

AUTHORISED OFFICERS MEMO

DEVELOPMENT APPLICATION: 10.2023.137.1
FOR: Electricity Generating Works (Construction of 6.87MWh Solar Farm)
ZONE: RU1 Primary Production
ADDRESS: Lot: 9 DP: 756592
PROPERTY 206 Gonn Road BARHAM
OWNER: G L & T J Heffer
APPLICANT: Power Generation Co.

Dear Panel Members

The subject Development Application (**DA**) was referred to the Western Regional Planning Panel (**the Panel**) on 7 December 2023 for determination.

In reviewing the DA, the Panel determined that the submitted information was deficient and lacked critical detail that prevented the Panel from determining the DA. The Panel made the following comments:

The Panel agreed to defer the determination of the application and notes that the information submitted is not adequate for the panel to determine the application.

In responding to the comments from the Panel, the applicant submitted additional information on 28 December 2023, including:

1. Cover letter detailing the amendment to the current DA, prepared by Chris Smith and Associates, dated 26 December 2023,
2. Statement of Environmental Effects (**SEE**), prepared by Chris Smith and Associates, and
3. Plans, including locality plans, site plans and landscaping plans, prepared by Chris Smith and Associates.

This memo has been prepared in response to updated documentation above.

It is noted that the DA, as lodged, incorrectly referred to the proposal as a “solar energy system”. In addressing this, the cover letter, prepared by Chris Smith and Associates, makes the following correction, which is reflected in the supporting documentation:

Primarily, the key change to this DA is the land use categorisation within the initial submission on the planning portal from a “solar energy system”, to an application to “electricity generating works” which encapsulates both the proposed solar farm and the ancillary equipment, including battery energy storage systems.

As noted, the DA, as lodged, had several deficiencies, most notably, the lack of assessment against the relevant planning provisions, including notably the *State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)*. The proposal is reliant upon the provisions of the T&I SEPP in addressing the proposal’s

permissibility noting the land use is prohibited in the RU1 zone under the Wakool Local Environmental Plan (**WLEP**) 2013.

In addressing this, and clarifying the intended land use, the SEE carries out a comprehensive assessment of the proposal against Part 2 – Division 4 of the T&I SEPP, including a discussion on the permissibility of the proposal.

In relation to WLEP 2013, the submitted SEE, prepared by Chris Smith and Associates includes a complete assessment against the LEP controls, including relevant environmental controls – biodiversity, earthworks, riparian land and watercourses, and wetlands.

In regard to the amended plans, the conclusions from the original assessment presented to the Panel on 7 December 2023 remain unchanged.

Having reviewed the submitted documentation, Council is satisfied that the updated documentation clearly demonstrates the scope of works.

The new documents have been reflected in the updated Notice of Determination.