



DATE OF DETERMINATION	28 September 2017
PANEL MEMBERS	Gordon Kirkby – Chair, Ruth Fagan, Peter Brennan, George Weston, Emerson Doig
APOLOGIES	Mark Grayson
DECLARATIONS OF INTEREST	None

Public meeting held at Leeton Shire Council, 23 Chelmsford Place, Leeton on 28 September 2017, opened at 1.30pm and closed at 2:00pm.

MATTER DETERMINED

Panel Ref – 2017WES003

LGA – Leeton Shire

DA – 20/2017

Address - Lot 91 DP 751742 and Lot 1 DP 1056420; 176 Fivebough Road, Leeton

Description - Solar Energy System (Photovoltaic) Installation of 25.77 MW Solar Farm using photovoltaic panels

(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 the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:


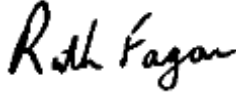


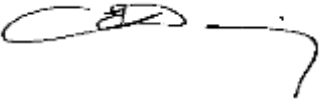
- The development is permissible with consent and is not inconsistent with the objectives of the RU1 Primary Production Zone;
- The proposed development is consistent with Direction 11.1 of *Riverina Regional Environmental Plan 2036 – Implementation Plan 2017-2019* that promotes the diversification of energy supplies through encouraging renewable energy projects;
- The panel is satisfied that the potential impact of the development on the nearby RAMSAR listed Fivebough Wetlands can be managed or mitigated through implementation of conditions of consent including the redesign of the solar farm to provide for greater spatial separation of solar array groups through access tracks and the requirement for an Operational Environmental Management Plan including a Fauna Monitoring Program.
- The Panel is satisfied that the potential visual impact of the development on nearby residences can be appropriately mitigated through the implementation of conditions of consent requiring a landscape buffer and management plan for the western and southern boundaries of the site.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend Condition 5 to include a sub-point that shipping containers on site are to be appropriately maintained for the life of the project;
- Amend Condition 27 to require that the *maximum* mature height of buffer plantings be 3 metres.
- Include a new Condition requiring the Applicant to prepare an Emergency Management Plan:

Prior to the issue of any Construction Certificate an Emergency Management Plan (EMP) for the development shall be submitted to and approved by Council. The EMP shall address emergency management procedures associated with fire risk as a consequence of the built features of the development (i.e. solar panels, electrical wiring, substations etc), including containment of any contaminants on-site.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Peter Brennan	 George Weston
 Emerson Doig	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	20/2017
2	PROPOSED DEVELOPMENT	Solar Energy System (Photovoltaic) Installation of 25.77 MW Solar Farm using photovoltaic panels
3	STREET ADDRESS	Lot 91 DP 751742 and Lot 1 DP 1056420; 176 Fivebough Road, Leeton
4	APPLICANT/OWNER	Michael Gartner (Managing Director), Photon Energy Engineering Australia
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"> • <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>Leeton Local Environmental Plan 2014</i> • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Nil • 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: 8 September 2017 • Written submissions during public exhibition: 7 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support - Nil ○ Object – Lawrence Collins (did not object but raised concern regarding impact on land value) ○ On behalf of the applicant – Robert Ibrahim
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting 28 September 2017 • Final briefing meeting to discuss council’s recommendation, 28 September 2017, 1pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Ruth Fagan, Peter Brennan, George Weston, Emerson Doig ○ <u>Council assessment staff</u>: Garry Stoll
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report