



DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	23 May 2024
DATE OF PANEL DECISION	23 May 2024
DATE OF PANEL MEETING	21 May 2024
PANEL MEMBERS	Graham Brown - Acting Chair, Susan Budd, Brian Kirk
APOLOGIES	Garry Fielding
DECLARATIONS OF INTEREST	Donna Rygate declared that she is a member of the EnergyCo Advisory Committee.

Papers circulated electronically on 14 May 2024 (Council Supplementary Report).

MATTER DETERMINED

PPSWES-223 - DA19/2023 – Warrumbungle Shire Council

Talbragar Park/126 Lawson Park Road, Dunedoo 2844 Lot 78 DP754309

New 5MW Solar Farm

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.

CONDITIONS

The Development Application was approved subject to the Recommended Conditions of Consent submitted with Council Supplementary Report and with amendments to Condition 15, Condition 16, Condition 26, Condition 31 as follows –

Condition 15 - Vegetation Management Plan

A Vegetation Management Plan detailing how existing and planted vegetation will be maintained for the life of the development shall be provided to and approved by Council prior to the issue of a Construction Certificate.

Condition 16 - Tree Shielding

Additional matured trees are to be placed along the site boundaries to Receptors 2 and 3 to reduce the visual impact on the neighbouring properties in accordance with the approved Vegetation Management Plan.

Condition 26 - Construction noise

Construction noise is to be managed in accordance with the requirements and recommendations of the Dunedoo Solar Farm: Noise and Vibration Impact Assessment, by Assured Environmental and dated 27/09/2022.

Prior to the commencement of work, the applicant shall provide Council with certification from a qualified acoustic consultant the measures proposed to ensure noise levels at sensitive receptors R1, R2, R4 and R5 do not exceed 50dB(A).

Condition 31 - Bushfire Safety

The following bushfire prevention measures shall be provided to the development:

Asset Protection Zones and Landscaping

From the start of building works and for the life of the development, the property around the proposed development must be managed as an inner protection area (IPA) for 10m in all directions.

Essential Equipment

Essential equipment should be designed and housed in such a way as to minimise the impact of bush fires on the capabilities of the infrastructure during bush fire emergencies. It should also be designed and maintained so that it will not serve as a bush fire risk to surrounding bush.

Bush Fire Emergency Management and Operations Plan

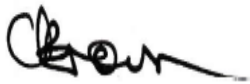
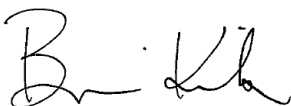
A Bush Fire Emergency Management and Operations Plan shall be prepared in consultation with the NSW RFS to identify all relevant risks and mitigation measures associated with the construction and operation of the solar farm. This should include:

- detailed measures to prevent or mitigate fires igniting;
- work that should not be carried out during total fire bans;
- availability of fire-suppression equipment, access and water;
- storage and maintenance of fuels and other flammable materials;
- notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush-fire fire danger period to ensure weather conditions are appropriate; and
- appropriate bush fire emergency management planning.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered three written submissions made during the public exhibition of the proposal. Issues raised included Traffic impacts during construction with heavy vehicles on the roads, Impacts on agricultural land, Visual impacts on adjoining properties, Cumulative impacts, Bushfire Prone land, Disposal of waste, and Decommissioning of solar panels at the end of life.

The Panel considers concerns raised in the submission have been adequately addressed in the Assessment Report and through the conditions of consent.

PANEL MEMBERS	
 Graham Brown (Acting Chair)	 Susan Budd
 Brian Kirk	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-223 - DA19/2023 – Warrumbungle Shire Council
2	PROPOSED DEVELOPMENT	New 5MW Solar Farm
3	STREET ADDRESS	Talbragar Park/126 Lawson Park Road, Dunedoo 2844 Lot 78 DP754309
4	APPLICANT/OWNER	Applicant - Bilal Enerparc Owner - Anne Catherine O'Leary
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Private infrastructure and community facilities
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: • Warrumbungle Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: Nil • 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	• Council Supplementary Report with recommended conditions of consent • Response to request for further information dated 13 May 2024 • Written submissions during public exhibition: 3

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	● <u>Council briefing</u>: 16 April 2024 ● <u>Panel members</u>: Garry Fielding (Chair), Graham Brown ● <u>Council assessment staff</u>: Mark Hitchenson, Shonelle Gleeson-Willey, Kelly Dewar, Leeanne Ryan, Melinda Ryan ● <u>Applicant</u>: Daniel Drum, Bilal Dewar ● Electronic Determination – 22 April 2024 (Matter Deferred) ● <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Brian Kirk ● <u>Council assessment staff</u>: Mark Hitchenson, Shonelle Gleeson-Willey, Kelly Dewar, Leeanne Ryan, Melinda Ryan ● <u>Applicant</u>: Daniel Drum, Bilal Ahmad, Eric Tran, Lucy McDermott, Benjamin Hannig ● Final briefing to discuss council’s recommendation: 21 May 2024 ● <u>Panel members</u>: Graham Brown – Acting Chair, Brian Kirk, Susan Budd ● <u>Council assessment staff</u>: Mark Hitchenson, Shonelle Gleeson-Willey, Kelly Dewar, Leeanne Ryan, Melinda Ryan ● <u>Applicant</u>: Daniel Drum, Bilal Ahmad, Eric Tran, Benjamin Hannig
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Supplementary Report.