

## DETERMINATION AND STATEMENT OF REASONS

### WESTERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	17 March 2022
<b>DATE OF PANEL DECISION</b>	16 March 2022
<b>DATE OF PANEL MEETING</b>	15 March 2022
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Graham Brown, Sandra Hutton, Brian Mockler, Greg Peart
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 2 March 2022.

#### MATTER DETERMINED

PPSWES-127 – Gilgandra - DA 2021/430 - 361 Oxley Highway Gilgandra (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, with the following amendments:

- Reason 1.  
The proposed development complies with the relevant provisions of the Gilgandra Local Environmental Plan 2011.
- Reason 4.  
The proposed development complies with relevant provisions of the Environmental Planning and Assessment Regulation.

#### CONDITIONS

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

- Insert the following condition under Prior to Commencement:  
Prior to the commencement of construction, temporary acoustic fencing is to be provided to ensure that all Receivers identified in Table 16, p33 of the Muller Acoustic Consulting Pty Ltd *Noise Assessment* report dated 15/11/21 achieve satisfaction with the Noise Management Level (NML) standards in Table 16. An addendum to the Noise Assessment report is to be provided to the Council to identify the area to be temporarily fenced to achieve this requirement. The temporary acoustic fencing may be removed when the construction has been completed in the area identified in the addendum to the Noise Assessment report.

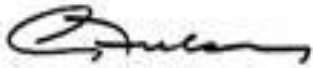




- Condition 19, amended to read as follows:
  19. Prior to installation of any solar infrastructure, Aralee Road shall be constructed from the existing bitumen formation to the proponent's access such that:
    - Its sub-base and base course layers comply with Council's Secondary Through Road (Urban Unsealed) Specification,
    - It is sealed with a 14/7mm C170 bitumen spray seal. Design of the road shall be submitted to Council's engineer for review and approval 14 working days prior to construction.
- Condition 34, amended to read as follows:
  34. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Department of Planning and Environment notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the DPE.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic impacts and
- Traffic volumes
- Noise
- Vegetation removal
- Use of the Oxley Highway and Aralee Road intersection
- Bitumen Aralee Road

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and the imposition of appropriate conditions.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Brian Mockler
 Greg Peart	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-127 – Gilgandra – DA2021/430
2	PROPOSED DEVELOPMENT	Gilgandra Solar Farm - Installation of a 5MW solar farm comprising 12,000 solar modules & two 3.4MW inverter stations.
3	STREET ADDRESS	361 Oxley Highway Gilgandra
4	APPLICANT/OWNER	Applicant: ITP Development Pty Ltd Owner: Mr Andrew Schier
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>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Koala Habitat Protection) 2020</li> <li>Gilgandra 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>Gilgandra Development Control Plan 2011</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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: 31 January 2022</li> <li>Written submissions during public exhibition: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 1 March 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Brian Mockler, Greg Peart</li> <li><u>Council assessment staff</u>: Lindsay Mathieson</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 15 March 2022 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Brian Mockler, Greg Peart</li> <li><u>Council assessment staff</u>: Lindsay Mathieson</li> <li><u>Applicant representatives</u>: Jou Jong, Allen Grimwood, Albert Ngo</li> <li><u>Department staff</u>: Carolyn Hunt</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report