

<b>DATE OF DETERMINATION</b>	4 November 2021
<b>PANEL MEMBERS</b>	Paul Mitchell (Chair), Stephen Gow, Penny Holloway, James Treloar and Stephen Bartlett
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 20 October 2021.

#### **MATTER DETERMINED**

PPSNTH-78 – Tamworth – DA2021-0317 at 1599 New England Highway, Kootingal – 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 following reasons:

1. The proposal is permissible in the RU 4 zone, is consistent with relevant zone objectives and satisfies the applicable provisions of all relevant SEPPs, including current planned amendments to the Infrastructure SEPP which deal specifically with regulation of 'utility-scale solar developments'.
2. The proposal is consistent with strategic plans applying to the area including the New England North West Regional Plan and Tamworth Blueprint 100, because it promotes development of renewable energy facilities in suitable locations.
3. The development site is suitable for the proposed use. It is largely free of environmental constraints, adequately separated from sensitive surrounding land uses and will not conflict with any nearby use or sterilize any valuable agricultural land. The site is proximal to electricity transmission lines and has good road access.
4. The proposal's visual impacts have been thoroughly assessed by both the applicant and Council's planner who find that impacts will generally be 'minor' or in one case 'moderate'. Overall, the Council's planner finds that the proposal complies with relevant provisions of the Tamworth LEP and DCP and that the visual impacts will be 'reasonable' taking into account its effects on the whole viewshed and the proposed mitigation measures. The Panel agrees with these conclusions.
5. The proposal will provide competitively priced and non-polluting electricity to the community and therefore be socially beneficial.
6. For the reasons given above approval of the application is in the public interest.

#### **CONDITIONS**

The development application was approved subject to the conditions in the council assessment report with the following amendment:



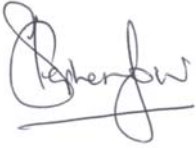


- In Condition B3, all references to a 'Site Environmental Management Plan' should be changed to 'Operations Environmental Management Plan', so that it is consistent with Condition G1.

### 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:

- Visual amenity and glare
- Suitability of site
- Noise
- Erosion and stormwater
- Future expansion
- Access and traffic
- Landscaping
- Electronic and magnetic field exposure
- Safety and hazards
- Impacts on local land values

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. The panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Paul Mitchell (Chair)	 Penny Holloway
 Stephen Gow	 Stephen Bartlett
 James Treloar	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-78 – Tamworth – DA2021-0317
2	PROPOSED DEVELOPMENT	Construction and use of a 5MW solar PV electricity generation facility with associated infrastructure
3	STREET ADDRESS	Lot 1 in DP 328265, Lot 97 in DP 753841 and Lot 2 in DP 804438 'Roseamere', 1599 New England Highway, Kootingal
4	APPLICANT/OWNER	ITP Development Pty Ltd Mr MK Bryant & Ms EM Bryant and Tamworth Regional Council
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 (Koala Habitat Protection) 2020</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 (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Primary Production and Rural Development) 2019</li> <li>New England North West Regional Plan 2036</li> <li>Tamworth Regional Blueprint 100</li> <li>Tamworth Local Environmental Plan 2010</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Tamworth Development Control Plan 2010</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: 20 October 2021</li> <li>Written submissions during public exhibition: two</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 17 June 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, James Treloar and Stephen Bartlett</li> <li><u>Council assessment staff</u>: Anna La, Sam Lobsey and Mitchell Gillogly</li> <li><u>Department staff</u>: Carolyn Hunt and Lisa Foley</li> </ul> </li> <li>Final briefing to discuss council's recommendation: 28 October 2021 <ul style="list-style-type: none"> <li><u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, James Treloar and Stephen Bartlett</li> <li><u>Council assessment staff</u>: Alice Elsley, Sam Lobsey, Mitchell Gillogly, Steve Brake</li> <li><u>Department staff</u>: Lisa Foley</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Submitter Briefing: 28 October 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, James Treloar and Stephen Bartlett</li> <li>○ <u>Council assessment staff</u>: Alice Elsley, Sam Lobsey, Mitchell Gillogly, Steve Brake</li> <li>○ <u>Department staff</u>: Lisa Foley</li> <li>○ <u>Submitters</u>: Coralie Streat and Adam Maher</li> </ul> <p><u>Note</u>: Submitter briefing was requested to respond to the recommendation in the council assessment report</p> </li> <li>• Applicant Briefing: 28 October 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, James Treloar and Stephen Bartlett</li> <li>○ <u>Council assessment staff</u>: Alice Elsley, Sam Lobsey, Mitchell Gillogly and Steve Brake</li> <li>○ <u>Department staff</u>: Lisa Foley</li> <li>○ <u>Applicant representatives</u>: Zaed Aznam, Allen Grimwood and Mishka Talent</li> </ul> <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report