

DETERMINATION AND STATEMENT OF REASONS
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Tuesday 11 December 2018
PANEL MEMBERS	Michael Leavey (Chair), Susan Budd, Peter Brennan, Cr Anne Sander & Cr Bob Pynsent
APOLOGIES	Jason Perica & Kara Krason
DECLARATIONS OF INTEREST	None

Public meeting held at Cessnock City Council, 62-78 Vincent Street Cessnock 2325 on 11 December 2018, opened at 1:30pm and closed at 2.50pm.

MATTER DETERMINED

2018HCC014 – Cessnock City Council – DA8/2018/181/1 at 66 Wills Hill Road, Lovedale (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.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

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 proposal has merit and will provide a renewable energy source which has environmental benefits, will assist the energy needs of the area and is consistent with the Council's Community Strategic Plan.
- The proposal has properly addressed relevant environmental, flooding, heritage, visual amenity, air operations and safety considerations, and appropriate conditions of consent are applied.
- The proposal is consistent with both the Cessnock Local Environmental Plan and Development Control Plan, and is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, with the following amendments which were included to ensure compatibility of development with the flood level on the land.

Insert the following additional conditions:

- 9A. Details are to be provided to the CA prior to the issue of a CC, confirming that all solar panels are to be installed at or above the 1% flood level. Such details are to be prepared by an appropriately qualified person.
- 27A Certification from an appropriately qualified person shall be submitted to the CA prior to the issue of an OC confirming that all solar panels have been installed at or above the 1% flood level.

PANEL MEMBERS



Michael Leavey (Chair)



Peter Brennan



Susan Budd



Cr Anne Sander



Cr Bob Pynsent

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018HCC014 – Cessnock City Council – DA8/2018/181/1
2	PROPOSED DEVELOPMENT	Construction of a 5 MW Solar Farm and Associated Infrastructure
3	STREET ADDRESS	66 Wills Hill Road, Lovedale
4	APPLICANT/OWNER	Schwartz Family Co P/L
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No. 55 – Remediation of Land - State Environmental Planning Policy No. 44 – Koala Habitat Protection - State Environmental Planning Policy (Infrastructure) 2007 - Cessnock Local Environmental Plan 2011 - Draft environmental planning instruments: Nil - Development control plans: Cessnock DCP 2010 - 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 - 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	- Council assessment report: 12 November 2018 - Written submissions during public exhibition: None - Verbal submissions at the public meeting: - Support – None - Object – None - On behalf of the applicant – None
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	Site inspection and briefing Tuesday 11 December 2018 - Final briefing to discuss council's recommendation, Tuesday 11 December 2018 at 1.00pm - Attendees: <u>Panel members</u>: Michael Leavey (Chair), Peter Brennan, Susan Budd, Cr Anne Sander & Cr Bob Pynsent <u>Council assessment staff</u>: Kristen Wells, Richard Forbes, Jules Bosco & Janine Maher
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report