

<b>DATE OF DETERMINATION</b>	6 October 2023
<b>DATE OF PANEL DECISION</b>	6 October 2023
<b>DATE OF PANEL MEETING</b>	3 October 2023
<b>PANEL MEMBERS</b>	Garry Fielding, Sue Francis, Donna Rygate and David Christy
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Michael Keys

Public meeting held by teleconference on 3 October 2023, commencing at 1:04pm and closing at 1:37pm. Papers circulated electronically on 8 September 2023.

**MATTER DEFERRED**

PPSWES-175 - DA2023/0024 – Edward River LGA, 39 Hogans Lane, Deniliquin, Installation of a 4.95MW solar farm and associated works (as described in Schedule 1).

**REASONS FOR DEFERRAL**

The Panel considered the matters listed at item 6, the material listed at item 7 and the material observed at the site inspection listed at item 8 in Schedule 1.

The Panel agreed to defer the determination of the matter as it is dissatisfied with the proposal in its current form. This is particularly in respect of the proposal’s visual impact within its rural setting, notably its interface with nearby dwellings; the inadequacy and treatment of proposed site landscape screening; insufficient details to ensure the recommended noise mitigation measures are comprehensively implemented throughout the full construction period; and the provision of all measures to protect and maintain the Hogans Lane road surface and avoid dust nuisance during the construction period.

The decision to defer the matter was unanimous.

**ACTIONS**

1. To allow for the progression of the Development Application to determination, the Panel requests that the Applicant provide the Council with the following:

- A detailed visual impact assessment of the proposal within its rural setting, having particular regard to its interface with nearby dwellings;
- Full details of the proposed site landscape screening, ensuring that species selection and planting height will visually screen the solar array from nearby dwellings prior to commissioning of the solar farm. In addition, all security fencing is to be placed inside the screen landscaping to avoid visually impacting its rural setting.
- Provision of a comprehensive construction noise management plan incorporating full details of each construction noise recommendation outlined in the applicant’s *Construction Noise Assessment* report (August 2023). The management plan is to ensure the recommended noise mitigation measures are consistently and comprehensively implemented throughout the full construction period; and





- Full details of all measures intended to protect and maintain the Hogans Lane road surface and avoid dust nuisance during the construction period.

The applicant is to provide all requested documentation to the Council within 28 days of its request.

2. Council is requested to provide an amended assessment report responding to the above matters within 2 weeks of all the requested details being received.

3. When the updated assessment report is received the Panel will hold a Final Public Determination Meeting.

4. If the outstanding information is not provided within the 28 day period requested by the Council, the Panel will proceed to determine the DA based on the information currently at hand.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sue Francis
 Donna Rygate	 David Christy

**SCHEDULE 1**

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	PPSWES-175 – Edward River – DA2023/0024
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Installation of a 4.95MW solar farm and associated works. The proposed activity is classified as ‘Designated Development’ pursuant to Schedule 3 of the Environmental Planning & Assessment Regulation 2021.
<b>3</b>	<b>STREET ADDRESS</b>	39 Hogans Lane, Deniliquin
<b>4</b>	<b>APPLICANT/OWNER</b>	Applicant: Callista Harris - The Trustee for SUBDIVISION MANAGEMENT & DESIGN UNIT TRUST  Owner: Roger Campton, Nadine Campton
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Clause 5, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: Development has capital investment value of more than \$5 million for the purpose of electricity generating works (solar farm)
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Draft Edward River Local Environmental Plan 2023 (Planning Proposal 2022-3030 – consolidation of the Conargo LEP 2013, Deniliquin LEP 2013 &amp; Deniliquin LEP 1997 into a single consolidated Edward River LEP)</li> <li>• Deniliquin Local Environmental Plan 2013</li> <li>• Deniliquin Development Control Plan 2016</li> </ul> </li> <li>• Draft environmental planning instruments: Yes</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>• Deniliquin Development Control Plan 2016</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations.</li> <li>• The public interest, including the principles of ecologically sustainable</li> </ul>

		development
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council Assessment Report: 21/09/2023</li> <li>• Written submissions during public exhibition: 12 <ul style="list-style-type: none"> <li>• Total number of unique submissions received by way of objection: 12</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Nicole Rogers</li> <li>○ Andrea Holmberg ????</li> </ul> </li> </ul> </li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing: 25/07/2023. Site Visit: 16/08/2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding, Donna Rygate and Graham Brown</li> <li>○ <u>Council assessment staff</u>: Eliza Eastman, Marie Sutton</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Refusal
10	<b>DRAFT CONDITIONS</b>	N/A