

DATE OF DETERMINATION	8 August 2022
DATE OF PANEL DECISION	8 August 2022
DATE OF PANEL MEETING	2 August 2022
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Lindsay Mathieson, Josie Howard
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Briefings held by teleconference on 2 August 2022, opened at 10.15am and closed at 11.30am.

Papers circulated electronically on 26 July 2022.

MATTER DETERMINED

PPSWES-138 – Dubbo – DA2022-193 at 261 The Old Road, Geurie – 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 the site inspection 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 Panel noted that the proposal presented good site selection and acknowledged the applicants’ verbal submission on conditions and the Council’s supplementary memo. In consideration of the request for condition amendments, Council and the Panel disagreed with the applicants’ request to amend Condition B4(b) and the reference to the access driveway having capacity to support fully laden fire fighting vehicles.

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 the Council Assessment Report with the following amendments.

- Condition A3 – amended to read as follows:

A3 Compliance with the National Construction Code

All building work shall be carried out in accordance with the provisions of the National Construction Code. A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant construction certificate.

Reason: To ensure the building work complies with the National Construction Code.

- Condition B4 – amended by removing 10,000 and inserting 20,000 and correction to condition subclause identification, to read as follows:

B4 Bush fire Management

Where the site is identified as bush fire prone land, the solar farm shall comply with the relevant specifications and requirements of Planning for Bushfire Protection (2019) prepared by the NSW Rural Fire Service including the following:

- (a) Asset Protection Zones (APZ) – An Asset Protection Zone (APZ) of minimum width of 10 m shall be provided around the solar modules and associated infrastructure. The APZ shall be provided and maintained in accordance with the requirements of the “Planning for Bush Fire Protection 2019” guidelines for the life of the subject development.

Such APZ may be implemented as ‘managed land’ where by the required minimum width of 10 m is provided as one or a combination of the following:

- i. The existing grassland vegetation is maintained in a low fuel condition by regularly mowing to achieve a nominal height no greater than 100 mm; and/or
- ii. Maintained lawns.

The APZ shall be established prior to the issue of the solar modules Occupation Certificate(s).

- (b) Access arrangements An access driveway to the solar modules and associated infrastructure shall be provided and must have a minimum width of 4 m with an additional 1 m cleared strip of vegetation on each side of such new access driveway. The access driveway must be capable of supporting fully laden fire fighting vehicles.

- (c) Water supply and utilities

A water storage tank to service the development shall be provided. Such water storage tank shall have a minimum storage of 20,000 litres of water. The water storage tank shall meet the following requirements:

- (i) For an under-ground storage tank:
 - a. Unobstructed access provided directly to the storage for firefighting appliances;
 - b. A hardened surface for truck access is provided within 4 m of the access hole;
 - c. An access hole of at least 200 mm provided in the lid of the storage tank;
- (ii) For an above-ground storage tank:
 - a. A 65 mm Storz outlet with a metal gate or ball valve and blanking cap provided at the lowest possible point;
 - b. The tank is to be of concrete or metal construction (plastic or fibreglass is not acceptable);
 - c. The tank and its Storz outlet must be located so that it is accessible by fire-fighting units and personnel;
 - d. All above-ground water piping external to the building to be metal, including taps; and
 - e. The water pressure pump(s) is to be shielded from direct heat and flame contact.



- (d) Emergency management arrangements Prior to the issue of any Construction Certificate an Emergency Management Plan for First Responders and Emergency Services shall be submitted to Council for approval. Such Plan shall be kept at the front entrance of the solar farm development for the entirety of its operation. Prior to the issue of any Construction Certificate a Bush Fire Emergency Management and Operations Plan is to be submitted. Relevant details are to be demonstrated on the Construction Certificate plans.

Reason: To ensure the development complies with the relevant requirements for bushfire management and to protect the safety of occupants on the site.

- Condition F1 – amended to read as follows:

F1 Decommission Management Plan

The required decommissioning of the proposed development shall be carried out in accordance with the submitted report titled Waste and Decommissioning Assessment – Geurie 1C Solar Farm prepared by ITP Development Pty Ltd, and occurring no later than 18 months following the cessation of operations.

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.

- Condition B5 – amended by inserting the words ‘intersection of the’ after ‘The’ at the start of the condition and the word ‘and’ in the second line after the words ‘sealed by’, to read as follows:

B5 Vehicle Access Requirements

The intersection of the proposed access servicing the Solar Farm off The Old Road shall be constructed and sealed by and at full cost to the Developer with construction of a T intersection at the existing access gates across The Old Road including resealing the short section of existing seal

at the same location to Council's satisfaction to accommodate B-doubles. All works required to fulfil the above condition are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series - Design and Construction standards, with detailed engineering design plans being submitted to, and approved prior to any construction works commencing. Should Council's Senior Development Engineer (or his representative) not undertake the required routine inspections during the course of construction of this condition, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

Reason: To ensure safe, practical and legal vehicle access is provided to the site.

- Condition B9 – amended to read as follows:

B9 Temporary Car parking area

The temporary car parking area is to be provided with a minimum of 40 parking spaces and a suitable hard stand area appropriate to the proposed use and vehicles. Details of the surface treatment are to be provided to as part of the Construction Certificate application.

Reason: To ensure the car parking area is suitable for the intended use.

- Condition E6 – deleted
- New condition:

C7 Gateway Fencing

An unimpeded B-double que length is to be provided within the boundary of the subject land, such that at a bare minimum a 26.0m B-double is able to 'stand clear' and be totally contained within the subject land boundaries and not at any stage overhang onto the road reserve area.

Reason: To avoid queuing on the public road and to provide safety for the travelling public utilising the public road system.

- Condition F3(b) – amended by deleting '40' and inserting '2', to read as follows:

F3 Vehicle Management






The premises shall be operated in accordance with the following vehicle management requirements:

- (a) All loading and unloading of vehicles must be undertaken wholly within the site and all vehicles must enter and leave the site a forward direction.
- (b) A minimum of 2 car parking spaces are to be provided on the site as indicated on the approved plans, with no car parking to occur on the public road network in the vicinity of the site.
- (c) The vehicle entry and exit points are to be clearly signposted and visible from both the street and the site at all times and must be maintained in good condition for the life of the development.
- (d) No vehicles larger than a B-Double 26.0m in length (utilising the Austroads design templates) are permitted to access the subject land and the development proposal
- (e) All vehicular traffic associated with the development must travel to and from the site via The Old Road and via the approved site entry points. Access from the Mitchell Highway over the Main Western Line railway is prohibited.

Reason: To ensure the operation of the solar farm does not adversely affect the surrounding road network and has adequate car parking provided on the site.

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)	 Sandra Hutton
 Graham Brown	 Lindsay Mathieson
 Josie Howard	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-138 – Dubbo – DA2022-193
2	PROPOSED DEVELOPMENT	Electricity Generating Works - Solar Farm
3	STREET ADDRESS	261 The Old Road, Geurie
4	APPLICANT/OWNER	ITP Development Pty Ltd/ SJ, LW & NPW Dawson and NJ Fleming
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 (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport & Infrastructure) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Primary Production) 2021 ○ Dubbo Regional Local Environmental Plan 2022 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wellington Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clauses 62, 63 & 64 • 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: 19 July 2022 • List any council memo or supplementary report received: 4 August 2022 • Written submissions during public exhibition: 0 • Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 23 June 2022 <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>DPE</u>: Sung Pak • Site inspection: 22 June 2022 <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>DPE</u>: Sung Pak • Final briefing to discuss council's recommendation: 02 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Lindsay Mathieson and Josie Howard ○ <u>Council assessment staff</u>: Tracie Smart ○ <u>Applicant representatives</u>: Jou Jong, Albert Ngo, Allen Grimwood, Mishka Talent ○ <u>DPE</u>: Carolyn Hunt and Tracey Gillett

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report