

DATE OF DETERMINATION	8 November 2021
DATE OF PANEL DECISION	5 November 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Bill Bott
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 21 October 2021.

MATTER DETERMINED

PPSWES-94 – Federation – DA2021/0256 at 7 Wemyss Road Mulwala for a solar farm (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 and an amendment to condition 7 to improve the screening of the proposal from the public domain and an adjoining property.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with amendments to condition 7 to read as follows:




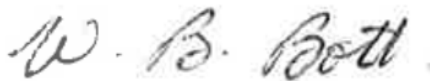
Condition 7 – Landscape Plan

- a) Prior to the commencement of construction the applicant shall provide to Council for endorsement an overall Landscape Plan, consistent with the submitted Landscape Proposal, for the site that includes:
 - i. a 3m wide landscape strip to the southern boundary in lieu of the proposed mulched area. This area is to be of Type 1 or Type 2 Landscape Buffer as shown on the submitted Landscape Proposal.
 - ii. a 5m wide landscape strip to the western boundary in lieu of the proposed 3m wide landscape strip. The increased width of the landscape strip may require some adjustment of the location of the solar panels in this location.
 - iii. A healthy, self-sustaining, noxious weed free groundcover to be established over the solar farm that does not create a fuel hazard.
 - iv. A maintenance regime.
- b) Once endorsed the Landscape Plan becomes part of the consent.
- c) The landscaping proposed in the Landscape Plan is to be implemented prior to the commissioning of the solar farm.

- d) The Landscape Plan shall include the requirements of the Department of Environment, Energy and Science set out in condition 27.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition period.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Bill Bott

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-94 – Federation – DA2021/256
2	PROPOSED DEVELOPMENT	Solar Farm
3	STREET ADDRESS	7 Wemyss Road Mulwala
4	APPLICANT/OWNER	ITP Development
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Koala Habitat Protection) 2020 ○ State Environmental Planning Policy 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Primary production and Rural Development) 2019 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Murray Regional Environmental Plan No.2 – Riverine Land • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Corowa Local Environment Plan 2012 • 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: 7 October 2021 • Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 26 October 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Bill Bott ○ <u>Council assessment staff</u>: Susan Appelyard, Megan Leahy ○ <u>Applicant representatives</u>: Zaed Aznam, Allen Grimwood, Mishka Talent ○ <u>Panel Secretariat</u>: Kim Holt, Carolyn Hunt
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report