

DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	18 July 2024
DATE OF PANEL DECISION	18 July 2024
DATE OF PANEL MEETING	11 July 2024
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Manjit Singh Lally, Christine Stead

Papers circulated electronically on 28 June 2024.

MATTER DETERMINED

PPSWES-210-DA 228/2023 – Griffith

Lot 363 DP751743 394 Macedone Road, BILBUL

Electricity Generating Works – Proposed construction of a 4.95 MW Solar Farm

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

The Panel's determination was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report. The Panel's site visit on 11 July 2024 confirmed the reasons for the granting of consent. In particular, the Panel considers that the significant landscape buffers required around the site appropriately address visual impact concerns, while the conditions imposed regarding noise mitigation measures appropriately address noise impact concerns.




CONDITIONS

The Development Application was approved subject to the revised set conditions attached.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 11 written submissions made during public exhibition, including a submission from the Council. Issues of concern raised in the submissions included the need for a solar farm in this location; visual amenity impacts; adverse impacts on property values; the potential of the solar farm to increase temperatures in the locality; risk of battery-generated fires; the validity of the Land Suitability Report; traffic impacts; construction and operational noise impacts; glint and glare impacts; and dust, stormwater and soil erosion impacts.

The Panel considers that the concerns raised by the community have been adequately addressed in Council's Assessment Report and by the conditions of consent.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Donna Rygate	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-210-DA 228/2023 – Griffith
2	PROPOSED DEVELOPMENT	Electricity Generating Works – Proposed construction of a 4.95 MW Solar Farm
3	STREET ADDRESS	Lot 363 DP751743 394 Macedone Road, BILBUL
4	APPLICANT/OWNER	Applicant: Cliff Schmidt of PSA Consultants for ATLAS RENEWABLES PTY LTD Owners: Rocco Fattore, Elizabeth Fattore
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: • Griffith Local Environmental Plan, 2014 • Draft environmental planning instruments: Nil • Development control plans: • Griffith Development Control Plan No 1 – Non-Urban Development • Griffith Development Control Plan No. 20: Off Street Parking (2011) • Planning agreements: Nil • Relevant provisions of the Environmental Planning and Assessment Regulation 2021 • 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 • 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 recommended conditions of consent • Conditions detailed in Council’s email of 11 July 2024. • Written submissions during public exhibition: 11

		<ul style="list-style-type: none"> • A Community member's submission to the Panel dated 30 May 2024 raising concerns regarding Council's Assessment Report.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 23 April 2024 – Public meeting (matter deferred) <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate ○ <u>Council assessment staff</u>: Pat Ngwira, Kerry Rourke, Carel Potgieter & Alana McGibbon • 11 July 2024 – Site visit <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate ○ <u>Council assessment staff</u>: Pat Ngwira, Kerry Rourke, Carel Potgieter • 11 July 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 ○ <u>Council assessment staff</u>: Pat Ngwira, Kerry Rourke, Carel Potgieter
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached with Council Assessment Report