

<b>DATE OF DETERMINATION</b>	3 August 2021
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Graham Brown, Sandra Hutton, Craig Davies, Les Lambert
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 24 July 2021.

#### **MATTER DETERMINED**

PPSWES-70 – Narromine – DA2021/21 at 1570 Dandaloo Road Narromine for a 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 reasons generally outlined in the council assessment report.

The Panel further sought to strengthen conditions relating to the provision of a Decommission Management Plan at an earlier stage and with regular reviews of its content, perimeter and internal fencing to the satisfaction of council, providing a 500mm freeboard to the 1%AEP flood planning level and more specific requirements for noise and fire protection.

#### **CONDITIONS**

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Condition 1.5 amended to read as follows:**  
 1.5 Decommission Management Plan  
 A Decommission Management Plan is required to be submitted to Council for approval within 2 years of the commencing operation of the solar farm. The applicant is to review the Decommission Management Plan every 2 years from the date of approval based on changing technology or other factors and any significant changes require the approval of council.
- Condition 2.5 amended to read as follows:**  
 2.5 Landscape Plan  
 Prior to issue of a Construction Certificate, a Landscape Plan must be prepared in consultation with council and approved by the council. The plan is to include:

- Softening landscaping treatments are to include a mix of tall and shrub species on three sides of the site, with additional plantings in the front setback from Dandaloo Road and landscaping to the eastern and western sides of the development to be included.
  - Plantings are to be located on the outside of the security fence.
  - The landscape plan is to incorporate a black wire security fence with the height of the fence being to the satisfaction of council. Additional security fencing within the site is to be to the satisfaction of council.
  - The landscape plan is to include a watering system and maintenance schedule for plants.
  - The Plan shall be implemented as part of the Construction Management Plan.
  - The construction of a stock-proof fence on the outer side of the required landscaping to protect the landscaping from grazing animals.
- **Condition 2.14 amended to read as follows:**

**2.14 Flooding**

Buildings and critical infrastructure at the site are to be set at the 1% AEP flood level plus 500mm freeboard as the FPL, with buildings and critical infrastructure at the Site be set at or above this level. Structures to be constructed above the adopted flood planning level include:

    - Temporary construction buildings;
    - Operations & Maintenance building (O & M shed);
    - Power conversion unit to HV RMU & metering
    - PV combiner boxes. This level should be determined in accordance with Council's Flood Policy and the current Narromine Floodplain Risk Management Study & Plan. The building structures are to have flood compatible building components below this level i.e. the 1% AEP flood level. At the time of this consent a FPL of 238.1 metres AHD is applicable to the land. The FPL at the time of construction should be confirmed in writing by Council prior to any works starting to account for any updates to the Flood Study and apply updated data to determine the relevant FPL.
- **Condition 4.6 amended to read as follows:**

**4.6 Noise Standards**

Noise management measures are to be implemented to ensure noise generated from the operation of the development is in compliance with the findings of the Noise Assessment conducted by Muller Acoustic Consulting Pty Ltd dated January 2021.
- **Condition 6.6 amended to read as follows:**

**6.6 Decommissioning of the Solar Farm**

In the event that the solar farm is decommissioned, all decommissioning works, including site rehabilitation, are to be undertaken in accordance with an approved Decommission Management Plan. Waste from solar panels is to be subject to a separate Waste Agreement approved by Council, outlining the arrangements for the disposal of construction waste if it is to be disposed of at a Council owned facility.
- **Condition 6.11 amended to read as follows:**

**6.11 Bushfire Protection Measures**

Any required bushfire protection measures are to be maintained throughout the operation of the solar farm at the site and be in accordance with s 8.3.5 Wind and Solar Farms in Planning for Bushfire Protection 2019, as amended.






## 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:

- Proximity to the Narromine Aerodrome and potential for glare and reflectivity issues;
- Visual amenity impacts for the long term;
- Proximity to R5 Large Lot Residential land and impact to visual amenity;
- Site falls within known flood prone land;
- Construction period impacts, traffic, noise, demand for water;

- Deliveries to the site for the construction – traffic impacts.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and the conditions of approval.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Sandra Hutton	 Craig Davies
 Les Lambert	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-70 – Narromine – DA2021/21
2	PROPOSED DEVELOPMENT	Construction of a grid-connected solar PV installation no larger than 5MW.
3	STREET ADDRESS	1570 Dandaloo Road Narromine
4	APPLICANT/OWNER	Applicant: NSW Community Renewables (Narromine) Pty Ltd c/SLR Consulting Landowner: Mr PL McCutcheon
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 (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Infrastructure) 2007;</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>Narromine 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>Narromine 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: 7 July 2021</li> <li>Written submissions during public exhibition: 6</li> <li>Total unique submissions received by way of objection: 4</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 3 June 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding, Sandra Hutton, Graham Brown, Craig Davies</li> <li><u>Council assessment staff</u>: Emma Yule, Phil Johnston</li> <li><u>Panel Secretariat staff</u>: Jane Gibbs, Kim Holt</li> </ul> </li> <li>Site Visit: 3 June 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding, Sandra Hutton, Graham Brown, Craig Davies</li> <li><u>Council assessment staff</u>: Emma Yule, Phil Johnston</li> <li><u>Panel Secretariat staff</u>: Jane Gibbs, Kim Holt</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 3 August 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding, Sandra Hutton, Graham Brown, Craig Davies</li> <li><u>Council assessment staff</u>: Emma Yule, Phil Johnston</li> <li><u>Applicant representatives</u>: Jeremy Every, Shane Humphreys, Patrick Quinlan, Rachel Pettitt</li> <li><u>Panel Secretariat staff</u>: Carolyn Hunt, Kim Holt</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report