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| **Memo to:** | Panel Chair, Hunter and Central Coast Regional Planning Panel  |
| **From:** | Sarah Hyatt, Principal Development Planner  |
| **Subject:** | 8/2021/21907/1 \_ Electricity Generating Works (5 Megawatt Solar Farm and Battery Storage) |
| **Date:** | 28 April 2022 |
| **Reference:** | PPSHCC - 93 / DA8/2021/21907/1 |

Prior to the Panel Meeting on 21 April 2022, correspondence was received from the applicant in relation to:

1. Condition 11 requiring a detailed landscape plan, and
2. Interpretation of Chapter C.9 - Development on Flood Prone Land of the Cessnock Development Control Plan relating to classification of ‘critical infrastructure’ and requirements for the provision of flood free access.

In relation to the items above, the following is provided:

1. **Condition 11 requiring a detailed landscape plan**

The proposed condition requires the submission of a detailed landscape plan prepared by a suitably qualified consultant prior to the issue of a construction certificate. Full details including existing vegetation, proposed vegetation, planting procedures, earthworks, drainage and watering and maintenance are required to be included on the plan. The applicant contended that this detail had been included on the submitted landscape plan and where detail was not provided this was not considered to be warranted.

Landscaping is critical to the proposed development and in mitigating potential impacts. This condition is a standard condition which is consistently applied by Council and has been applied to similar development within the LGA. The HCCRPP have also applied this condition consistently to other solar farm development.

In this regard, the condition is considered to be required and will be amended to include additional clarification on planting requirements.

1. **Interpretation of Chapter C.9 Development on Flood Prone Land**

Correspondence was received from the applicant contending that the proposed development is not ‘critical infrastructure’ as identified within Chapter C.9 of the DCP; and as such, flood free access is not required.

In this instance, whilst electricity generating works are identified as ‘critical infrastructure’ within Chapter C.9 of the DCP, the proposed solar farm is not considered to be of a scale that in the event of a shortage within the network would assist in supplementing electricity supply. The Australian Energy Market Operator (AEMO), classifies solar farms less than 5 megawatts as unscheduled generation as there is no control over the power generated or how much feeds into the grid. As such, the grid does not rely on the proposed development for electricity generation.

Based on the above, Council is satisfied that the proposed development is not ‘critical infrastructure’ and is not intended to support supply in the network in the event of a power generation shortage. Therefore, Council considers that flood free access is not required for this development. Access shall be provided via a causeway designed in accordance with information submitted within the original application. Conditions relating to upgrading the access have been amended to reflect the above.

Sarah Hyatt

Principal Development Planner