

DATE OF DETERMINATION	24 June 2021
PANEL MEMBERS	Paul Mitchell (Chair), Stephen Gow, Penny Holloway and Jamie Chaffey
APOLOGIES	None
DECLARATIONS OF INTEREST	Andrew Johns declared a conflict of interest as the DA was assessed by his staff members at Council. Blake O'Mullane declared a conflict of interest as a Council officer that reports directly to him assessed the DA.

Public meeting held by teleconference on 24 June 2021, opened at 11.45am and closed at 1.00pm. The Panel provided the decision to a public meeting by teleconference on 24 June 2021, opened at 4.30pm and closed at 4.35pm.

MATTER DETERMINED

PPSNTH-51 – Gunnedah Shire Council – DA 2020/035 at 262 Hunts Road, Gunnedah – 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.

The panel determined to refuse 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 refuse the application. The panel notes and generally supports the reasons given for refusal in the Council's assessment report. In addition, the panel provides the following specific reasons for its determination:

1. The application would conflict with Council's adopted residential development strategy and unreasonably restrict Gunnedah's residential development options.
2. The site of the proposed development is within the viewshed of a significant number of residences and the proposal would have unacceptable visual impacts on some of those residences. While it may be potentially possible to mitigate visual impacts, insufficient information has been provided in the application to demonstrate how such mitigation would occur and be protected over the life of the proposal.
3. The proposal has the potential to have unacceptable noise impacts on two residences during the construction phase particularly as the main construction and operational area would be located close to a nearby residence. Insufficient information has been provided in the application to ensure that effective noise mitigation would occur.

For the reasons given above approval of the application would not be in the public interest.


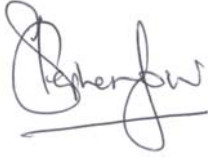


CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Impact of development on house and land prices

- Noise impacts on nearby receivers
- Reflection and glare impacts
- Visual impacts
- Impact of the development on the character of area, being inconsistent with the zone objectives
- Proximity of the development to residential areas
- Development is inconsistent with Council's Urban Land Use Strategy
- Lack of formal consultation
- SoEE is deficient and contains inconsistencies
- Decommission and disposal post development lifespan not addressed
- Stormwater drainage modelling and stream order is inaccurate
- Impact on local road network not appropriately addressed
- Conflict between construction and operational vehicles, pedestrians and cyclists
- Possible health implications to long term exposure to high voltage electrical transmission
- Dust impacts from unsealed vehicle movements
- Management of vegetation regrowth and weeds has not been adequately addressed
- Increased bushfire risk on surrounding areas
- Impact on local flora from changes to microclimate
- Vegetation clearing potentially exceeds BOS thresholds of 0.5ha as per Clause 7.2 of Biodiversity Conservation Regulation 2017

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

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Stephen Gow
 Penny Holloway	 Jamie Chaffey

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-51 – Gunnedah Shire Council – DA 2020/035
2	PROPOSED DEVELOPMENT	Construction and use of a 5MW solar farm and associated infrastructure
3	STREET ADDRESS	262 Hunts Road, Gunnedah
4	APPLICANT/OWNER	NSW Community Renewable (Gunnedah) Pty Ltd C/- KDC Pty Ltd Valerie Dewsbury (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 (State and Regional Development) 2011 ◦ State Environmental Planning Policy No 55 – Remediation of Land ◦ State Environmental Planning Policy (Koala Habitat Protection) 2019 ◦ State Environmental Planning Policy (Infrastructure) 2007 ◦ Gunnedah Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ Gunnedah 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: 16 June 2021 • Written submissions during public exhibition: 13 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ◦ Kevin Martin ◦ Glenn Bailey ◦ Nancy Williams ◦ Ryan Pryde ◦ Jarad Ewing ◦ Council assessment officer – Ashleigh Stewart ◦ On behalf of the applicant – Patrick Quinlan and Jeremy Every • Total number of unique submissions received by way of objection: 13
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 24 March 2021 <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway and Jamie Chaffey ◦ <u>Council assessment staff</u>: Wade Hudson, Daniel Noble and Jack Morrissey • Site inspection: 24 June 2021 <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Stephen Gow ◦ <u>Council assessment staff</u>: Ashleigh Stewart, Daniel Noble and Wade Hudson

		<ul style="list-style-type: none"> ○ <u>Department:</u> Carolyn Hunt • Final briefing to discuss council's recommendation: 24 June 2021 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Paul Mitchell (Chair), Stephen Gow, Penny Holloway and Jamie Chaffey ○ <u>Council assessment staff:</u> Ashleigh Stewart, Daniel Noble and Wade Hudson ○ <u>Department staff:</u> Carolyn Hunt
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided