

Parcel 44877
dtq

6 July 2018



Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Homsey

**RE: State Significant Development 8696
Lots 1, 2 & 3 DP 506925, Lot 122 DP 753238 & Lot 90 DP 657805,
No.909 Suntop Road, Suntop**

I refer to the Department's email dated 30 May 2018, inviting comments on the Development Application for the proposed solar farm located at the abovementioned property.

The following comments are provided to assist in the determination of the development application:

- The submitted Environmental Impact Statement (EIS) prepared by Pitt & Sherry and dated May 2018, states that the proposal has an estimated capacity of 170 MW, reduced from 260MW as stated in the Preliminary Environmental Assessment (PEA).
- As stated in Council's correspondence dated 20 September 2017 regarding the PEA, a 2nd order waterway is noted as traversing the site. The PEA in section 2.2 identifies that development "... will avoid the existing surface water bodies on the site where possible including a buffer of 40m between infrastructure and any waterway."

No such statement has been provided in the submitted EIS, nor does it appear that the NSW Office of Water were contacted to provide any advice.

- The PEA in section 2.4.1 makes reference to the solar farm's construction in "... 1ha stages – with up to 10 stages ...". The submitted EIS makes no reference to the construction of the development in 'stages'.
- The EIS in Section 3.3.1 Key infrastructure components, refers to 'two maintenance storage containers'. No details have been provided regarding location, screening, footings, etc.

All communications to: **CHIEF EXECUTIVE OFFICER**

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- The EIS in Section 3.3.4 Decommissioning, addresses the issue, but the issue remains as to how is this achieved, how is this enforced? Council may be unaware that a site is closing down and the site could be left in poor condition, especially for agricultural pursuits.
 - The Dark Sky Planning Guideline is briefly addressed in the EIS Table 4.1, but there is an omission in the Table. It has failed to indicate that as from *** any State Significant Development proposal located within 200 km of the Siding Spring Observatory, must take into consideration the *Dark Sky Planning Guideline* when preparing its environmental impact statement. This statutory provision from subclause 92(1)(d)(ii) of the Regulation has been left out of the Table despite the provisions of Clause 92 being mentioned. To ensure completeness of the application and the Department's assessment, it is recommended that the oversight be corrected.
 - The EIS refers to State Environmental Planning Policy (Rural Lands) 2008. Whilst this proposal does not involve the subdivision of land or the erection of a dwelling on the subject RU1 land, it will remove prime agricultural land from production. Consequently, it would seem appropriate that any assessment should consider the proposed development in terms of the Aims and Planning Principles outlined under such SEPP, at least for the purposes of Section 4.15 of the Act.
 - Council's Technical Services Department (engineering) notes the Roads & Maritime Services comments for the proposed development, and provides the following comments:
 - A s138 application shall be made to Dubbo Regional Council for the construction of any permanent or temporary new access along Suntop Road;
 - Details of the permanent and temporary driveways shall be submitted to Council prior to any construction works, noting that the access driveways are to be designed and constructed of sufficient width at the roadway and the property boundary alignment such that a 'Semi-trailer' 19.0m in length (utilising the Austroads design templates, and a turning speed of 5-15 km/hr) is able to access the subject land in a forward motion from the through travel lane(s) of Suntop Road without the need to cross over onto the wrong side of the road at any time;
 - Dilapidation Report on Suntop Road shall be submitted to Council prior to any construction works, and also another Dilapidation Report is required after completion of the construction works noting that any damage to Suntop Road, Renshaw McGirr Way and Showground Road will be required to be rectified at applicant's cost, as soon as possible; and
 - A maintenance schedule shall be submitted to Council prior to any construction works for Suntop Road, Renshaw McGirr Way and Showground Road for the construction period to allow for increase wear along the edges of the sealed pavement due to the increased passage of heavy vehicles.

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- It is noted on page 49 of the submitted EIS that the proposal includes the subdivision of land. The EIS states that *“A subdivision of Lot 3 DP 506925 is proposed as part of the purchase agreement, such that the current Landowner can continue to operate separately from the proposed solar farm (Lot 1).”*

The proposed solar farm is to be located on Lot 2, so the slight error should be noted.

Figure 4-2 indicates the proposed Lot 1 (4 ha) which the current landowner is looking to retain. However, the configuration of this lot is irregular, having a 1.128 kilometre handle and the current landowner doesn't own the adjoining lot to the west (Lot 53 DP 753238 No.841 Suntop Road, Suntop – Mr J J & Mrs A G O'Brien). So the question arises as to what is being operated separately from the proposed solar farm.

The proposed lot is below the minimum lot size (400 ha) and as such Council would object to the further fragmentation of rural land.

Further to the above, the surveyor (Mr Smith) separately contacted Council on 19 June 2018, regarding the intended use of proposed Lot 1 for the purpose of a substation to be owned by Transgrid.

Prior to this, the surveyor (Mr Smith) separately contacted Council on 3 May 2018, regarding the intended use of proposed Lot 1 by the current landowner, comprising sheds, silos and possibly the dwelling. Given the configuration of the proposal, the fragmentation of land, the failure to meet the minimum lot size requirement, Council stated that it wouldn't support such a proposal.

It would appear that the current landowner and the applicant have not resolved the future of the subject site, well Lot 3 DP 506925 anyway. The matter needs to be resolved prior to determination of the application.

- The former Wellington Council's Section 94A Developer Contribution Plan 2012, levies are payable at the rate of 1% of the proposed development cost. Given the proposal has a capital investment cost of \$262,000,000 the applicable levy would be \$2,620,000.00.

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, maintains the view that the subject development will have an impact via the loss of viable RU1 Primary Production from the available Wellington land supply chain.

Alternatively, the applicant may wish and it is Council's preferred option that a Planning Agreement (constituting a Community Benefit Fund) should be entered into and conditioned upon any Development Consent.

The subsequent Planning Agreement would need to be ratified through the standard legislative procedures (ie. draft adopted by Council, public exhibition, report back to Council adopting the Planning Agreement).

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

Yours faithfully

Darryll Quigley
Manager Building & Development Services