



DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	4 March 2024
DATE OF PANEL DECISION	4 March 2024
DATE OF PANEL MEETING	27 February 2024
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate, Lachlan Ford, Barry Hollman
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 22 February 2024.

MATTER DETERMINED

PPSWES-179 – DA 2023/0024 – Bourke

Lot 1 and Lot 2 DP134908, 96 TANCRED DRIVE BOURKE

Electricity Generating Works (5MW Solar Farm and Battery Energy Storage System)

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 subject to conditions as per the amended Draft Notice of Determination (**attached**), 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 doing so, it amended portions of the recommended Condition 2 of Part B *Landscaping Plan* in the following respects:

- Required the landscape screen to extend the full length of the solar farm fenced / compound area along the common boundary with the Mitchell Highway and extend a minimum of half the length of the common boundary with Lot 136 DP39834 commencing from the Highway (north-western) end of the parcel.
- For the landscaping along the common boundary with Lot 136 DP39834, enabled the required landscaping to be located on the inside of the security fence. In this respect, the security fence must be repositioned to accommodate the required APZs (if the landscaping is to be located on the inside of the security fence) and the landscaping in this location must be adequately fenced off on all sides to protect against damage from stock grazing within the site.
- For the landscaping along the Mitchell Highway frontage, the required landscaping must be positioned on the outside of the security fence and must be adequately fenced off on all sides to protect against damage from stock grazing within the site.

- Required that all site landscaping be provided with an irrigation source to ensure that the required vegetative screen is fully maintained for the life of the project.






CONDITIONS

The Development Application was approved subject to the conditions in the amended draft notice **(attached)**, reflecting the Panel's deliberations at its meeting on 27 February 2024.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the two written submissions made during the public exhibition of the proposal. Issues raised included visual and landscape character impacts, heat island effects, lifestyle and health impacts, environmental impacts (wildlife, dust, noise and traffic), and reductions in property values.

The Panel considers that the concerns raised in the submissions have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
	
Garry Fielding (Chair)	Graham Brown
	
Donna Rygate	Lachlan Ford
	
Barry Hollman	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-179 – DA 2023/0024 – Bourke
2	PROPOSED DEVELOPMENT	Electricity Generating Works (5MW Solar Farm and Battery Energy Storage System)
3	STREET ADDRESS	Lot 1 and Lot 2 DP134908, 96 TANCRED DRIVE BOURKE
4	APPLICANT/OWNER	Applicant - ITP Development Pty. Ltd. Owner - Ross Bernard Williams and Jessica Bridget Goulden
5	TYPE OF REGIONAL DEVELOPMENT	The development comprises private infrastructure (electricity generating works) with a capital investment value (CIV) over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: • State Environmental Planning Policy (Biodiversity and Conservation) 2021

		<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Bourke Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Bourke Development Control Plan 2012 • 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	<ul style="list-style-type: none"> • Council Assessment Report: 07 February 2024 • Plans prepared by itp renewables comprising: <ul style="list-style-type: none"> ○ 22107-G-0100 Title ○ 22107-G-0400 Location Plan – Issue 2 ○ 22107-G-2100 General Arrangement Plan - Issue 11 ○ 22107-G-2200 Site Elevations – Issue 2 ○ 22107-C-4300 Inverter Footing Details – Issue 1 ○ 22107-C-4310 BESS Footing Details – Issue 1 ○ 22107-C-5300 Fencing Details – Issue 1 ○ 22107-C-5301 Gate Details – Issue 1 ○ 22107-C-6300 Access Path Details – Issue 1 ○ 22107-E-3400 FTC Voyager Tracker Details – Issue 1 ○ 22107-E-4300 Inverter Station Details – Issue 1 ○ 22107-E-5300 BESS Station Details – Issue 1 ○ 22107-E-5310 DC-DC Converter Skid Detail – Issue 1 • Statement of Environmental Effects prepared by Zenith Town Planning, dated 11 May 2023. • Traffic Impact Assessment Report prepared by Price Merrett Consulting version. 6, dated 23 November 2023. • Noise Assessment Prepared by Muller Acoustic Consulting Pty Ltd,

		<p>dated 17 April 2023.</p> <ul style="list-style-type: none"> • Preliminary Biodiversity Assessment prepared by Red Gum Environmental Consulting, dated 1 May 2023. • Fire and Hazard Assessment prepared by itp Renewables, Rev. 4, dated 10 May 2023. • Glare and Glint Assessment prepared by itp Renewables, Rev. 4, dated 4 May 2023. • Landscape Character and Visual Impact Study prepared by Zenith Town Planning, Dated 1 May 2023. • Waste and Decommission Assessment prepared by itp Renewables, Rev. 4, dated 31 August 2023. • Water Assessment prepared by itp Renewables, Rev. 2, dated 17 April 2023. • Flood Study prepared by itp Renewables, Rev. 3, dated 10 August 2023. • Written submissions during public exhibition: 2 • 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: 07 August 2023 <ul style="list-style-type: none"> • <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Lachlan Ford, Barry Hollman • <u>Council assessment staff</u>: Dwayne Willoughby, Carolyn Crain, Leonie Brown, Andrew Crump (Council consultant) • Final briefing to discuss council's recommendation: 06 February 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Lachlan Ford, Barry Hollman ○ <u>Council assessment staff</u>: Dwayne Willoughby, Carolyn Crain, Leonie Brown, Andrew Crump (Council consultant) ○ <u>Applicant representatives</u>: Allen Grimwood, Jou Jong, Albert Ngo
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the Council Assessment Report. Amended on 27 February 2024 and attached to this DSOR.