

## DETERMINATION AND STATEMENT OF REASONS

### NORTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	14 April 2021
<b>PANEL MEMBERS</b>	Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Robert Bell and Kate Jessep
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<p>Robert Bell declared a non-significant, non-pecuniary interest as an employee of a large electricity generation development and as a previous employee of Tamworth Regional Council who was involved in assessment of small scale solar farm development applications.</p> <p>The Chair considered Cr Bell's declaration, and agreed that it did not preclude his participation in this determination.</p>

Papers circulated electronically on 6 April 2021.

#### MATTER DETERMINED

PPSNTH-79 – Uralla Shire Council – DA-8-2021 at 152 Staces Road, Uralla – electricity generating facility (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 proposed use is permissible in the IN1 General Industrial zone, is consistent with relevant zone objectives and actions given in the New England North West Regional Plan and satisfies all relevant development standards and guidelines.
2. The site is suitable for the intended use because it has good access to electricity transmission lines and the local road network, is largely free of land use and environmental constraints, and the proposal will be compatible with its surrounds.
3. The proposal, including the conditions imposed, will have no unacceptable impacts on the natural or built environments including neighbouring land uses.
4. The proposal will increase the availability of competitively priced electricity generated from a renewable and non-polluting source; as such, it will have broader social and environmental benefits.
5. The panel has carefully considered all issues raised in public submissions and considers that they have been addressed by either safeguards incorporated into the proposal or conditions imposed and that there are no residual issues warranting refusal of the application.
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 amendments:

- Add two deferred commencement conditions to the effect of:
  1. Receipt of written advice from Essential Energy that the proposal overall and specifically the connection works are practical, safe and generally satisfactory.
  2. Receipt of written advice from Local Land Services that the proposed access to the site for both construction and operational purposes is acceptable.
- Add the following condition as a General Condition before Condition 7:

### **SITE EMP**

A site environmental management plan (SEMP) shall be submitted to Council for endorsement prior to the issue of a Construction Certificate. The SEMP shall address, at minimum, the following issues:

a) Construction: i) Disposal of wastes ii) Source and type of any imported fill iii) Dust management iv) Noise management v) Erosion and sedimentation controls vi) Complaints management b) Operation: i) Weed and vermin management ii) Land management including vegetation management v) Drainage issues and management vi) Management of potential contamination from dust mitigation or cleaning processes vii) Proposed methods of remediation at the cessation of the development viii) Complaints management c) Post-Development i) Monitoring and mitigation measures for decommissioning and rehabilitation. The required management plan is to be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources' Guideline for the Preparation of Environmental Management Plans (2004).

- Add the following sentence to the end of Condition 10:

Any noise generated from the operation of the development must not be intrusive or offensive as defined by the Protection of the Environment Operations Act 1997.

- Add the following wording to the end of Condition 12:

To protect the amenity of the surrounding neighbourhood from the emission of light, any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with Australian Standard AS4282.

- Delete Condition 18, as it is a duplicate of Condition 5
- Add wording to Condition 27 to indicate that the required plan must also include screening along the southern boundary of the site.
- Add new condition:

### **UNEXPECTED HERITAGE FINDS**

If any previously unidentified heritage object(s) are discovered during the course of construction, all work likely to affect the object(s) shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the NSW Heritage Act 1977. Relevant works shall not recommence until written authorisation has been issued.

- Add new condition:

### **UNEXPECTED ABORIGINAL FINDS**


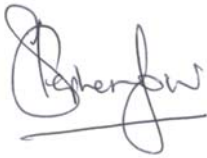


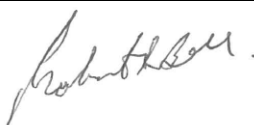
If any previously unidentified significant Aboriginal object(s) are discovered during the course of construction, all work likely to affect the object(s) shall cease immediately and the informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works shall not recommence until written authorisation from the Office of Environment and Heritage advising otherwise is received by the Proponent.

## CONSIDERATION OF COMMUNITY VIEWS

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

- Amenity impacts and compliance with the draft DCP

The panel considers that concerns raised by the submitter have been adequately addressed in the assessment report and notes that the Draft DCP provisions for renewable energy installations do not apply to land with an industrial zoning. No new issues requiring assessment were raised during the meeting. The panel notes that in addressing these issues appropriate and additional conditions have been imposed addressing all issues raised.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Stephen Gow
 Penny Holloway	 Kate Jessep
 Robert Bell	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-79 – Uralla Shire Council – DA-8-2021
2	PROPOSED DEVELOPMENT	Construction & Operation of a 4.95 MW AC Solar Farm & Associated Works
3	STREET ADDRESS	152 Staces Road, Uralla
4	APPLICANT/OWNER	Medam Holdings Pty Ltd / Kambo Developments Pty Ltd.
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 (State and Regional Development) 2011</li><li>○ State Environmental Planning Policy (Koala Habitat Protection) 2020</li><li>○ State Environmental Planning Policy No 55 – Remediation of Land</li></ul></li></ul>

		<ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ Uralla Local Environmental Plan 2012</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Uralla Development Control Plan 2011</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: 6 April 2021</li> <li>• Written submissions during public exhibition: one (1)</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection by Stephen Gow: 3 April 2021</li> <li>• Site inspection: 8 April 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Kate Jessep and Robert Bell</li> <li>○ <u>Council assessment staff</u>: Matthew Clarkson</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 12 April 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Robert Bell and Kate Jessep</li> <li>○ <u>Council assessment staff</u>: Matt Clarkson and Terry Seymour</li> <li>○ <u>Department of Planning, Industry and Environment</u>: Carolyn Hunt, Sung Pak and Lisa Foley</li> </ul> </li> <li>• Applicant Briefing: 12 April 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway, Robert Bell and Kate Jessep</li> <li>○ <u>Council assessment staff</u>: Matt Clarkson and Terry Seymour</li> <li>○ <u>Department of Planning, Industry and Environment</u>: Carolyn Hunt, Sung Pak and Lisa Foley</li> <li>○ <u>Applicant representatives</u>: Methuen Morgan, Dave Mailler and Peter Taylor</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