

DATE OF DEFERRAL	14 June 2022
PANEL MEMBERS	Sandra Hutton (Acting Chair), Graham Brown and Clare Brown
APOLOGIES	Garry Fielding
DECLARATIONS OF INTEREST	Peter Shelley and Katie Dicker

Papers circulated electronically on 1 June 2022.

MATTER DEFERRED

PPSWES-123 – Mid-Western – DA0170/2022 - 33 Blain Road, Caerleon (as described in Schedule 1).

REASONS FOR DEFERRAL

On balance, the Panel considered that the Site may be suitable for the Proposal and Council's recommendation for Approval with Conditions, subject to being satisfied on:

- the extent and nature of earthworks required to accommodate the Proposal, its construction and operation, particularly given the existing undulating topography and assessment considerations;
- additional information on the visual interface of the Proposal (inclusive of the reduced side boundary setback) to the future (zoned) residential land; and
- provision of a glint and glare assessment as it relates to the future development of adjoining (zoned) residential land.

The Panel agreed to defer the determination of the matter until the Applicant provides the below additional information to Council assessment staff:

1. Applicant to confirm the final agreed access location that satisfies Transgrid requirements and ensure that is consistently reflected in all Proposal Plans together with typical sections of the access;
2. Applicant to provide concept earthworks plan/s that illustrate the footprint, location and nature of earthworks proposed, including overall earthworks strategy, the approximate location of cut and fill areas (with approximate depths) compared to existing natural ground (and including existing contour level and interval information and location of swales).

The concept earthworks plans are to capture the full extent of concept works including for access (including to satisfy Transgrid and other authority requirements for access to and within the solar farm), concept stormwater footprints (swales and ponds) and any earthworks to accommodate the solar arrays and their operations.

Where the Proposal limits the extent of earthworks through variation in the solar array design, as indicated by the Applicant during the briefing, the Applicant is to identify the location and nature of those variations (and any anticipated operational limitations, if any) compared to the typical elevations provided.

3. Provide an updated visual impact assessment reflecting the concept earthworks and Panel arrays (including their heights above existing natural ground level) from Item 2 above as it relates to the adjoining future (zoned) residential land.

Consideration is to be given to extension of landscaping and/or regeneration that may further aid the visual break up (not complete screening) of the Proposal from future (zoned) residential land

(whether in a buffer to the existing Treatment Plant or not), including pockets of zoned land that are likely to look across or up towards the Proposal based on existing topography and visual exposure.




If additional mitigation is identified, provide an updated Landscape Plan that outlines the nature of those works, and also more clearly allocates the locations of the different types of landscaping buffers proposed (for example, to reflect the intent identified by the Applicant during the briefing that not all buffers were intended to accommodate the full tree species selection nominated).

4. A glint and flare assessment is to be prepared as required under Part 6.5 Solar Energy Farms of the Mid-Western Regional Development Control Plan 2013. This is to address potential impact on existing and future (zoned) residential and rural residential land adjacent to the site.

The Panel expects revised information as referred to above be submitted to Council within 2 weeks from the date of this deferral record. Council is requested to provide an addendum assessment memo responding to the material and the matters raised above. If the information or addendum assessment is not provided to the Panel within 4 weeks, the Panel may move to determine the DA based on the information currently at hand.

When this information has been received, the panel will determine the matter electronically.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Sandra Hutton (Acting Chair)	 Clare Brown
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-123 – Mid-Western – DA0170/2022
2	PROPOSED DEVELOPMENT	5 MW solar photovoltaic (PV) power generation plant connected to the grid with associated road and fencing upgrades.
3	STREET ADDRESS	33 Blain Road, Caerleon
4	APPLICANT/OWNER	Applicant: Simon Jones Owner: Mid-Western 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"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Mid-Western Regional Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Mid-Western Regional Development Control Plan 2013 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: 31 May 2022 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site visit: 24 November 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown <u>Council assessment staff</u>: Kayla Robson <u>DPE</u>: Carolyn Hunt Briefing: 8 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Peter Shelley, Katie Dicker <u>Council assessment staff</u>: Kayla Robson <u>DPE</u>: Carolyn Hunt and Brianna Cheeseman Final briefing to discuss council's recommendation: 14 June 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Sandra Hutton (Acting Chair), Graham Brown, Clare Brown <u>Council assessment staff</u>: Kayla Robson <u>DPE</u>: Carolyn Hunt

		○ <u>Applicant:</u> Simon Jones and Ashley Bland (consultant)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report