

<b>DATE OF DETERMINATION</b>	13 December 2023
<b>DATE OF PANEL DECISION</b>	07 December 2023
<b>DATE OF PANEL MEETING</b>	07 December 2023
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Graham Brown, Donna Rygate and Frank Crawley
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Nil

Papers circulated electronically on 29 November 2023.

#### **MATTER DEFERRED**

##### **PPSWES-183 – DA 10.2023.137.1 – Murray River**

Lot: 9 DP 756592, 206 Gonn Road, Barham, Electricity generating works – Installation of a 6.87 MW photovoltaic electricity generating system 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 presented at the meetings listed at item 8 in Schedule 1.

The Panel agreed to defer the determination of the application and notes that the information submitted is not adequate for the panel to determine the application.

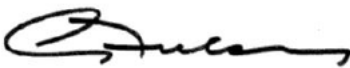



The decision to defer the matter was unanimous.

#### **ACTIONS**

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Applicant shall provide and upload all documentation to the Planning Portal by 31 December 2023.
2. Noting the application lodged on 19 May 2023 is likely to be amended, a formal written request to amend the application is required to be uploaded to Planning Portal by the Applicant by 31 December 2023 outlining:
  - a. Particulars sufficient to indicate the nature of the change of the development, as required under section 37 of the Environmental Planning and Assessment Regulation 2021
  - b. updated technical reports relied on in the amended application.
3. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal by 30 January 2024.
4. Once the updated assessment report is received the Panel will hold a final briefing meeting for electronic determination. This meeting is to be held by videoconference (Teams) on 13 February 2024.

If the outstanding information is not provided by 31 December 2023 the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Donna Rygate	 Frank Crawley

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-183 – DA 10.2023.137.1 – Murray River
2	PROPOSED DEVELOPMENT	Electricity generating works – Installation of a 6.87 MW photovoltaic electricity generating system and associated works
3	STREET ADDRESS	Lot: 9 DP 756592, 206 Gonn Road, Barham
4	APPLICANT/OWNER	Applicant - Power Generation Co. Pty Ltd. Owner - Graham Lindsay Heffer & Tanya Joy Heffer
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Private infrastructure and community facilities
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments:</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 (Primary Production) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Wakool Local Environmental Plan 2013</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wakool Development Control Plan 2013</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> </ul>

		<ul style="list-style-type: none"> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Council Assessment Report: 24 November 2023</li> <li>Written submissions during public exhibition: 1</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>Briefing: Tuesday, 29 August 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Donna Rygate</li> <li><u>Council assessment staff</u>: Jess McFarlane</li> </ul> </li> <li>Final briefing to discuss council’s recommendation: 07 December 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding – Chair, Graham Brown, Donna Rygate and Frank Crawley</li> <li><u>Council assessment staff</u>: Christopher O’Brien</li> <li><u>Applicant representatives</u>: Arjun Vinod</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the Council Assessment Report