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| DATE OF DETERMINATION | 21 April 2023 |
| DATE OF PANEL DECISION | 19 April 2023 |
| DATE OF PANEL MEETING | 4 April 2023 |
| PANEL MEMBERS | Garry Fielding – Chair, Graham Brown, Chris Bilkey and Frank Crawley |
| APOLOGIES | Donna Rygate |
| DECLARATIONS OF INTEREST | Nikki Cohen |

Papers circulated electronically on 22 March 2023.

MATTER DETERMINED

PPSWES-137 – Murray River – DA-10.2022.56.1 - 55 Milgate Road, Moama (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 and the matters observed at site inspections 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 decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS



The Development Application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the 2 written submissions made during public exhibition. The Panel notes that issues of concern included:

- Power poles located on one of the submitter's property will be utilised to transfer power generated from the proposed development;
- Seeking further clarification regarding the 1km radius shown on one of the plans.

The Panel considers that concerns raised by the in the submissions have been adequately addressed in the Assessment Report.

| PANEL MEMBERS | |
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|  Garry Fielding (Chair) |  Graham Brown |

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| Approved at the meeting – 4 April 2023 |  |
| Frank Crawley | Chris Bilkey |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSWES-137 – Murray River – DA-10.2022.56.1 |
| 2 | PROPOSED DEVELOPMENT | Electricity generating works – Installation of a 4.95 MW photovoltaic electricity generating system and associated works. |
| 3 | STREET ADDRESS | Lots 70 & 212 DP 751152 - 55 Milgate Road, Moama |
| 4 | APPLICANT/OWNER | Chris Smith & Associates / GW & SE Milgate |
| 5 | TYPE OF REGIONAL DEVELOPMENT | General development over \$30 million |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Murray Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Murray Development Control Plan 2012 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 22 March 2023 • Written submissions during public exhibition: 2 |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection: 7 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding – Chair, Sandra Hutton, Graham Brown and Frank Crawley |

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| | | <ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Christopher O'Brien ○ <u>DPE</u>: Amanda Moylan <ul style="list-style-type: none"> ● Briefing and Panel deferral: 7 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding – Chair, Sandra Hutton, Graham Brown and Frank Crawley ○ <u>Council assessment staff</u>: Christopher O'Brien ○ <u>Applicant representatives</u>: Duncan Lewis and Darren Spriggs ○ <u>DPE</u>: Amanda Moylan ● Final briefing to discuss council's recommendation: 4 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Chris Bilkey and Frank Crawley ○ <u>Council assessment staff</u>: Christopher O'Brien ○ <u>Applicant representatives</u>: Darren Spriggs and Callista Harris ○ <u>DPE</u>: Sung Pak |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the Council Assessment Report |