

DATE OF DETERMINATION	9 June 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Lindsay Mathieson, Josie Howard
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 1 June 2021.

MATTER DETERMINED

PPSWES-78 – Dubbo – DA21-211 at 47 R Wellington Road Dubbo 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 outlined in the council assessment report. In particular, the panel notes the following:

- The proposed development complies with all relevant provisions of the Dubbo LEP 2012;
- The proposed development complies with all relevant provisions of the Dubbo DCP 2013;
- The proposed 5 metre-wide landscape buffer has been well designed to visually screen and soften the proposal within its largely rural landscape;
- The plans and documents accompanying the DA have been well considered and prepared, assisting in the determination of the DA.

In reaching its decision the panel expressed its appreciation to Council officers for their comprehensive and professional assessment of the application.

CONDITIONS






The development application was approved subject to the conditions in the revised council assessment report dated 7 June 2021. This report references new conditions 37, 38 & 39, together with minor amendments to conditions 5, 10, 11, 29 & 32.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered the single written submission made during the public exhibition of the proposal. The panel notes that issues of concern included:

- Removal of trees
- Contamination of groundwater & Eulomogo Creek
- Vegetation buffer and ongoing maintenance

The panel considers that concerns raised in the submission have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Lindsay Mathieson
 Josie Howard	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-78 – Dubbo – DA21/211
2	PROPOSED DEVELOPMENT	Electricity Generating Works (Solar Farm)
3	STREET ADDRESS	Lots 95, 190 & 303 DP 754308, Lots 3 & 4 DP 252285 - Wellington Road DUBBO & Lot 10 DP 754287 - 47R Wellington Road DUBBO
4	APPLICANT/OWNER	Applicant: Dubbo Solar Project Pty Ltd Owner: B J Jackson
5	TYPE OF REGIONAL DEVELOPMENT	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 (Infrastructure) 2007 State Environmental Planning Policy No 33 – Hazardous and Offensive Development State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Primary Production and Rural Development) 2009 Dubbo Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Dubbo Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 1 June 2021 Council memo & revised conditions: 3 June 2021 Council memo & revised conditions: 7 June 2021 Written submissions during public exhibition: 1 Unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 3 June 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Lindsay Mathieson, Josie Howard <u>Council assessment staff</u>: Tracie Smart Site inspection: 3 June 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Lindsay Mathieson, Josie Howard <u>Council assessment staff</u>: Tracie Smart Final briefing to discuss council's recommendation: 7 June 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Lindsay Mathieson, Josie Howard <u>Council assessment staff</u>: Tracie Smart <u>Applicant representatives</u>: Jenna Amos

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report