



**I hereby give notice that an Ordinary Meeting of Council will be held on:**

**Date: Friday, 05 May 2023**

**Time: 10:00 AM**

**Location: Council Chambers, Wanderer Street Deniliquin**

# **AGENDA**

## **Extraordinary Council Meeting**

**Friday, 05 May 2023**

**Philip Stone**  
**Chief Executive Officer**

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**1. OPENING MEETING****2. LIVE STREAMING STATEMENT**

Edward River Council wishes to advise members of the public that Council Meetings will be recorded and will be available after each meeting on Council's website [Councils Website](#). All care will be taken to maintain the privacy of those in attendance, however As a visitor in the public gallery, your presence may be recorded. By remaining In the public gallery, it is assumed your consent is given in the event your image is broadcast. This includes any filming by television cameras if attendance is approved by the General Manager or Mayor.

**3. ACKNOWLEDGEMENT OF COUNTRY**

The Edward River Council acknowledges and embraces the Traditional Owners of the Lands within the Edward River Council area - the Wamba Wamba/Perrepa Perrepa Peoples – and pay our respects to their elders, past, present, and emerging. The Edward River Council also recognises the diversity of different cultures within our community and their contribution.

**4. STATEMENT OF PURPOSE****5. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS****6. CONFIRMATION OF MINUTES****7. DISCLOSURES OF INTERESTS****8. MAYORAL MINUTE(S)****9. REPORTS OF COMMITTEES****10. REPORTS TO COUNCIL**

**10.1. SUBMISSION REGARDING DA2023/0024 - 4.95MW SOLAR FARM**

Author: Director Infrastructure

Authoriser: Chief Executive Officer

**RECOMMENDATION**

That Council makes a submission regarding DA2023/0024, being the proposed development of a solar farm along Hogans Lane, noting its concerns based on the unsuitability of the site, lack of consultation, lack of community benefit and impact on Council infrastructure.

**BACKGROUND**

Council has received an application for the development of a solar farm along Hogans Lane, approximately 6 km east of the Deniliquin CBD. The development includes the installation and ongoing management of approximately 16.5 hectares of solar panels on a property approximately 21.2 hectares in size.

As the proposed value of the development is greater than \$5M, the development is considered to be regionally significant and is required to be submitted to the Joint Regional Planning Panel for determination. Council has the option of making a submission on behalf of the community regarding the development and the potential impacts.

**ISSUE/DISCUSSION**

Council has received an application for the development of a solar farm along Hogans Lane, approximately 6km east of the Deniliquin CBD. The development, noted as DA2023/0024, is for the installation and ongoing management of a solar farm covering approximately 16.5 hectares, or 77%, of the 21.2 hectare property. The development is being undertaken by a third party and not the owner of the property. The location of the subject site is shown below.



Council has received concerns from the community, including adjoining property owners, regarding the impact of the development on the amenity of surrounding properties. They have requested that Council investigate the matter and provide a submission during the public consultation period, which ends on 8 May 2023, regarding the impact of the development. It is important to note that in investigating this matter in relation to the concerns raised by the community, Council also has a

regulatory role and is required to provide a report to the Joint Regional Planning Panel. Whilst both roles can be fulfilled, it is important that they are separated and are managed in a transparent manner.

Following investigation of the matter, it is noted that the community and surrounding properties may be impacted by the development based on the following issues:

- Unsuitability of the site,
- Lack of consultation,
- Lack of community benefit, and
- Impact of Council road infrastructure.

Further details regarding these issues are included below.

#### Unsuitability of the Site

There are concerns that the site may be unsuitable for the scale of the development. The development is to be located on a relatively small allotment (21.22 Hectares) in the RU1 zone. The site coverage of the proposed solar farm including the solar arrays and related infrastructure is 16.5 hectares. This equates to approximately 77 % of the site being used predominately for non-agricultural purposes.

It is acknowledged the use is permitted in the RU1 zone under the State Environmental Planning Policy – Transport and Infrastructure, however it is noted that the use under the DLEP2013 in the RU1 zone is a prohibited use and fails to meet the first objective of the RU1 zone being:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

It is also noted that there is only very small separation distances from neighbouring residences, with the nearest dwelling not associated to the subject land only being 56 metres from the proposed location of the solar panels. This could potentially result in detrimental effects particularly during construction from the resultant traffic, dust, noise and vibration.

The ongoing operation of the development has the potential to result in land use conflicts, visual impact on surrounding locality and loss of rural amenity.

#### Lack of Consultation

It is noted that no details regarding consultation with affected landholders has been provided in the Statement of Environmental Effects (SEE) lodged with the Development Application.

The NSW Government, Sydney & Regional Planning Panels, Checklist for Solar Farms (Regionally Significant DAs) strongly recommends that consultation be undertaken with various parties including relevant government authorities (State and Local), infrastructure and service providers, community groups and affected landowners. Detailed consultation with affected landowners surrounding the development and within the Local Government area is also recommended.

Concerns have been voiced to Council by members of the community and affected land holders that no consultation was undertaken.

#### Lack of Community Benefit

It is noted that the solar farm will be remotely monitored and therefore will not provide any ongoing local employment following its construction. It is concerning that a development of this size will not provide a tangible benefit or provide employment opportunities to the community in which it will be located.

There is no ongoing commitment to the community and no direct benefits from the operation of the development in terms of improved service provision or community incentives.

The size of the land being developed and close settlement of surrounding rural properties could lead to potential land use conflicts which could impact farming activities and result in ongoing management issues to reduce impacts.

#### Impact on Council Infrastructure

The subject site has vehicle access onto Hogans Lane. Hogans Lane is a two way road with a narrow unsealed carriageway under the control of Council.

There are concerns that the large increase of heavy vehicle traffic, particularly during the construction period, will cause permanent damage to the road pavement. This damage will result in Council having to reconstruct Hogans Lane much earlier than would normally be the case.

There is also the potential for rapid deterioration of the road surface, especially if construction works are undertaken during the wetter winter and spring seasons. This may result in an additional burden for regular road users and community members as well as additional costs to ratepayers for increased maintenance.

#### Submission by Council

It is recommended that Council makes a submission regarding DA2023/0024, incorporating the points raised above. A draft copy of the submission, subject to Council's resolution, is included in Attachment 1 of this report.

It is noted that the submission will be made to Council, as the authority responsible for managing the application and the public exhibition period. Council officers will then provide a report to the Joint Regional Planning Panel regarding the technical aspects of the development, including all submissions received during the public exhibition period. Council officers therefore recommend that the submission be signed by the Mayor as part of Council's advocacy role on behalf of the community. The report submitted to the Joint Regional Planning Panel is signed by the Chief Executive Officer as an operational matter of Council, thereby providing the separation between Council's dual roles regarding this matter.

### **STRATEGIC IMPLICATIONS**

Council is responsible for the strategic development of land within the Edward River Council area and does this mainly through the adoption and implementation of Local Environment Plans (LEP's). Where a proposed development does not comply with the requirements of the relevant LEP, or where these developments may adversely impact the community, Council may further investigate the development and advocate on behalf of the community.

### **COMMUNITY STRATEGIC PLAN**

1. Shaping the Future

1.2 Quality built environment

### **FINANCIAL IMPLICATIONS**

There are no financial implications for Council regarding this matter.

### **LEGISLATIVE IMPLICATIONS**

As noted in the report, Council must ensure that a clear and transparent separation is made between its role in advocating on behalf of the community regarding development matters and its regulatory responsibilities under the *Environmental Planning and Assessment Act 1979*.

**ATTACHMENTS**

1. Draft submission relating to DA 2023/0024.

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**Attachment 1 - Draft Council submission to the Joint Regional Planning Panel**



Chief Executive Officer  
Edward River Council  
PO Box 270  
DENILIQUN NSW 2710

To the Chief Executive Officer,

**Submission re DA 2023/0024 4.95 MW Solar Farm, 39 Hogans Lane, Deniliquin**

At its extraordinary meeting held on 5 May 2023, Council resolved the following regarding a submission for DA 2023/0024 – 4.95MW Solar Farm at 39 Hogans Lane Deniliquin:

*That Council makes a submission regarding DA2023/0024, being the proposed development of a solar farm along Hogans Lane, noting its concerns based on the unsuitability of the site, lack of consultation, lack of community benefit and impact on Council infrastructure.*

Further detail regarding the points raised in the resolution are discussed below.

**Unsuitability of the Site**

Council has concerns that the site may be unsuitable for the scale of the Development. The development is to be located on a relatively small allotment (21.22 Hectares) in the RU1 zone. The site coverage of the proposed solar farm including the solar arrays and related infrastructure is 16.5 hectares. This equates to approximately 77 % of the site being used predominately for non-agricultural purposes.

Council acknowledges the use is permitted in the RU1 zone under the State Environmental Planning Policy – Transport and Infrastructure, however it is noted that the use under the DLEP2013 in the RU1 zone is a prohibited use and fails to meet the first objective of the RU1 zone being:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

It is also noted that there is only very small separation distances from neighbouring residences, with the nearest dwelling not associated to the subject land only being 56 metres from the proposed location of the solar panels. This could potentially result in detrimental effects particularly during construction from the resultant traffic, dust, noise and vibration.

The ongoing operation of the development has the potential to result in land use conflicts, visual impact on surrounding locality and loss of rural amenity.

**Lack of Consultation**

It is noted that no details regarding consultation with affected landholders has been provided in the Statement of Environmental Effects (SEE) lodged with the Development Application.

The NSW Government, Sydney & Regional Planning Panels, Checklist for Solar Farms (Regionally Significant DAs) strongly recommends that consultation be undertaken with various parties including relevant government authorities (State and Local), infrastructure and service providers, community groups and affected landowners. Detailed consultation with affected landowners surrounding the development and within the Local Government area is also recommended.

Concerns have been voiced to Council by members of the community and affected land holders that no consultation was undertaken.

**Lack of Community Benefit**

It is noted that the Solar farm will be remotely monitored and therefore will not provide any on ongoing local employment following construction of the Solar Farm. It is concerning that a development of this size will not provide a tangible benefit or provide employment opportunities to the community in which it will be located.

There is no ongoing commitment to the community and no direct benefits from the operation of the development in terms of improved service provision or community incentives.

The size of the land being developed and close settlement of surrounding rural properties could lead to potential land use conflicts which could impact farming activities and result in ongoing management issues to reduce impacts.

**Impact on Council Road Infrastructure**

The subject site has vehicle access onto Hogans Lane. Hogans Lane is a local road under the control of Council. The road is a two way road with an unsealed carriageway.

Council is concerned that the large increase of heavy vehicle traffic, particularly during the construction period, will cause permanent damage to the road pavement. This damage will result in Council having to reconstruct Hogans Lane much earlier than would normally be the case.

There is also the potential for rapid deterioration of the road surface, especially if construction works are undertaken during the wetter winter and spring seasons. This may result in an additional burden for regular road users and community members as well as additional costs to ratepayers for increased maintenance.

Council requests that these issues be given careful consideration as part of the determination of the proposed development, being DA2023/0024.

Your faithfully

Councillor Peta Betts

**MAYOR**

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**10.2. LETTER TO NSW STATE GOVERNMENT ON PROPOSED REMOVAL OF ESL SUBSIDY**

Author: Acting Chief Financial Officer

Authoriser: Chief Executive Officer

**RECOMMENDATION**

That Council write to the Minister for Local Government, the Hon. Ron Hoenig, MP, and the Minister for Emergency Services, The Hon. Jihad Dib, MP, expressing its dissatisfaction with the proposed removal of the Emergency Services Levy (ESL) subsidy, using the preferred template issued by Local Government NSW (LGNSW) to all NSW Councils for this purpose.

**Report**

The recently elected NSW State Government has announced the ESL subsidy provided to NSW Councils since 2019, is set to be abolished from 1 July 2023, stating that the subsidy was "ad-hoc", "not budgeted for" and would not be continued.

This change means a further \$77m is required to be found collectively from the 128 NSW Councils-with a number of Councils have already commented upon this in the media. LGNSW advise that Hay Shire Council will lose 88.6 per cent of its approved rate rise to the ESL, Bourke Shire Council will lose 94 per cent, Yass Valley Council will lose 96 per cent, and Tenterfield will lose 119 per cent.

The impact for Edward River Council is estimated to be an increase in costs of \$136,800-which is 55% of Councils estimated increase in rate revenue of \$243k for 2023-2024 financial year. This increase in costs will put further pressure on Councils Net Operating Result, which is currently estimating a deficit of \$1.236m.

LGNSW considers the ESL is an blatant cost shift by the state government, and it appears councils are being asked to fund massive rises in emergency services budgets, including a 73 per cent increase in the budget allocation to the State Emergency Services (SES). This increase comes at a time when council budgets are still struggling with flood and bushfire disaster recovery alongside inflation and soaring costs across the community,

LGNSW are urgently calling on the Government to:

- restore the ESL subsidy
- unshackle this payment from council rates, and
- develop a fairer, more transparent and financially sustainable method of funding the critically important emergency services that benefit everyone

It is recommended that Council writes to the NSW State Governments Minister for Local Government and the Minister for Emergency Services expressing its dissatisfaction with the proposed removal of the Emergency Services Levy (ESL), noting the impact on Edward River Council and support LGNSW in its endeavours in pressuring the NSW State Government to change its position.

**ATTACHMENTS**

NIL

**11. NOTICES OF MOTIONS**

**12. QUESTIONS WITH NOTICE**

**13. CONFIDENTIAL MATTERS**

**14. CLOSE OF MEETING**