

**DETERMINATION AND STATEMENT OF REASONS**  
WESTERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	11 April 2024
<b>DATE OF PANEL DECISION</b>	11 April 2024
<b>DATE OF PANEL MEETING</b>	09 April 2024
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Graham Brown, Donna Rygate, Manjit Singh Lally
<b>APOLOGIES</b>	Christine Stead
<b>DECLARATIONS OF INTEREST</b>	Nil

Papers circulated electronically on 27 March 2024 (Council Assessment Report).

**MATTER DETERMINED**

PPSWES-200 - DA 189/2023 – Griffith – Lot 2, DP881219, 293 Hawkins Road, Yoogali, Electricity Generating Facility sub-5mW AC Solar Farm and four (4) battery energy storage systems.

**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 amended conditions, 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.




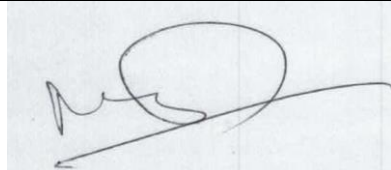
**CONDITIONS**

The Development Application was approved subject to the amended conditions dated 09 April 2024 comprising amendments to -

- Condition 1 – minor change to delete the text shown in in red font & the dates shown in red font to be shown in black font
- Condition 16 – minor change to require a minimum mature height of 3m
- Condition 44 – now condition 19 & subsequently renumbered
- Condition 27 now 28 – directional markings removed

**CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the Panel noted that no written submissions were made during public exhibition.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Donna Rygate	 Manjit Singh Lally

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-200 - DA 189/2023 – Griffith
2	PROPOSED DEVELOPMENT	Electricity Generating Facility sub-5mW AC Solar Farm and four (4) battery energy storage systems.
3	STREET ADDRESS	Lot 2, DP881219, 293 Hawkins Road, Yoogali, Electricity Generating Facility sub-5mW AC Solar Farm and four (4) battery energy storage systems.
4	APPLICANT/OWNER	Applicant - ACEnergy Pty Ltd Owner - Barbara and Brian Savage
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5m – Private infrastructure and community facilities
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 (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Primary Production) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Griffith Local Environmental Plan 2014</li> </ul> </li> <li>Draft environmental planning instruments: Nil <ul style="list-style-type: none"> <li>Development control plans: <ul style="list-style-type: none"> <li>Griffith Development Control Plan No 1 – Non-Urban Development</li> </ul> </li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></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</li> </ul>

		development
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council Assessment Report with recommended conditions of consent.</li> <li>• Statement of Environmental Effects</li> <li>• Site and Elevation Plans</li> <li>• Acoustic and Vibration Assessment</li> <li>• Agricultural Assessment Report</li> <li>• AHIMS Web Services search result</li> <li>• Biodiversity Assessment Report</li> <li>• Bushfire Management and Emergency Response Plan</li> <li>• Flood Risk Report</li> <li>• Glint and Glare Assessment Report</li> <li>• Traffic Impact Assessment Report</li> <li>• Preliminary Investigation</li> <li>• Letter (RFI response) from Premise Australia dated 23 February 2024</li> <li>• Written submissions during public exhibition: 0</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council briefing: 12 March 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown</li> <li>○ <u>Council assessment staff</u>: Kerry Rourke</li> <li>○ <u>Department Assessor</u>: Lilian Charlesworth</li> </ul> </li> <li>• 09 April 2024 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Cr Manjit Singh Lally</li> <li>○ <u>Council assessment staff</u>: Kerry Rourke, Pat Ngwira, Alana McGibbon</li> <li>○ <u>Department Assessor</u>: Lilian Charlesworth</li> <li>○ <u>Applicant</u>: David Walker</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report