

<b>DATE OF DETERMINATION</b>	Thursday, 12 December 2019
<b>PANEL MEMBERS</b>	Garry West (Chair), Pamela Westing, John Griffin, Diane Gray and Simon Murray
<b>APOLOGIES</b>	Stephen Gow
<b>DECLARATIONS OF INTEREST</b>	Simon Murray & Diane Gray both declared they knew some people registered to speak but had not discussed this DA with them.

Public meeting held at Armidale Regional Council on 12 December 2019, opened at 4.30pm and closed at 7.05pm.

#### **MATTER DETERMINED**

PPSNTH-6 – Armidale Regional Council – DA-112-2019 at 1060 Grafton Rd and 597 Gara Rd, Metz – 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.

Diane Gray moved, 2<sup>nd</sup> Simon Murray that determination of the DA be deferred. The Motion was put and lost 3:2.

#### **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 4:1 in favour, against the decision was Simon Murray.

#### **REASONS FOR THE DECISION**

- SEPP 44 – Koala Habitat Protection: the site was found not to contain potential Koala habitat.
- SEPP 55 – Remediation of Land: the site is considered to be suitable for the proposed development.
- The likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality have been assessed and considered to be satisfactory.
- The proposed development is considered consistent with the relevant planning controls, and
- The proposed development is permissible and is deemed to be in the public interest.

Simon Murray disagreed with the majority decision for the following reasons:

- Inadequate community consultation, and
- The adverse impacts on the visual amenity.

#### **CONDITIONS**

The development application was approved subject to the conditions in the council assessment report with the following amendments.

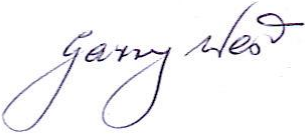




- Condition 15 was amended to require the Landscape Management Plan is to be provided to the satisfaction of the Armidale Regional Council prior to the release of a Construction Certificate.
- Condition 17 was amended so that it is more coherent and specified that the consultation process needs to be to the satisfaction of OEH/Council prior to the issue of the Construction Certificate.

## 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:

- Loss of agricultural land
- Decommissioning and waste issues
- Site location and design
- Low economic benefit
- Noise impact on adjoining properties
- Potential precedent for other solar farms to be developed in area
- Adverse landscape and visual impact
- Traffic impact
- Potential for negative impact on the plant and animal species in the locality
- Concern that development could use up local water resources
- Concern that development could alter local climate
- Permissibility of proposed development
- Drainage, run-off and erosion
- Bushfire risk
- Concerns about the consultation and assessment process
- Potential for adverse impacts on property values in the locality
- Suitability of the site

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	
 Garry West (Chair)	 Pamela Westing
 John Griffin	 Diane Gray
 Simon Murray	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-6 – Armidale Regional Council – DA-112-2019
2	PROPOSED DEVELOPMENT	29.9MW Solar farm and associated infrastructure
3	STREET ADDRESS	1060 Grafton Rd and 597 Gara Rd, Metz
4	APPLICANT OWNER	Stringybark Solar Farm Pty Ltd Mr L & Mrs T Fittler and Mrs S Quaife
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No 44 – Koala Habitat Protection</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Primary Production and Rural Development) 2011</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Armidale-Dumaresq Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Armidale-Dumaresq Development Control Plan 2012</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 27 November 2019</li> <li>Written submissions during public exhibition: 147</li> <li>Oral submissions at the public meeting: <ul style="list-style-type: none"> <li>In support – None</li> <li>In objection – Lou Forsythe, John Forsythe, John Gibson, Kim Swan, Lachlan McPhie, Deborah Apthorp, Heather McPhie, Jon Galletly, Dr Paul McFarland, Hutton Oddy, Drewe Ferguson and Wal Waters.</li> <li>Council assessment officer – John Goodall</li> <li>On behalf of the applicant – Jane Ross, Robert Cawley, Hayden Burge, Leo Fittler, Richard Seymour and Dr Richard Cresswell.</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and final briefing on 12 December 2019 at 3pm <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry West (Chair), Pamela Westing, John Griffin, Diane Gray and Simon Murray</li> <li><u>Council assessment staff</u>: John Goodall and Michael Flynn, Development Engineer.</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval

10	DRAFT CONDITIONS	Attached to the addendum council assessment memorandum dated 3 December 2019 and amended at the meeting.
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