

DATE OF DETERMINATION	Tuesday, 11 September 2018
PANEL MEMBERS	Alison McCabe (Chair), Renata Brooks, Mark Grayson and Rod Kendall
APOLOGIES	Pam Allan, Cr Kerry Pascoe, Cr Greg Conkey & Cr Dan Hayes
DECLARATIONS OF INTEREST	None

Public meeting held at Wagga Wagga City Council on 11 September 2018, opened at 11:02 and closed at 15:38 (The meeting was adjourned for a break between 12:30-12:45 and for panel determination discussion from 2:43-15:30).

MATTER DETERMINED

2017STH034 – Wagga – DA17/0679 at 157 Windmill Rd BOMEN (as described in Schedule 1)

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 the matters observed at site inspections listed at item 8 in Schedule 1.





The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, for the reasons outlined below.

The decision was Unanimous.

REASONS FOR THE DECISION

- The site is not suitable for the scale of the development in its current form.
- The proposed development results in unacceptable visual impacts and is not compatible with the rural landscape character.
- The proposed development’s scale and siting is inconsistent with the objectives of the RU1 Primary Production Zone.
- The scale of the use is not compatible with the rural character of the locality and adversely impacts upon the amenity of surrounding properties.
- The vegetation and landscape mitigation measures are inadequate to minimise the impacts of the development.
- Insufficient information with respect to: stormwater management, site vegetation management, noise assessment, ongoing site management, details of decommissioning and rehabilitation of the site and potential changes to the microclimate.

PANEL MEMBERS	
 Alison McCabe (Acting Chair)	 Renata Brooks
 Mark Grayson	 Rod Kendall

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH034 – Wagga – DA17/0679
2	PROPOSED DEVELOPMENT	Electricity generating works – solar farm
3	STREET ADDRESS	157 Windmill Rd BOMEN
4	APPLICANT OWNER	Terrain Solar Pty Ltd Andrew & Melissa Lowe
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20m, lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ S92 Water Management Plan – Integrated Approval ○ S90 National Parks and Wildlife Act 1974 – Integrated Approval ○ Wagga Wagga Local Environmental Plan 2010 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wagga Wagga Development Control Plan 2010 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • 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 • 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: 11 September 2018 • Written submissions during public exhibition: 26 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Simon Ingram – Terrain Solar ○ Object – Bill Schulz and Michele Fromholtz on behalf of the Eunony Valley Association Incorporated. John Gray – read by Bill Schulz Peter Fawcett Gai Fawcett Georgia Toff Kylie Toff Graham White Sue White Greame Obst Carol Obst Madeline Obst -read by Carol Obst Jason Toff Catherine O’Kane Anthony O’Kane Marian Bloomfield Gordon Bloomfield – read by Marian Bloomfield Marie Suthern James Schulz – read by Marie Suthern Ben Large – read by Marie Suthern Michele Fromholtz Robert Englert

		<p>Jan Pollard Howard Pollard Peter Simpson – read by Bill Schulz Carl Clark Anthony Dunn Jennifer Lang Judith Killen – read by Marie Suthern James Ingram Peter Ingram Bill Schulz</p> <ul style="list-style-type: none"> ○ On behalf of the applicant – Andrew Brownlow (Planning Consultant)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Site inspection on 6 June 2018 and further inspection on 11 September 2018 ● Briefing on 7 June 2018 ● Final briefing to discuss council’s recommendation, 11 September 2018, 10:30 Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Renata Brooks, Mark Grayson and Rod Kendall ○ <u>Council assessment staff</u>: Amanda Gray ○ <u>Other Council Staff</u>: Cameron Collins, Nicole Smith, Paul O’Brien, Peter Thompson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report