



**BRIEFING DETAILS**

<b>BRIEFING DATE / TIME</b>	Wednesday, 8 June 2022 Site inspection undertaken before briefing
<b>LOCATION</b>	3B Sydney Road, Burrundulla

**BRIEFING MATTER(S)**

PPSWES-129 – Mid-Western - RVA0002/2022 - 3B Sydney Road, Burrundulla - Review of Determination - DA0288/2019 - Energy Generating Works (2 x 5MW Solar Farm).

**PANEL MEMBERS**

<b>IN ATTENDANCE</b>	Graham Brown (Acting Chair), Brian Kirk, Anthony McBurney, Peter Shelley,
<b>APOLOGIES</b>	Katie Dicker
<b>DECLARATIONS OF INTEREST</b>	None

**OTHER ATTENDEES**

<b>COUNCIL ASSESSMENT STAFF</b>	Kayla Robson, Lindsay Dunstan
<b>OTHER</b>	DPE – Sung Pak

**KEY ISSUES DISCUSSED**

Council:

- The s.34 conference for the original DA was terminated and will now progress to a hearing in the Land and Environment Court; date to be fixed and Council to advise the Panel.
- The Panel requested a copy of the Council's SOFAC
- S8.2 Review was lodged on 21 December 2021 however fees weren't paid until 8 February 2022. The Council commenced its assessment in February 2022.
- Council requested further information in February/March and that has not been fully provided by the Applicant. The applicant has provided additional information for the appeal process but has not responded adequately to Council's requests for additional information to assist in the assessment of the s8.2 Review application.
- Matters that Council has requested the Applicant to address in relation to the s.8.2 application that remain outstanding are:
  - Revised glint and glare assessment – referred in revised SEE but not provided for the Review (provided through the court process)
  - Decommissioning assessment - referred in revised SEE but not provided for the Review (provided through the court process)
  - Modified screening for boundary fencing – no information provided

- Vegetation management plan – landscaping and maintaining until maturity including water access, irrigation, and frequency of maintenance across the site (provided through the court process)
- Response to the submissions.
- Council is prepared to finalise the Determination report for the s8.2 application based on the information provided to date.
- The development application was submitted two weeks prior to the adoption of the Council's current DCP. The Panel notes that the previous DCP did not include reference to solar farms at all.
- The current DCP does include objectives and controls for solar farms sites, as well as requirements to consider the visual impact of development on gateway locations around Mudgee. Council expressed concern that the site is visually sensitive as a gateway site leading to Mudgee.
- The Panel notes that the current DCP includes savings provisions that provide the applicant with choice as to whether the old or new DCP should be used in the assessment of any DA.
- The Panel indicated that the Council should carefully consider whether the current DCP should be given some weight in this assessment process. Clearly, the previous DCP did not contemplate solar farms as a form of development and so it has little application in this instance.
- The Panel has concerns on suitability/impact of the proposal and integration within the objectives of zoning and use of prime agricultural land, notwithstanding permissibility within the zoning.
- Council expressed numerous concerns on water supply.
- By Increasing setbacks from the main highway there is concern that this would result in greater proximity to the residences at rear. This matter is to be considered on balance.
- The Panel noted Council's concern that the application lacks comprehensive details of vegetation management plan and proposed screening.

Panel:

- The Panel has an obligation to determine the application irrespective of the LEC appeal. The Panel's determination will be based on the information provided by the applicant as part of the s8.2 review process.
- The panel requests that Council contact CASA for their comment on airport and helipad.
- The Panel advised Council to prepare draft conditions in the event that the Panel reversed the decision of the previous Panel.
- The Panel requested the applicant to provide relevant information within 2 weeks of Council issuing a further RFI letter.
- Timeframe
  - 20 June 2022 Council issues letter to the applicant with a list of information required
  - 4 July 2022 – The applicant has two weeks to submit further information
  - 1 August 2022 – Council's report to be uploaded in the portal
  - 16 or 18 August 2022 – Determination.

## Planning Panels Secretariat