

DATE OF DETERMINATION	14 March 2018
PANEL MEMBERS	Renata Brooks (Chair), Peter Brennan, Mark Grayson, Ron Cummins, Paul Culhane
APOLOGIES	Pam Allan, Alison McCabe
DECLARATIONS OF INTEREST	Paul Culhane – Council Representative – declared a non-pecuniary, non-significant interest as a member of three community consultation committees regarding wind farms, including Gullen Range and Biala Wind Farm CCC.

Public meeting held at Upper Lachlan Shire Council at 44 Spring Street, Crookwell on 12 March 2018, opened at 1.30 pm and closed at 4.40 pm.

MATTER DEFFERED

2017STH038 – Upper Lachlan – DA122/2017 in Biala, Gurrundah and Bannister (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 at 3.40 pm and reconvened at 4.35 pm.

The decision to defer the matter was moved by Peter Brennan and seconded by Mark Grayson. The decision was unanimous.

TERMS OF DEFERRAL

The Panel decision was to defer determination of the proposal until additional information is provided to the Council for assessment including:

- Clarification of the extent to which the proposed development may impact on areas of environmental significance by way of:
 - detailed location of proposed trenches in those areas;
 - Number of trees to be removed in those areas;
 - Location of hollow bearing trees in those areas;
 - Identification of items of Aboriginal significance in those areas: and
- Detailed location, design and potential environmental impacts of the temporary compounds and temporary creek crossings.

Upon receipt of this information, Council must prepare a supplementary report that includes:





- An assessment of the additional information;
- Clarification of the *Water Management Act* approval requirements; and
- Assessment and recommendations in relation to the request for the amendment of proposed conditions by the Applicant.

Once this information has been provided and the supplementary assessment complete, it will be provided to the Panel who will hold another public determination meeting.

It is recommended that Council advise adjoining neighbours, submitters and persons who addressed the JRPP of the receipt of the additional information.

REASONS FOR DEFERRAL

There is insufficient detail on the nature of the proposed works and the route of the transmission lines to allow the Panel to properly consider relevant matters, including environmental, social and economic impact.

PANEL MEMBERS	
 Renata Brooks (Chair)	 Peter Brennan
 Mark Grayson	 Ron Cummins
<i>Sign off via email at 11:20 am on 20/03/2018</i> Paul Culhane	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH038 – Upper Lachlan – DA122/2017
2	PROPOSED DEVELOPMENT	Erection of buildings and carrying out of works for the purpose of electricity generating works.
3	STREET ADDRESS	Biala, Gurrundah and Bannister
4	APPLICANT/OWNER	Derek Powell, Newtricity Developments Biala Pty Ltd / Various owners.
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: <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Rural Lands) 2008 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 Upper Lachlan Local Environment Plan 2010 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Upper Lachlan Development Control Plan 2010 Planning agreements: Nil Provisions of the Environmental Planning and Assessment Regulation 2000: 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 Environmental Planning and Assessment Act 1979 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: 12 February 2018, received 28 Feb 2018 Written submissions during public exhibition: three (3) Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Charles Barber, Malcolm Barlow, Jennifer Heffernan and Jennifer Hewitt (delivered by Jennifer Heffernan on behalf of Jennifer Hewitt). On behalf of the applicant – Derek Powell, Tim Mead, Matthew Elrington, Paul Douglas and Guy Williams
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection 14 March 2018 Final briefing meeting to discuss council's recommendation, 14 March 2018 12.30pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Renata Brooks (Chair), Peter Brennan, Mark Grayson, Ron Cummins, Paul Culhane <u>Council assessment staff</u>: Roland Wong, Tina Dodson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Not Applicable – The proposal was deferred by the JRPP