

COUNCIL ASSESSMENT REPORT

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| Panel Reference | PPSWES-91 |
| DA Number | DA423/2019(3) |
| LGA | Orange City Council |
| Proposed Development | Electricity Generating Works (solar farm) |
| Street Address | 643 Mitchell Highway, Orange |
| Applicant/Owner | ITP Development Pty Ltd (Applicant) Mr A and Mrs EB Ruggiero (Owner) |
| Date of DA lodgement | 16 April 2021 |
| Total number of Submissions Number of Unique Objections | 22 Public Submissions |
| Recommendation | Approval |
| Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011) | <p>The original proposal met the criterion for regional development under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, in that the development comprised electricity generating works with a capital investment value of more than \$5 million.</p> <p>Pursuant to Section 123BA(2) of the Environmental Planning and Assessment Regulation 2000, an application to modify a development consent made under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 is not to be determined by Council on behalf of the Regional Planning Panel where the modification seeks to amend a condition that was imposed by or amended by the Regional Planning Panel. In this regard, the determining authority for this modification application is the Western Regional Planning Panel (WRPP).</p> |
| List of all relevant s4.15(1)(a) matters | <ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 33—Hazardous and Offensive Development • State Environmental Planning Policy No 55—Remediation of Land • Explanation of Intended Effect - Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities • Orange Local Environmental Plan 2011 • Orange Development Control Plan 2004 |
| List all documents submitted with this report for the Panel's consideration | <ul style="list-style-type: none"> • Statement of Environmental Effects by ITP Development Pty Ltd • Legal Opinion by Shaw Reynolds Lawyers • Council Assessment Report • Draft amended Notice of Determination • Public Submissions • Agency Submissions |
| Clause 4.6 requests | Nil |
| Summary of key submissions | Site Suitability and Urban Settlement Plan, Decommissioning, Rehabilitation and Waste Management, Vehicle Access Upgrades and Road safety, Capital Investment Value and Financial Viability, Safety Risk and Technology advances and long-term energy efficiency |
| Report prepared by | Ben Hicks – Senior Planner, Orange City Council |
| Report date | 3 November 2021 |

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes