEPP, is consistent with the relevant zone objective of not restricting the use of other land for agricultural purposes and satisfies the applicable provisions of all relevant SEPPs, including current planned amendments to the Infrastructure SEPP which deal specifically with regulation of 'utility-scale solar developments'.
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 facilities in suitable locations.
3. The development site is suitable for the proposed use. It is largely free of environmental constraints, adequately separated from sensitive surrounding land uses and will not conflict with any nearby use or sterilize any valuable agricultural land. The site is proximal to electricity transmission lines and has good road access.
4. The proposal's visual impacts have been thoroughly assessed by both the applicant and Council's planner who find that impacts will be 'minor'. Notwithstanding, conditions are imposed to provide landscaping as required to screen the development from the nearest residence.
5. The proposal will provide competitively priced and non-polluting electricity to the community and therefore be socially beneficial.
6. 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.

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	
 Penny Holloway (Chair)	 Marcia Doheny
 Andrew Hutton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-98 – Narrabri – DA2021/0069
2	PROPOSED DEVELOPMENT	Establishment of a 5MW solar PV electricity generation facility with associated infrastructure
3	STREET ADDRESS	LOT: 191 DP: 757125 [3843 Yarrie Lake Road, Wee Waa NSW 2388]
4	APPLICANT OWNER	NSW Community Renewables (Wee Waa) Pty Ltd c/- SLR Pty Ltd Cottham Co Pty 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 (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: - 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	- Council assessment report: 7 December 2021 - Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 25 August 2021 <u>Panel members</u>: Paul Mitchell (Chair) and Robert Kneale <u>Council assessment staff</u>: Gunther Weidenmann <u>Department staff</u>: Carolyn Hunt and Lisa Foley - Final briefing to discuss council's recommendation: 15 December 2021 <u>Panel members</u>: Penny Holloway (Chair), Marcia Doheny and Andrew Hutton <u>Council assessment staff</u>: Gunther Weidenmann <u>Department staff</u>: Carolyn Hunt, Cameron Brooks and Lisa Foley - Applicant Briefing: 15 December 2021 <u>Panel members</u>: Penny Holloway (Chair), Marcia Doheny and Andrew Hutton <u>Council assessment staff</u>: Gunther Weidenmann <u>Department staff</u>: Carolyn Hunt, Cameron Brooks and Lisa Foley

		o <u>Applicant representatives</u>: Jeremy Every, Jason Gao, Patrick Quinlan and Rachel Pettitt <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