

Parcel 46576
AD18/3435
DTQ:EMMX

Your ref: SSD 8573



1 February 2018

Ms Donnelley
Senior Planner
Resource & Energy Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Director - Resource and Energy Assessments

Property: Lot 102 DP 2987, 6808 Goolma Road, Wuuluman

STATE SIGNIFICANT DEVELOPMENT 8573 – PROPOSED WELLINGTON SOLAR FARM

PROPERTY: Lots 89-92, 99 and 102-104, DP 2987, Lot 1, DP 34690, Lot 1, DP 520396, Lot 2, DP 807187 and a road closure. 6808 Goolma Road, Wuuluman

I refer to the abovementioned State Significant Development 8573, which was placed on public exhibition relating to a proposed solar farm at the abovementioned property.

The following comments are provided following a review of the submitted Environmental Impact Statement (EIS) and an inspection of the site:

- With regard to Wellington Council's Section 94A Developer Contribution Plan 2012, it is noted that it applies to the entire former Wellington Local Government Area and levies are payable at the rate of 1% of the proposed development cost. Given the proposal has a capital investment cost of \$269,400,000 the applicable levy would be \$2,694,000.00.

The Section 94A Contribution Plan does make exemptions for development "... where there is no increase in future demand on public amenities and services." Council acknowledges that following the initial construction of the solar farm there will be negligible impact upon public amenities and services.

However, there is the initial impact of the construction period upon Council's road network and other public amenities and services. Furthermore, the removal of agricultural land may result in a loss of productive rural land and a decreased local population which can impact detrimentally upon local services (schools, police, health) due to the potentially reduced population numbers.



All communications to: **THE GENERAL MANAGER**

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Council would be prepared to consider a Voluntary Planning Agreement to offset potential impacts.

- The subject site comprises various watercourses and as such, the proposal may be defined as Integrated Development, under Section 91 of the Act. The NSW Office of Water should be contacted to provide advice accordingly.
- The proposal has only two regulatory building aspects, being the change in building use of the existing homestead (dwelling) to an 'Operations and Maintenance' building; and bushfire protection.

Change in Building Use

The EIS identifies (page xix) that the existing dwelling on the subject land is to be converted into the development's 'Office and Maintenance' building, thus changing its classification under the BCA from Class 1a to Class 5 and 8.

The EIS does not appear to identify what upgrading is proposed to be undertaken to the building to facilitate such Change in Building Use. In this regard, either clause 93 or 94 of the Environmental Planning and Assessment Regulation 2000 would have to be addressed.

Bushfire Prone Land

The subject land is partly designated as being Bushfire Prone by reason that a small proportion of the development site is designated Bushfire Vegetation Category 1 and under the RFS Commissioner's Bush Fire Prone Land Map. Despite the designation arising from the bushfire mapping, the land is also bushfire prone by reason of the grassland hazard present on the land.

The EIS addresses criteria contained in Planning for Bushfire Protection 2006 (PBP 2006). However, the following initial observations are made.

- The consultant in paraphrasing provisions from the PBP has made no allowance for the fact that many of its references are out of date as a consequence of the new Appendix Appendix 3 replacing the original Appendix 3 in the PBP in 2010.
- The reference in the EIS (page 206) to Level 3 Construction and only a 10m APZ for woodlands is erroneous. The 10m APZ would appear to have been taken from Table A2.5, but this table only relates to the **subdivision** of land for Residential and Rural Residential purposes, which this development is not.
- The development proposal does involve new building works, but none are for a residential building. The converted office building (the existing dwelling) will be exposed only to predominantly grassland vegetation. The new development does not appear to impact upon road access, travel distances, existing services or any

other bushfire assessment attributes under *Planning for Bushfire Protection 2006*. The new office/maintenance building will achieve the minimum set-back distances required for Type C Construction commercial/industrial buildings (3m) to comply with the BCA.

- The New South Wales Rural Fire Service has issued Practice Note 1/11 - *Telecommunications Towers in Bush Fire Prone Areas* which relates to telecommunication towers in bush fire prone areas. Council has routinely applied the provisions of that document to not only telecommunication facilities, but solar farms, which have similar electrical infrastructure.

“When the RFS is asked for comment on new towers or for existing towers, a 10 metre APZ from the tower/ buildings/ infrastructure associated with the tower shall be provided.”

A portion of the subject site (Lots 102-104 DP 2987, No.6808 Goolma Road) is zoned R5 Large Lot Residential under Wellington Local Environmental Plan 2012. This area was rezoned to accommodate possible rural/residential development associated with the Wellington Gaol. The genesis of the current zoning is not clear and it is not the subject of an adopted Council Rural/Residential land use strategy.

Council in 2013 did however develop the attached draft Rural Land Use Strategy, while not adopted by Council it may provide some guidance.

The Environmental Impact Statement (EIS) refers to State Environmental Planning Policy (SEPP) (Rural Lands), 2008. However, the EIS does not address the issue of removing agricultural land from production or even the impact of solar farms upon the soil structure and future use of the site following the removal of the solar farm. Consequently, it would seem appropriate that any assessment should consider the proposed development in terms of the Aims and Planning Principles outlined under the SEPP.

Comments received from Council’s Infrastructure and Operations Division are as follows:

- The use of Goolma Road for access to the site, requires NSW Road and Maritime Services (RMS) approval. Consultation should be undertaken with the RMS.
- No details have been provided regarding a breakdown of the vehicles by type, specifying Gross Vehicle Mass, vehicle length and expected daily volumes travelling to the site.
- Some upgrading of the Goolma Road intersections will be required to accommodate B-Double truck movements may also be identified, the requirement should come from the RMS.

- As Council is maintaining Goolma Road, applicant needs to apply for a Section 138 application to Dubbo Regional Council including the construction of a suitably culverted vehicular access off Goolma Road.

I trust this is of assistance and look forward to receiving the completed Environmental Impact Statement and making further comment and appreciate the opportunity to provide comments on this project.

If you have any enquiries in this matter, please do not hesitate to contact Council's Statutory Planning Services Team Leader, Darryll Quigley, during normal office hours, on 6801 4000.

Yours faithfully

Melissa Watkins

Director Planning and Environment