



7 February 2022

Mr D Crinnion  
Department of Planning, Industry and Environment  
Planning and Assessment Group  
4 Parramatta Square, 12 Darcy Street  
PARRAMATTA NSW 2150

Dear Mr Crinnion

**FOREST GLEN SOLAR FARM - SSD-9451258**

Property: Lot 6 DP 755102, 30L Delroy Road MINORE

Thank you for the Notice of Exhibition received by Council on 10 December 2021. Review of the application has raised a number of issues which the Proponent should address prior to the determination of the application. The issues raised by Council Officers read as follows:

(1) Biodiversity

With regard to biodiversity, it appears that a blanket Category 1 (exempt) classification has been applied to all cleared land, regardless of the quality of the groundcover and with no evidentiary support provided. Category 1 must have been cropped since 1990 and no evidence has been offered to support this.

(2) Ancillary Buildings

There has been a lack of detail for the type, size and location of the permanent ancillary buildings to be constructed as part of such development. To date no suitably scaled site plan to identify the buildings likely to be proposed for the administration/maintenance facilities has been submitted. Whilst it is recognised that the full extent and design of the support buildings is unlikely to be able determined accurately, it does not prevent the Proponent from providing an indicative layout of probable construction that may be required. Such detail will assist Council or a private registered certifier when receiving construction certificate applications for any such buildings, in verifying that such works constitute part of the State Significant Development Consent, and will not require additional development consents.

On two occasions involving separate State Significant Developments, Council has been approached to provide a Building Information Certificate for infrastructure works (substations) constructed by and on behalf of a Public Utility (TransGrid), because the principal contractor did not obtain a Construction Certificate for such works. In each circumstance Council considered the works to be Crown building work and did not require a Construction Certificate, but the contractor was under the belief as such substations were referenced in the approved State



All communications to: **CHIEF EXECUTIVE OFFICER**

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Significant Development, they should have had a Construction Certificate as part of the overall infrastructure works that the private developer had to seek Construction Certificates for. Consequently, it would be beneficial for all parties involved (i.e. the Proponent, contractors, utility providers and Council), that the Environmental Impact Statement (EIS) identifies those works in the development which will be constituted as Crown building work.

The EIS identifies that works will have to be undertaken by Essential Energy, in particular the construction of the new substation. Under the Environmental Planning & Assessment Act (EP&A Act), Essential Energy constitutes the Crown and thus their work would be Crown building work and would not require a Construction Certificate. Further, their work would generally be 'Development without Consent' under the Infrastructure SEPP. Consequently, as the EIS will be required to address requirements of the various statutes, there is no reason why the EIS cannot identify the works associated with the State Significant Development that will be undertaken as Crown building work for the purposes of section 6.28 of the EP&A Act.

This ongoing issue was noted in Council's input (correspondence dated 28 October 2020) into the Secretary's Environmental Assessment Requirements (SEARs) for the proposal.

### (3) Subdivision and Access

The EIS identifies that the subject property is intended to be subdivided into three (3) allotments – Lot A for Essential Energy's new substation; Lot B being the intended area to be leased by the Proponent; and Lot C being the land to be retained by the existing landowner. With respect to Lot C, it will comprise four (4) separate parcels which are not contiguous with each other. Further, three (3) of the four (4) parcels have no public road access. Consequently, it will be necessary for 'Rights of Carriageway' to be created to provide the landowner with legal access to each of these parcels across Lot B.

### (4) Site Access

Access to the subject site is along Delroy Road, however at 700 metres east of the site the road deviates into Lots 51 & 52 DP 755094 and Lot 1 DP 1199623 (are owned by W R Tink). It is noted that the subject site Lot 6 DP 755102 (is owned by A R Tink).

Comments from Council's Infrastructure Division:

- Delroy Road is a gravel road and is owned and maintained by Council. This was transferred from the Crown to Council on 13 August 2021 as per Gazette Notice (attached). The road formation is mostly contained within the road reserve, however there are departures where the physical road formation is located on private property. This portion of the physical road shall be dedicated as road reserve lots, with sketch provided. This shall include the dedication of part (2 km) of the Crown Road Transfer to Council.
- A report to Council (Local Government Act Cl.377) would be required for a mandate to have the land dedicated to Council. After which an ISEPP 'DA exempt' Subdivision Certificate could be used.

- A Traffic Impact Assessment of the construction traffic is required at the intersection of Minore Road and the Newell Highway and the roundabout with St Andrews Drive.
- A dilapidation report to be undertaken on Minore Road prior to construction and repairs be made to the preconstruction condition of Minore Road.
- Delroy Road shall be upgraded from the site access to the intersection of Delroy and Minore Roads (including the bridge underpass) with priority given to Minore Road traffic.
- Carriageway widths and elements are to be based on Austroads' Guide to Road Design for both the construction and end use traffic for a rural road.
- Seal Delroy Road from Minore Road to the entrance to the proposed development (30L Delroy Road).
- As part of the construction phase, attention will be required to assist the movement of large vehicles at this intersection.
- From an engineering perspective it is acknowledged that there will be an increase in traffic during construction. The network is considered as being able to accommodate a mix of traffic types and volumes. In this regard Council is considering:
  - Proposing a reduced speed limit for the development's heavy vehicle traffic to 80km/h (in the 100km/h zone) and 50km/h along Delroy Road should be applied to the haulage route from the Newell Highway.
  - We are also proposing strategically placed "trucks caution" symbolic type warning signs could be installed along Minore Road for enhanced awareness.
- North Minore Road is a Road Train Route to the North Minore Silos, from and returning to the Mitchell Highway. It is likely that B-Doubles could shortcut access between the Mitchell and Newell Highways as indicated by a resident submission. It is noteworthy that Transport for NSW in their submission has called out the need to do more analysis:
  - Council is not aware of a significant increase in B-Doubles on this route. Traffic counters on these roads would be required to prove that assertion. B-Double vehicles will need to be under permit for access to the Solar Farm.
  - General Truck and Dog access is legally permitted on all roads with Performance Based Standards (PBS) vehicles under a permit. It is worth noting that the whole of the Local Government Area (LGA) and Dubbo urban area has experienced a significant increase in Truck and Dog vehicles.

#### (5) Community Benefit Sharing Program

The information provided by the Proponent includes that they are seeking to implement a Community Benefit Sharing Program. It is unsure as to what this means, overall program objectives and available level of funding for such a program. Council can advise that staff have recently met with the Proponent to discuss this issue and the overall development. This included a discussion around the fact that a Planning Agreement will be sought between Council and the Proponent. It is also anticipated that Council will meet again with the Proponent in the coming weeks to further discuss such an agreement and terms. It would be appreciated if the Department of Planning, Infrastructure and Environment acknowledge the

fact that Council has commenced working towards this outcome with the Proponent and condition as part of any development approval for this outcome to be achieved.

As part of these discussions, Council has raised the issue of housing for the consideration of the Proponent and what possible mechanisms could exist to assist the housing issues currently being experienced in the Dubbo and Wellington communities. Council is happy to further advise the Department of the deliberations of such discussions. However, to achieve this outcome, the support of the Department for the Planning Agreement to progress is strongly urged.

(6) Planning Instruments

The EIS fails to recognise the draft Planning Instrument being the merging of Dubbo Local Environmental Plan 2011 and Wellington Local Environmental Plan 2012.

(7) Waste

The EIS makes reference to various waste facilities within Dubbo, but all commercial waste shall be directed to the Whylandra Waste and Recycling Centre.

If you have any enquiries in this matter, please do not hesitate to contact Council's Manager Building and Development Services, Darryll Quigley on 6801 4000 during normal office hours.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephen Wallace', with a stylized flourish extending to the right.

*Stephen Wallace*  
Director Development and Environment

## ROADS ACT 1993

### ORDER

#### Transfer of Crown Road to a Council

In pursuance of the provisions of Section 152I of the *Roads Act 1993*, the Crown road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

The Hon Melinda Pavey, MP  
Minister for Water, Property and Housing

#### SCHEDULE 1

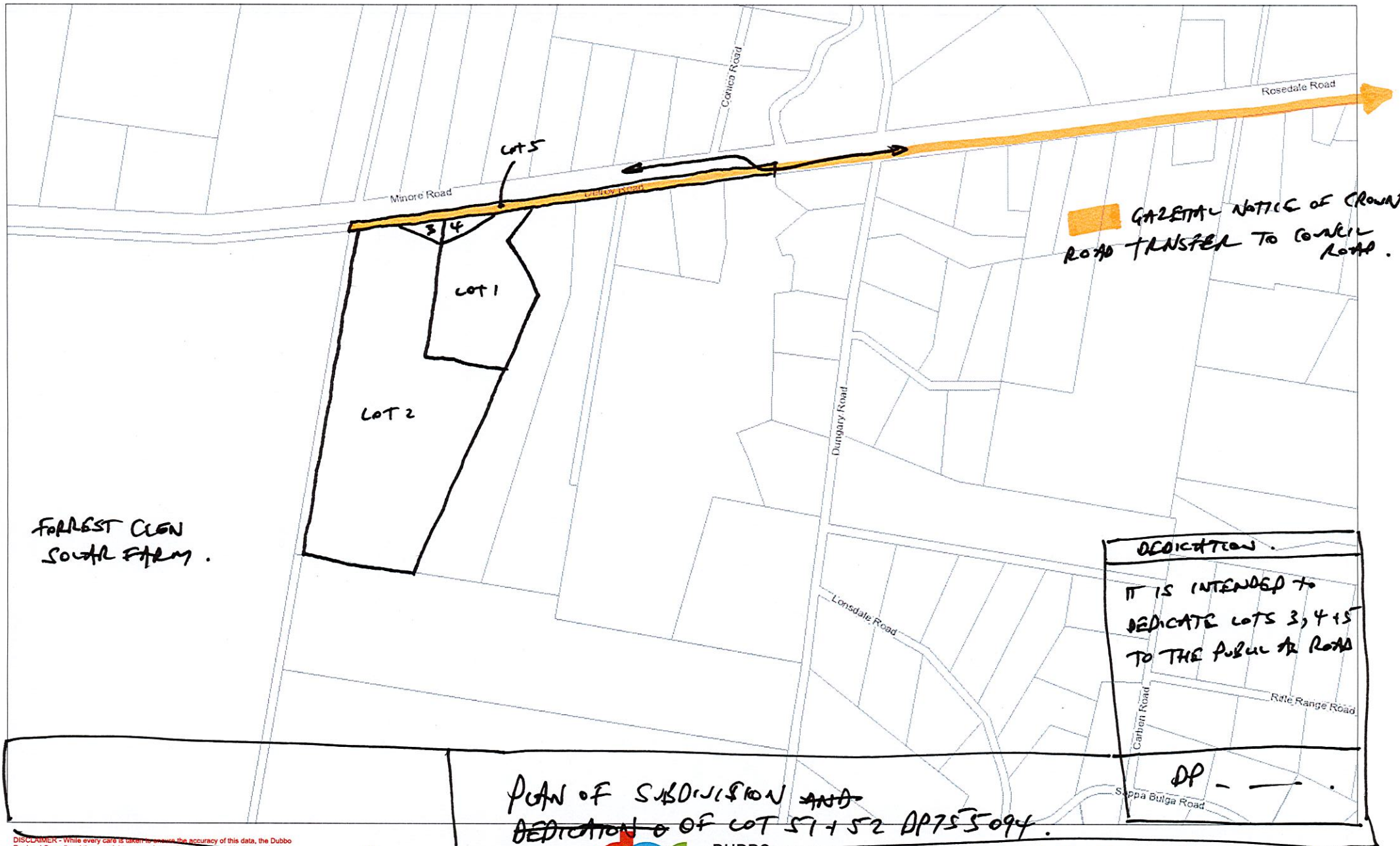
Parish: Burrabadine  
County: Narromine  
Land District: Dubbo  
LGA: Dubbo Regional Council

DESCRIPTION: Crown road commencing at the north eastern corner of Lot 1 DP 1217589, then continuing south to the north eastern corner of Lot 52 DP 755094 for the full width of the road, as shown on the diagram below.

#### SCHEDULE 2

Roads Authority: Dubbo Regional Council  
DPIE Ref: 21/05792





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Road Dedication Request - Forrest Glen Solar

817 0 409 817

Meters

Projection: Transverse Mercator

Coordinate system: MGA (GDA94) Zone 55