

AD22/3440
Parcel 45595
DTQ:DQ

11 February 2022

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



Dear Ms Dunn

Maryvale Solar Farm SSD-8777 Modification

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 - Battery Energy Storage System

Thank you for the Notice of Exhibition received by Council 20 January 2022. Review of the 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) Modification or New Application

The proposed Battery Energy Storage System is proposed to occupy some 4 ha, comprising of approximately 180 container style buildings.

Page 20 of the Modification Report discusses the 'planning approval path' and references a recent Land & Environment Court case Buyozo Pty., Ltd., v Ku-ring-gai Council [2021]. Council is unsure how this case is relevant, given it dealt with the modification of a contribution payment after the development had been completed.

The issue here is, the original approval did not include a Battery Energy Storage System, nor the 4 ha and 180 container style buildings proposed. Rather than a modification to the existing approval, should the proposal have been a separate development application?

Council notes recent similar separate applications such as Wellington South Battery Energy Storage System SSD-27014706, Dubbo Gas Energy Storage System SSD-28088034 and Apsley Battery Energy Storage System SSD-35160796.



All communications to: **CHIEF EXECUTIVE OFFICER**

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(2) 180 Container Style Buildings

Page 18 of the Modification Report states the 180 container style buildings will be delivered to the site. It is Council's understanding that Construction Certificate/s will be required to be issued.

(3) Environmental Impact

Page 19 of the Modification Report states that the proposal will result in 'minimal environmental impact', but the application has been submitted under s4.55(2) Other modifications?

(4) Local Planning Instruments

The Modification Report has failed to note that the Planning Proposal for the draft Dubbo Regional Local Environmental Plan 2021 was exhibited from 2 June 2021 until 30 June 2021. The intent of the Planning Proposal is to consolidate and rationalise the existing provisions of the Dubbo LEP 2011 and Wellington LEP 2012 to create a new consolidated LEP for Dubbo Region.

The Planning proposal for the consolidated LEP was forwarded to the Department late last year.

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