

DATE OF DETERMINATION	17/10/2023
DATE OF PANEL DECISION	17/10/2023
DATE OF PANEL MEETING	16/10/2023
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown and Sue Francis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

MATTER DEFERRED

PPSWES-156 – Warren – P16.22.16 at 10439 MITCHELL HIGHWAY NEVERTIRE 2826 – The proposal seeks consent for the establishment of a 5MW solar generation plant and infrastructure. Specifically, the proposal involves the construction of solar PV panels and associated infrastructure including a battery storage system (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings listed at item 8 in Schedule 1. In particular, the Panel noted that:

- The precise location of the proposed access road from the Nevertire-Bogan Gate Road to the proposed solar plant has not been provided. This detail must be provided by the applicants to enable the section of the access road required to be subject to the section 88B Instrument for access to be separately identified from the section of the access road that is a public road.
- The condition relating to the imposition of the s88B Instrument is to include all lots that the access road crosses, even though the lot may be in the same ownership as the lot the subject of the application.
- The plan showing the proposed road access cross section needs to clearly reference its application to the full length of the road access.
- A fresh DA assessment report is to be prepared in accordance with the Department's solar plant template and which takes into account the standard conditions for solar farms.
- The DA assessment report is to make reference to the nearby pistol club and any issue it may present for development of the proposed solar plant.
- The matter of permissibility is to be addressed in the DA assessment report.
- Review of draft conditions using the Departments template, to include:
Dilapidation report as referenced in the traffic report.
Decommissioning of the proposed solar plant.
Reference to source documents in condition 4.
Significant requirements of the development, such as hours of operation, to be identified as separate conditions of consent.

The matter was deferred to allow the preparation of a fresh DA assessment report that incorporates/addresses the above matters.

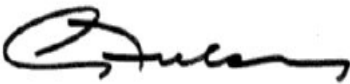

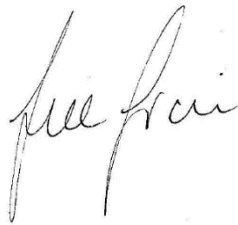
The decision to defer the matter was unanimous.

ACTIONS

To allow for the progression of the Development Application to determination, the Panel resolved that:

1. The Applicant shall provide the required details regarding the proposed access road. And is to be uploaded to the Planning Portal when submitted to the Council.
2. Council is to provide a fresh DA assessment report responding to the above matters within 7 days of receipt of the required documentation (and post notification, if required). The amended report is to be uploaded to the Planning Portal by the Council.

When the fresh DA assessment report is received the Panel will arrange a Final Determination Meeting.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Sue Francis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-156 – Warren – P16.22.16
2	PROPOSED DEVELOPMENT	The proposal seeks consent for the establishment of a 5MW solar generation plant and infrastructure. Specifically, the proposal involves the construction of solar PV panels and associated infrastructure including a battery storage system.
3	STREET ADDRESS	10439 MITCHELL HIGHWAY NEVERTIRE 2826
4	APPLICANT/OWNER	Applicant: NSW Community Renewable (Nevertire) Pty Ltd c/- SLR Consulting Owner: Michael Roger Cole
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Private infrastructure and community facilities
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 – Section 5, Schedule 6 – electricity generating works CIV more than \$5 million ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Warren Shire Council Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Warren Development Control Plan 2012 • 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: 12/10/2023 • List any council memo or supplementary report received: 10/10/2023 • Written submissions during public exhibition: Nil • Total number of unique submissions received by way of objection: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and Briefing: 01/03/2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown and Donna Rygate ○ <u>Council assessment staff</u>: Maryanne Stephens • Council Briefing: 12/09/2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown and Sue Francis ○ <u>Council assessment staff</u>: Maryanne Stephens • Council & Applicant Briefing: 19/09/2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown and Sue Francis ○ <u>Council assessment staff</u>: Maryanne Stephens ○ <u>Applicant staff</u>: Mariana Bogdanovski • Final briefing to discuss council's recommendation: 16/10/2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown and Sue Francis ○ <u>Council assessment staff</u>: Cassy Mitchell, Maryanne Stephens ○ <u>Applicant representatives</u>: Mariana Bogdanovski
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report