

<b>DATE OF DETERMINATION</b>	15 October 2021
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Tracey Morris, George Weston
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 7 October 2021.

#### **MATTER DETERMINED**

PPSWES-63 – Leeton – DA17-2021 at 432 Regulator Road Yanco for a 5000ML Water Storage Facility (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 following reasons:

- The proposal is designated development and a comprehensive Environmental Impact Statement (EIS) has been prepared. The EIS was sent to relevant government agencies for comment and found to be satisfactory.
- The independent council assessment considered the impacts and the Panel found them to be acceptable for the reasons set out in the independent council assessment.

The Panel noted that the EIS contains some statutory inaccuracies however these inaccuracies were identified in the independent council assessment and did not affect the decision of the Panel to approve the application.

#### **CONDITIONS**

The development application was approved subject to the conditions in the revised independent council assessment report dated 13 October 2021, with the following amendments:






- Condition 4 updated to expressly require construction to be undertaken in accordance with that approved plan. Amended condition to read as follows:  
*A construction environmental management plan is to be prepared that incorporates all of the recommendations of the EIS, Appendices and other approved documents. This is to be submitted to Council to the satisfaction of the General Manager or delegate prior to the issue of any Construction Certificate. All construction is to be undertaken in accordance with the approved plan.*
- Condition 11 updated to correctly reference renumbered condition (delete 8, add 10). Amended condition to read as follows:

*The requirement to retire credits in condition 10 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).*

- Condition 12 updated to require evidence prior to issue of a construction certificate. Amended condition, first paragraph, to read as follows:  
*Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of condition 10 must be provided to the consent authority prior to issue of a construction certificate.*
- Spelling correction of the word “imposition” on page 23 of the revised independent council assessment report.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Tracey Morris
 George Weston	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-63 – Leeton – DA17-2021
2	PROPOSED DEVELOPMENT	Excavation and Establishment of a 5,000ML Water Storage Facility and Associated Infrastructure to function as a surge reservoir and support MI'S Irrigation Network. The reservoir will operate as a gravity inflow/outflow with pump assist to utilise full capacity.
3	STREET ADDRESS	432 Regulator Rd, Yanco Lot 285 DP 751694 Lot 5537 DP 1197514 Lot 7 DP 934282
4	APPLICANT/OWNER	Murrumbidgee Irrigation
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Leeton Local Environmental Plan 2014</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: Nil</li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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 development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 7 October 2021</li> <li>Revised council assessment report received: 13 October 2021</li> <li>Written submissions during public exhibition: Nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 30 April 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Tracey Morris, George Weston</li> <li><u>Council assessment staff</u>: Francois van der Berg, Sarah Nash</li> <li><u>Applicant</u>: Jody Rudd, Fern Dorricott</li> <li><u>Panel Secretariat</u>: Amanda Moylan</li> </ul> </li> <li>Site inspection: 30 April 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Tracey Morris, George Weston</li> <li><u>Council assessment staff</u>: Francois van der Berg, Sarah Nash</li> <li><u>Applicant</u>: Jody Rudd, Fern Dorricott</li> <li><u>Panel Secretariat</u>: Amanda Moylan</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 8 October 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Tracey Morris, George Weston</li> <li><u>Council assessment staff</u>: Francois van der Berg, Sarah Nash</li> <li><u>Applicant</u>: Jody Rudd, Fern Dorricott</li> </ul> </li> </ul> <p><u>Panel Secretariat</u>: Amanda Moylan, Kim Holt</p>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report