

DETERMINATION AND STATEMENT OF REASONS WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	14 December 2023
DATE OF PANEL DECISION	14 December 2023
DATE OF PANEL MEETING	12 December 2023
PANEL MEMBERS	Garry Fielding – Chair, Graham Brown, Donna Rygate
APOLOGIES	Nil
DECLARATIONS OF INTEREST	David Christy declared a perceived conflict of interest.

Public meeting held by teleconference on 12 December 2023, opened at 10.30am and closed at 11.18am.

MATTER DETERMINED

PPSWES-175 - DA2023/0024 – Edward River

39 Hogans Lane, Deniliquin, Installation of a 4.95MW solar farm and associated works

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 inspection listed at item 8 in Schedule 1.

Development application

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

The decision was unanimous.



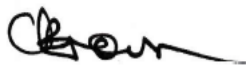
REASONS FOR THE DECISION

- Pursuant to Section 4.15 (1)(a) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with the aims and objectives of the Deniliquin Local Environmental Plan 2013 and objectives of the Deniliquin Development Control Plan 2016 as it will not satisfactorily minimise land use conflict or protect the amenity of nearby dwelling houses.
- The proposed site is unsuitable for the proposed development given the close proximity of dwelling houses and the small area of the subject site.
- The proposed development will have an unacceptable noise impact, during the construction phase, on at least 4 nearby dwelling houses.
- The proposed development will have an unacceptable visual impact on at least 4 nearby dwelling houses due to the limited site area of the subject site, the close proximity of adjoining dwelling houses, and the uncertainty of the continued growth of the proposed landscaping.
- The reliance on landscaping to screen the proposed development is unacceptable given the inadequate ongoing maintenance proposed.
- The proposed development is inconsistent with the rural residential character of the locality.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 12 written submissions made during the public exhibition of the proposal. Issues raised included: compatibility with existing 'rural residential' character, suitability of the site, visual amenity, council road infrastructure, landscaping / screening, health impacts, agricultural land use conflict, flora and fauna, land value decline, lack of consultation, hazards – fire & flood, construction impacts, electricity infrastructure, and community benefit.

The Panel also heard from community members during the public meeting. The Panel considers concerns raised in submissions and in the public meeting have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Donna Rygate
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-175 - DA2023/0024 – Edward River
2	PROPOSED DEVELOPMENT	Installation of a 4.95MW solar farm and associated works
3	STREET ADDRESS	39 Hogans Lane, Deniliquin
4	APPLICANT/OWNER	Applicant - Chris Smith & Associates Owner- Roger and Nadine Campton
5	TYPE OF REGIONAL DEVELOPMENT	Schedule 7 of SEPP (Planning Systems): Private infrastructure for the purpose of electricity generating works with a capital investment value of more than \$5 million.
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Draft Edward River Local Environmental Plan 2023; - (Planning Proposal 2022-3030 – consolidation of the Conargo LEP 2013, Deniliquin LEP 2013 & Deniliquin LEP 1997 into a single consolidated Edward River LEP) • Deniliquin Local Environmental Plan 2013 • Deniliquin Development Control Plan 2016 • 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: 21 November 2023 • Statement of Environmental Effects – Chris Smith & Associates - March 2023 • Traffic Impact Assessment - Traffic Works - 3/03/2023 • Construction Environmental Management Plan – Green Gold Energy • Test of Significance – Red-Gum Environmental Consulting – 27/02/23 • Land Use Conflict Assessment – Chris Smith & Associates – March 2023 • Glint & Glare Assessment – Environmental Ethos – August 2022 • Electricity Generation Report – Green Gold Energy – June 2023 • Submissions Report – Chris Smith & Associates – June 2023 • Plan of Existing Conditions – Sheets 1-2 – Chris Smith & Associates • Site Plan – Rev G – Green Gold Energy (SUPERSEDED) • Landscape Plan - Sheets 1-2 – Chris Smith & Associates (SUPERSEDED) • Construction Noise Assessment – Muller Acoustic Consulting – August 2023 (SUPERSEDED) • Response to Council RFI letter - Chis Smith and Associates – 8 November 2023 • Construction Noise Assessment - Muller Acoustic Consulting – October 2023 • Construction Noise Management Plan Muller Acoustic Consulting – October 2023

		<ul style="list-style-type: none"> • Revised Site Plan (rev H) - Green Gold Energy – 11/10/23 • Visual Impact Assessment & Landscape Documentation – Urban Initiatives – November 2023 • Written submissions during public exhibition: 12 • Verbal submissions at the public meeting: 12 December 2023: <ul style="list-style-type: none"> • Members of the community – Nicole Rogers, Andrea Holmberg, Claire Oram • On behalf of the applicant – Duncan Lewis, Elton Zhang, Darren Spriggs, Tim Hart, Dale Redwood, Rod Linnett
8	MEETINGS, BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Site Inspection - Wednesday, 16 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate ○ <u>Council assessment staff</u>: Eliza Eastman, Marie Sutton • Briefing - Tuesday, 25 July 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate ○ <u>Council assessment staff</u>: Eliza Eastman, Marie Sutton • Final briefing & Public meeting – 12 December 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate ○ <u>Council assessment staff</u>: Eliza Eastman, Marie Sutton, Mark Dalzell, Stephen Dalzell
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A