

DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	13 December 2023
DATE OF PANEL DECISION	13 December 2023
DATE OF PANEL MEETING	11 December 2023
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Sue Francis
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 08 December 2023.

MATTER DETERMINED

PPSWES-156 - P16.22.16 – Warren - 10439 Mitchell Highway, Nevertire

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).

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 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.

CONDITIONS

- The Development Application was approved subject to the conditions in council assessment report with two additional conditions relating to Decommissioning and a Decommissioning Management Plan, as follows:

General

Decommissioning

The land must be returned to its pre-existing condition (prior to use as a solar farm) and all solar farm infrastructure removed once the project is decommissioned. The land must be rehabilitated and restored, including the pre-existing land and soil capability class if previously used for agricultural purposes. The solar energy project owner or operator shall be responsible for decommissioning and rehabilitation unless there is an agreement with the 'host landowner' that that clearly outlines alternate responsibilities.

Operational

Decommissioning Management Plan

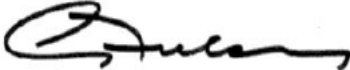


A Decommissioning Plan must be provided to Council (or relevant approval authority) generally consistent with the Concept Decommissioning Plan for review and approval no later than 12 months prior to the proposed cessation of operations. It must include, but not be limited to, the following:

- (a) Expected timeline for rehabilitation completion;
- (b) Decommissioning of all solar panels, above and below ground infrastructure, inverter stations, fencing and any other structures or infrastructure relating the approved development;
- (c) Programme of site restoration to return the land is returned to its previous state prior to use as a solar farm, with the retention of landscaping; and
- (d) Details on waste management and recycling of all materials arising from the development.

Reason: To ensure the decommissioning of the solar farm occurs in an orderly and sustainable manner, that the amenity of the area is maintained while the solar farm is being decommissioned and to ensure the site can be returned to its original condition.

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	
 Garry Fielding (Chair)	 Graham Brown
 Sue Francis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-156 - P16.22.16 – Warren
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
4	APPLICANT/OWNER	Applicant - NSW Community Renewable (Nevertire) Pty Ltd c/- SLR Consulting Owner - Michael Roger Cole
5	TYPE OF REGIONAL DEVELOPMENT	SEPP (Planning Systems) 2021 – Schedule 6 Regionally Significant Development 5 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 (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021, ○ 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 Shire Council Development Control Plan 2012 • Planning agreements: Nil • Relevant provisions of the Environmental Planning and Assessment Regulation 2021 • 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: 08 December 2023 • Written submissions during public exhibition: Nil
8	MEETINGS, BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • 01 March 2023 Site and Briefing: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Donna Rygate ○ <u>Council</u> - Maryanne Stephens

		<ul style="list-style-type: none"> • 12 September 2023 – Briefing: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Sue Francis ○ <u>Council</u> - Maryanne Stephens • 19 September 2023 – Briefing: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Sue Francis ○ <u>Council</u> - Maryanne Stephens • Determination meeting - 16 October 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Sue Francis ○ Council Officer – Maryanne Stephens, Cassey Mitchell ○ Applicant – Mariana Bogdanovski • Final briefing to discuss council's recommendation: 11 December 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Sue Francis ○ Council Officer – Maryanne Stephens, Cassey Mitchell ○ Applicant – Mariana Bogdanovski
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Submitted with Council Assessment Report