

DATE OF DETERMINATION	1 August 2021
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Steve Toms
APOLOGIES	Colin Price
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 28 July 2021.

MATTER DETERMINED

PPSNTH-93 – Glen Innes Severn – DA 56/20-21 at 208 West Furracabad Rd, Glen Innes – 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 1 zone and is generally consistent with the zone objectives. The proposal is also consistent with or performs satisfactorily against the relevant criteria in the applicable SEPPs.
2. The proposal is consistent with relevant strategic plans that encourage development of renewable energy sources, specifically the State Plan 2010, the New England- North West Regional Plan, and the Glen Innes Severn Council LSPS.
3. The proposal will not have any material adverse effects on natural resources or the rural environment- the proposal's footprint is negligible in the wider agricultural context and no valuable natural resources will be adversely affected.
4. The proposal will not have any material adverse effects on the built environment, cultural resources or local infrastructure.
5. The site of the proposed development is suitable for the intended use. It is close to electricity transmission lines, suitable access is available from Tuttle Lane, no removal of native vegetation is required and it is sufficiently distant from residences to avoid unacceptable visual and noise impacts.
6. The proposal will be socially beneficial. It will provide significant local employment during construction and an affordable supply of non-polluting electricity once operational.
7. The panel has carefully considered the issues raised in submissions and considers that they have been resolved either through the siting and design of the proposed development and/or conditions that have been imposed. There are no residual issues that warrant refusal of the application.
8. 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:

- Amend Condition 3 – references to be changed as follows:

Page 27 22	V0.2 3	Landscape Plan	Visual Assessment, Landscape Concept and Reflectivity Statement	December 2020 July 2021
Visual Assessment, Landscape Concept and Reflectivity Statement	631.00000- 20401-v0.23	SLR		December 2020 July 2021

- Insert Condition 3b, to read as follows: “Visual mitigation planting is to be provided to the northern boundary and this is to be shown on a revised landscape plan which is to be submitted to Council’s Director of Planning for approval prior to issue of any Construction Certificate.”
- Condition 8 (h) to be amended to read as follows: “Consultation with the National Heavy Vehicle Regulator (NHVR) regarding the use of Tuttles Lane by B-Doubles and evidence of approval from the NHVR is to be provided to Council’s Traffic Engineering Manager (or equivalent) prior to the issue of any Construction Certificate.”
- Amend Condition 11 to read: “Materials and their finishes/colours of any proposed or future buildings, security fencing or structures are to be selected to be of a natural colour palette where practicable and low reflectivity both where practicable. A schedule of finishes is to be provided to Council for approval prior to the release of the CC.”
- Amend Condition 15 to read as follows:





The landscaping is to be implemented generally as shown on the Landscape Plan within V3 of the Visual Analysis, Landscape Concept and Reflectivity Statement dated July 2021 and must include:

- A 3 to 4 metre wide landscaped buffer to the **Eastern, Southern and Western sides of the lease boundary.**
 - To the Northern boundary appropriate planting to be provided to reduce the visual impact of the boundary fence.
 - A water supply (tank water) to allow regular watering of the landscaped buffer. The water supply may be supplemented with tanker delivery as required.
- Amend Condition 27 by adding a new sentence to the end as follows: “To provide a record of pre-development conditions, a dilapidation survey is to be undertaken and provided to Council prior to the issue of any Construction Certificate”
 - Delete Condition 26.

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 glare, visual impact and noise.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and conditions to be imposed.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Stephen Gow
 Penny Holloway	 Steve Toms

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-93 – Glen Innes Severn – DA 56/20-21
2	PROPOSED DEVELOPMENT	Construction and operation of a 5MW Solar Farm and associated infrastructure
3	STREET ADDRESS	Tuttles Lane, Glen Innes
4	APPLICANT OWNER	NSW Community Renewables (Glen Innes) Pty Ltd C/- KDC Pty Ltd Lyle Perkins and Elvessa Jennene Perkins
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 (SEPP) (Koala Habitat Protection) 2019 SEPP No 55 – Remediation of Land; SEPP (Infrastructure) 2007; SEPP (Primary Production and Rural Development) 2019; SEPP (State and Regional Development) 2011; Glen Innes Severn Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Glen Innes Development Control Plan 2015 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 Supplementary report received: 28 July 2021 Written submissions during public exhibition: two (2)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 29 July 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Steve Toms <u>Council assessment staff</u>: Kathleen Taminiau <u>Department representatives</u>: Carolyn Hunt and Lisa Foley Applicant Briefing: 29 July 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Steve Toms <u>Council assessment staff</u>: Kathleen Taminiau <u>Department representatives</u>: Carolyn Hunt and Lisa Foley <u>Applicant representatives</u>: Jeremy Every, Shane Humphreys, Patrick Quinlan, Rachel Pettitt and Dean Butcher <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report