

DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	19 February 2024
DATE OF PANEL DECISION	18 February 2024
DATE OF PANEL MEETING	12 February 2024
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate, Sarah McNaught
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 01 February 2024 (Council Assessment Report).

MATTER DETERMINED

PPSWES-203 - 43-24-DA-DM – Berrigan

Lot 1 DP702960 at 39 Burkes Road, Finley

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 conditions, pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel's decision was 3-1 in favour, with Donna Rygate abstaining.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons -

- The proposal is considered to be generally consistent with the relevant planning objectives and controls. Where non-compliance with a development control has been identified (landscaping), this has been addressed by way of a condition of consent (Condition B2(b)).
- The proposed development is unlikely to have any unreasonable impact on the environment or the locality and no public submissions or agency objections were received. The key issues of construction noise, construction traffic, access and parking, visual impact and decommissioning have been resolved satisfactorily in the recommended draft conditions at Attachment A.
- The imposition of Condition C4(f) by the Panel, requiring the use of temporary acoustic fencing to comply with the *Interim Construction Noise Guideline* (DECC, 2009), will reduce noise levels upon dwelling houses to the south of the site to acceptable levels.
- The proposal is suitable for the site, compatible with the locality and is considered to be in the public interest.





In abstaining, Panel Member Donna Rygate noted the absence of any engagement or consultation with operators or users use the nearby airfield, or the Civil Aviation Safety Authority.

CONDITIONS

The Development Application was approved subject to the amended conditions dated 07 February 2024 comprising amendments to Conditions B2 (landscaping) and C4 (construction noise).

CONSIDERATION OF COMMUNITY VIEWS

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

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Donna Rygate	 Sarah McNaught

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-203 - 43-24-DA-DM – Berrigan
2	PROPOSED DEVELOPMENT	Electricity Generating Facility sub-5mW AC Solar Farm and four (4) battery energy storage systems
3	STREET ADDRESS	Lot 1 DP702960 at 39 Burkes Road, Finley
4	APPLICANT/OWNER	Applicant - Kelly McNicol of SKM Planning Owner - Graeme Close
5	TYPE OF REGIONAL DEVELOPMENT	Private Infrastructure and community facilities with a CIV greater than \$5m
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none">Environmental planning instruments:<ul style="list-style-type: none">State Environmental Planning Policy (Planning Systems) 2021State Environmental Planning Policy (Primary Production) 2021State Environmental Planning Policy (Resilience and Hazards) 2021State Environmental Planning Policy (Transport and Infrastructure) 2021Berrigan Local Environmental Plan 2013Draft environmental planning instruments: Nil<ul style="list-style-type: none">Berrigan Development Control Plan 2014Planning agreements: NilRelevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>Coastal zone management plan: NilThe likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality

		<ul style="list-style-type: none"> • 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 with amended conditions of consent dated 07 February 2024. • Statement of Environmental Effects • Site Plan • Drawings: Solar PV Equipment • Landscape Plan • Traffic Impact Assessment • Construction Noise and Vibration Impact Assessment • Solar Glint and Glare Assessment • Aboriginal Cultural Heritage Assessment • Preliminary Site Investigation • Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 12 February 2024 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Sarah McNaught ○ <u>Council assessment staff</u>: Sarah Griffins, Noureen Wajid, Lillian Charlesworth (Department Assessor) ○ <u>Applicant</u>: Kelly McNicol
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report