

DATE OF DETERMINATION	14 December 2020
PANEL MEMBERS	Penny Holloway (Acting Chair), Stephen Gow, Peter Petty, Bob Rogan
APOLOGIES	Paul Mitchell and Greg Sauer
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 26 November 2020.

MATTER DETERMINED

PPS-2019NTH017 – Tenterfield Shire Council - DA 2019-059 at 75 Old Racecourse Road, Tenterfield – 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 given below:

1. The proposal is permissible development in the RU1 Primary Production zone, is consistent with relevant zone objectives and satisfies all relevant provisions of the applicable SEPPs, the Tenterfield LEP 2013 and DCP 2014.
2. The site of the proposed development is suitable for the intended use. It has satisfactory road access, with appropriate upgrades to be approved, is sufficiently separated from neighbouring residences and has adequate visual isolation, subject to landscape buffers being provided.
3. The proposal's impact on the natural environment will be small. The development has been sited to avoid valuable vegetation, creeks and areas of landscape value.
4. The proposed development occupies a relatively moderate area of agricultural land in the Tenterfield area and will not cause any material land use conflicts nor sterilize valuable agricultural land.
5. The proposal will have beneficial social and economic impacts. It will create local employment during the construction phase and will provide non-polluting and competitively priced electricity once operational.
6. The Panel has carefully considered the issues raised by objectors and believes they have been resolved either by the siting and design of the proposal or by the conditions to be imposed. There are no residual issues that warrant refusal of the application.
7. Overall, the Panel finds that the proposal is orderly development and for this reason as well as those given above believes approval will be in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with some minor amendments to conditions as follows:





- Condition 4: Add the words “at the entrance” to the site, and change “Principal Certifying Officer” to “Principal Certifier”
- Condition 13: Under Operational Environmental Management Plan, add a third dot point to the effect that “provisions for cleaning of solar panels only to be undertaken with water”
- Condition 13: Under Community Consultation Plan, add a dot point to the effect that “the plan covers construction and operational phases of the solar farm and includes provisions for complaints management”
- Condition 17: Under Landscaping Plan, at the end of the first paragraph, add words to the effect “and any agreement between the operator and any adjoining property owner”

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Construction impacts
- Visual amenity
- Landscape buffers
- Community benefit
- Loss of land value
- Lack of consideration and evaluation of alternative sites

The panel considers that concerns raised by the objectors have been appropriately addressed in the assessment report and that no new issues requiring assessment were raised during the meeting.

PANEL MEMBERS	
 Penny Holloway (Acting Chair)	 Stephen Gow
 Bob Rogan	 Peter Petty

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2019NTH017 – Tenterfield - 2019.059
2	PROPOSED DEVELOPMENT	Solar Farm – Electricity Generating Works comprising 25MWAC Solar Farm and associated transmission line
3	STREET ADDRESS	Lots 85, 87, 89 & 90 DP 751540, 75 Old Racecourse Road, Tenterfield
4	APPLICANT/OWNER	Enerparc Australia Pty Ltd (Applicant) Silver Downs Farms Pty Ltd (Owner)
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 No 33 – Hazardous & Offensive Development State Environmental Planning Policy No 44 – Koala Habitat Protection State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Rural and Primary Production) 2019 New England North West Regional Plan 2036 Tenterfield Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: 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: 1 December 2020 Written submissions during public exhibition: nine (9)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 2 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow and Bob Rogan <u>Council assessment staff</u>: Anthony Daintith and Tamai Davidson Final briefing to discuss council's recommendation: 8 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Penny Holloway (Acting Chair), Stephen Gow, Peter Petty and Bob Rogan <u>Council assessment staff</u>: Anthony Daintith, Tamai Davidson and Kylie Smith Submitter Briefing: 8 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Peter Petty and Bob Rogan

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Anthony Daintith, Tamai Davidson and Kylie Smith ○ <u>Submitters</u>: Serena Franklin, Angela Braid and Bill Eastgate <u>Note</u>: Submitter briefing was requested to respond to the recommendation in the council assessment report <ul style="list-style-type: none"> • Applicant Briefing: 8 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Peter Petty and Bob Rogan ○ <u>Council assessment staff</u>: Anthony Daintith, Tamai Davidson and Kylie Smith ○ <u>Applicant representatives</u>: Benjamin Hanning and Eric Tran <u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report