

DATE OF DETERMINATION	8 December 2022
DATE OF PANEL DECISION	8 December 2022
DATE OF PANEL MEETING	29 November 2022
PANEL MEMBERS	Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, Tony Donoghue, Neil Smith
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 16 November 2022.

MATTER DETERMINED

PPSSTH-174 – Junee – DA2018/11.4 at 346 Old Sydney Road, Marinna – (Modification to) 30MG Solar Farm (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 briefings listed at item 8 in Schedule 1.

Modification Application

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report subject to an amended condition of consent.






CONDITION

The Modification Application was approved subject to the conditions in the Council Assessment Report with an amendment to Condition 1(f) as recommended by Council, given the Panel was not satisfied that the proposal to modify the screening requirements to delete the need for screening along the northern and northeast boundaries had been fully justified. Justification for the removal of the screening requirement along these boundaries relied heavily on existing vegetation on public land that was beyond the control of the Applicant. The Panel was of the view that the retention and maintenance of this vegetation could not be relied upon over the life of the development. The Panel accepted the justification for the deletion of the requirement to screen the southern boundary. This is reflected in a revised Condition 1 (f) which reads as follows:

- 1 (f) The Visual Impact Assessment prepared by Accent Environmental dated 15 July 2022, with exception of Figure 5.2. "Onsite vegetation screening – Old Sydney Road Screening and R1 Option 1 (AE1207 Junee SF)" plan.

Landscape screening shall be provided in accordance with the Junee Shire Council annotated "Required Landscape Screening Location Plan" as attached and stamped with the approval.

All recommendations identified in the Visual Impact Assessment concerning screening, night lighting, glint and glare are required to be reflected in the site’s final Operational Environmental Management Plan (OEMP).

PANEL MEMBERS	
 Chris Wilson (Acting Chair)	 Renata Brooks
 Tim Fletcher	 Tony Donoghue
 Neil Smith	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-174 – Junee – DA2018/11.4
2	PROPOSED DEVELOPMENT	(Modification to) 30MG Solar Farm
3	STREET ADDRESS	346 Old Sydney Road, Marinna
4	APPLICANT/OWNER	Mr Ian Kirkham METKA EGN AUSTRALIA PTY LTD ABN: 29 627 887 709
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: Nil <ul style="list-style-type: none"> There are no other SEPPS or s177's considered to be applicable or relevant to the proposed modification to the approved development. Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Junee Shire Development Control Plan 2021 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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 November 2022 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: No site inspection required (modification to previously approved matter) Final briefing to discuss council's recommendation: 29 November 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Chris Wilson (Acting Chair), Renata Brooks, Tim Fletcher, Tony Donoghue, Neil Smith <u>Council assessment staff</u>: Chris Imrie <u>Applicant representatives</u>: Ian Kirkham, John Zammit <u>DPE</u>: Sung Pak
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report