

**REGIONAL PLANNING PANEL
HUNTER AND CENTRAL COAST REGION
SUPPLEMENTARY COUNCIL ASSESSMENT REPORT**

Panel Reference	PPSNTH-76
DA Number	8/2020/20875/1
LGA	Cessnock City Council
Proposed Development	Installation of a 4.95MW AC solar farm and associated infrastructure
Street Address	127 Wills Hill Road, Lovedale (Lot: 1 DP: 1048155)
Applicant/Owner	Schwartz Family Co Pty Ltd
Submissions	A total of four (4) submissions were received, two (2) of which are unique.
Recommendation	Approval subject to conditions
Report prepared by	Hamish Mackinnon – Planning Assessment Officer
Report date	3 August 2021
Enclosure	Appendix 1 – Ecology Response to RFI – Wedgetail Project Consulting

BACKGROUND

The Council assessment report, attachments and submissions for the subject application (DA 8/2020/20875/1) were uploaded to the NSW Planning Portal on 28 July 2021.

Prior to the meeting on 4 August 2021, clarification was sought from the Chair of the Hunter and Central Coast Regional Planning Panel (HCCRPP) in relation to the following items:

1. Whether additional survey was done for the Pink Donkey Orchid? – page iv of the executive summary in the BDAR report says they were going to be done.
2. What does it mean for the assessment for Koala if surveys were not done in accordance with guidelines? – p66 BDAR report.
3. Did the applicant do any visual assessment?

COUNCIL'S RESPONSE

The questions and a response to each, are outlined below:

1. Whether additional survey was done for the Pink Donkey Orchid? – page iv of the executive summary in the BDAR report says they were going to be done.

Council's Ecologist requested additional information from the applicant regarding the survey effort for *Diuris tricolor* and *Pterostylis chaetophora*, which was requested via the NSW Planning Portal on 3 February 2021.

A response was provided from Wedgetail Project Consulting dated 15 February 2021, which confirmed that no additional survey for *Diuris tricolor* and *Pterostylis chaetophora* had been conducted. As such the following comment was provided by Council's Ecologist:

Council's Ecologist's comments

The BDAR stated that 'surveys for Diuris tricolor (Pine Donkey Orchid) and Pterostylis chaetophora were not conducted within the specified survey months, and as such have been assumed present within the Development Site.

As the survey for the two threatened plant species was not conducted in the appropriate season, the conditions will include the credit requirements for these species.

In consideration of the above, and consistent with comments provided by Council's Ecologist, biodiversity credits for each of these plant species are included within the conditions of consent.

2. What does it mean for the assessment for Koala if surveys were not done in accordance with guidelines? – p66 BDAR report

The review of the BDAR by Council's Ecologist did not raise any issues in relation to the method in which the survey for Koala was undertaken.

Council's Ecologist's comments:

The report addressed the SEPP (Koala Habitat Protection) 2019 which was in force at the time the report was prepared but was not in force at the time the DA was lodged. SEPP (Koala Habitat Protection) 2020 came into force on 30 November 2020 (DA lodged on 10/12/2020). Based on the results of the BDAR, it is possible that some parts of the site where Eucalyptus tereticornis is locally dominant may meet the definition of potential koala habitat as defined in the SEPP. However, due to the lack of evidence of koalas on site (during the site inspection), the site is not considered to be core koala habitat and no further provisions of the SEPP apply.

A further review by Council's Ecologist maintains the same outcome as per the information outlined above. As such although the assessment for Koala was not entirely undertaken in accordance with the guidelines, this does not impact on the outcome of the assessment.

3. Did the applicant do any visual assessment?

An assessment of the visual amenity impacts is included on page 59 of the Statement of Environmental Effects (SoEE), titled '3.10 Visual Amenity'.

This section of the SoEE was utilised within Council's visual assessment to highlight that the site would not be visible from Wine Country Drive and that the proposed supplementary planting would ameliorate any visual impact from Wills Hill Road.