

DETERMINATION AND STATEMENT OF REASONS

NORTHERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday 7 March 2018
PANEL MEMBERS	Garry West (Chair), Pamela Westing, Simon Murray, Diane Gray
APOLOGIES	None
DECLARATIONS OF INTEREST	Steve Gow declared a non-pecuniary conflict of interest on learning that he is personal friends with both community objectors. He has not discussed this matter with either party, and to avoid any perceived conflict will not participate on the panel

Public meeting held at Armidale Council 135 Rusden Street Armidale on 6 March 2018, opened at 10.30am and closed at 12.10pm following a 20 minute adjournment for the Applicant and Council to re-draft a condition.

MATTER DETERMINED

2017SNH021 – Armidale – DA-137-2017 at 303 Cluny Road Armidale (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 4.16 (previously section 80) of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting for Council and the Applicant to re-draft condition 10.

The decision was Unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

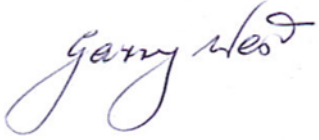



- The proposed solar farm is permissible within the RU4 zone and the cabling connecting the solar farm to the university able to be constructed under the SEPP (Infrastructure) 2007.
- SEPP 44 (Koala Habitat Protection) 2004 – the flora & fauna report indicated the subject site as being “Potential Koala Habitat” but not “Core Koala Habitat”. Whilst the proposal removes koala feed trees compensating planting will be undertaken in accordance with current requirements.
- SEPP 55 (Remediation of Land) – the subject site is not identified as being potentially contaminated.
- The key issue associated with the proposed development, being visual impact has been appropriately mitigated through conditions as amended at the meeting.
- The proposed solar farm is considered to contribute to the broad objectives relating to ESD and the increased reliance upon renewable energy by UNE is a positive environmental outcome.

CONDITIONS

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

- Condition 10 was amended to further clarify the requirements of the landscape plan and to include consultation with submitters’;
- Condition 20 was amended to remove c) which was an unenforceable condition in relation to weeds;

- Condition 23 to include the word 'farm' after solar; and
- Condition 25 to require weed control as a measure during the development.

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 Simon Murray	 Diane Gray

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017NTH021 – Armidale – DA-137-2017
2	PROPOSED DEVELOPMENT	Solar Farm and Associated Infrastructure
3	STREET ADDRESS	303 Cluny Road, Armidale (Lot 478 in DP755808, Lot 794 in DP755808 and Lot 796 in DP755808)
4	APPLICANT/OWNER	University of New England
5	TYPE OF REGIONAL DEVELOPMENT	Crown development 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 No.44 (Koala Habitat Protection) 2004 ◦ State Environmental Planning Policy No.55 Remediation of Land ◦ State Environmental Planning Policy (Infrastructure) 2007 ◦ State Environmental Planning Policy (Rural Lands) 2008 ◦ Armidale Dumaresq Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ Armidale Dumaresq Development Control 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: 23 February 2017 • Draft conditions: 2 March 2018 • University of New England Concurrence: 2 March 2018 • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ◦ Support – NIL ◦ Object – Philippa Charley-Briggs and Brian Wilson ◦ On behalf of the applicant – Peter Eaton (Director, Facilities Management Services, UNE; Brad Nixon (Project Development Manager); Nicholas Wain (Aurecon Pty Ltd) and Mason Stankovic (Aurecon Pty Ltd).
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 7 March 2018 • Final briefing meeting to discuss council's recommendation, 7 March 2018. Attendees: <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Garry West (Chair), Pamela Westing, Simon Murray, Diane Gray ◦ <u>Council assessment staff</u>: Linda Graham, Town Planner and John Goodall, Manager, Development Assessment.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	As per assessment report, amended at meeting 7 March 2018