

ED23/19174
Parcel 45595
DTQ:DTQ



1 February 2023

Department Planning and Environment
Planning and Assessment Group
4 Parramatta Square – 12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Dunn

Maryvale Solar Farm SSD-8777 Modification 2

Property: Lots: 122, 130, 173 & 182 DP: 754318, Lot: 1 DP: 723474, Lot: 1 DP: 1031281, Lot: 2 DP: 573426, Lot: 1 DP: 1006557, Lots: 11 & 12 DP: 1260757,
No's 87, 121 & 265 Maryvale Road & 801 Saxa Road MARYVALE
Modified Application: Maryvale Solar Farm

Thank you for the Notice of Exhibition received by Council 17 January 2023. Council notes that the proposed modification relates to the increase in the site's import and export capacity from 125MW to 230MWac and the changed solar PV array configuration.

Review of the modified application has raised a few issues which need to be addressed prior to determination of the application. The issues raised by Council Officers read as follows:

(1) Road Upgrades and Maintenance

It should be noted that Cobbora Road located to the east of the subject site was renamed recently to Saxa Road, as such this change is reflected in Appendix 6 (show below). The other proposed changes are to clarify the works required, with the four sections listed on Maryvale Road being removed as these would be identified when the road is to be sealed, as Condition 5 requires the proponent to undertake the works to Austroads standards and to Councils satisfaction. These four sections would be subject to design standards and Council acceptance at that time.

Similar for the widening of three curves on Seatonville Road and strengthening the culvert on Maryvale Road, these would be undertaken to the satisfaction of Council and added a requirement to widen the culvert.



All communications to: **CHIEF EXECUTIVE OFFICER**

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APPENDIX 6: ROAD UPGRADES AND SITE ACCESS

Road/Intersection	Upgrade Works
Saxa Road	<ul style="list-style-type: none"> Widen and strengthen the Saxa Road from the intersection with the Mitchell Highway to the intersection with Maryvale Road to the satisfaction of the relevant Road Authority.
Saxa Road/Maryvale Road intersection	<ul style="list-style-type: none"> Upgrade and widen the intersection, including short auxiliary left turn [AUL(s)] treatment on Saxa Road
Maryvale Road	<ul style="list-style-type: none"> Construct and provide a 7.2metre wide bitumen sealed road to the remaining unsealed section of the Maryvale Road prior to the commencement of Solar Farm construction works and to the satisfaction of the relevant Road Authority. Widen and strengthen the waterway structure as noted in the below figure.
Maryvale Road/Seatonville Road Intersection	<ul style="list-style-type: none"> Upgrade intersection, as identified in the below figure; and Sealing Seatonville Road for 30 metres from the intersection with Maryvale Road.
Seatonville Road	<ul style="list-style-type: none"> Widen and gravel resheet the Seatonville Road (to a minimum width of 6metres and to a minimum depth of 0.1metres) to allow for two all-weather heavy vehicle movements from the intersection with the Maryvale Road to the project site entrances, works to be undertaken to the satisfaction of the relevant Road Authority. Widen three identified sections in accordance with the curve radius requirements noted in the below figure.
Site Access	<ul style="list-style-type: none"> Construct two new site access points off Seatonville Road, and upgrade the intersection of Seatonville Road and Bakers Lane, with Rural Property type treatments to cater for largest vehicle accessing the site.

With regard to Schedule 3, Condition 6, Council would seek the inclusion of the following:

- (c) Undertake maintenance of the Maryvale Road and Seatonville Road on the transport route to the satisfaction of the relevant roads authority, and to the satisfaction of the Planning Secretary, during construction, upgrading or decommissioning works.

(2) Permissibility

The Modification Report (p.15) states: *The Project is defined as 'electricity generating works', which is permitted with consent in the RU1 Primary Production zone under Dubbo Regional Local Environmental Plan 2022.*

This statement is incorrect, with *electricity generating works* prohibited in the RU1 Primary Production zone. However, the Project is 'permitted with consent' under State Environmental

Planning Policy (Transport and Infrastructure) 2021 , Part 2.3 Development controls, Division 4 Electricity generating works or solar energy systems, s2.36(1)(b).

(3) Planning Agreement

Council notes that the current consent dated 4 December 2019 contains no condition with regard to the proponent entering into a Planning Agreement with Council, despite previous correspondence to the Department requesting such.

Council adopted a Renewable Energy Benefit Framework in December 2022, which guides the negotiation of Planning Agreements and benefit sharing frameworks. The framework requires funding requirements to be equivalent to 1.5% of the CIV, with the funds being utilised for community benefits, including (but not limited to):

- Road maintenance and provision;
- Housing opportunities;
- Strategic planning;
- Economic development and investment attraction;
- Community facilities and recreation opportunities;
- Youth welfare and support.

If you have any enquiries in this matter, please do not hesitate to contact Darryll Quigley during normal office hours, on 6801 4000.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Quigley', with a stylized flourish at the end.

Darryll Quigley
Manager Building and Development Services