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Coonabarabran - Coolah - Dunedoo - Baradine - Binnaway - Mendooran

Please address all mail to:
The General Manager

Please refer enquiries to:

12 November 2020

Karl Okorn
Email: karl.okorn@planning.nsw.gov.au

Dear Sir,

RE: PROPOSED DUNEDOO SOLAR FARM – SUBDIVISION OF LAND (17-362)

I would like to submit a representation from Warrumbungle Shire Council for further consideration on the proposed subdivision component for the Dunedoo Solar Farm.

Council has reviewed the proposed subdivision of the land required to necessitate the solar farm development and provides the following comments:

- The locality is rural in nature and agricultural activities predominant the locale. Given the existing dwelling is currently located on an 29.102 ha allotment, the proposed reduction to a 23.472 ha allotment raises concerns that this is simply a large 'concessional lot', that the site will not be used for any commercially viable agricultural activity and future occupants may complain or restrict/limit the agricultural activities occurring on the adjoining allotments after the solar farm operation period is completed.

To reduce the lot with the dwelling by approximately 19.35% down to 23.472 ha is making a poor situation worse, increasing fragmentation/sterilisation of rural land in the locality.

- Warrumbungle Local Environmental Plan 2013

The proposed subdivision is considered to be contrary to the aim of subclause 2(c) in that the proposal discourages the retention of productive rural land for agriculture, by creating 5 lots significantly under the minimum lot size of 600ha.

Clause 2.3 Zone objectives and Land Use Table

The proposed development *does not* comply with the relevant objectives of the RU1 Primary Production zone, as follows:

- The proposal does not minimise the fragmentation and alienation of resource lands, nor does it minimise conflict between land uses within the zone.

- The proposal results in increased fragmentation of the site and the immediate locale, threatening future use for agriculture or primary production.

Clause 4.2 Rural subdivision

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

Subclause (2) states that the clause applies to the subject site, zoned RU1 Primary Production.

(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

The flexibility component generally allows for allotments to be subdivided for agricultural purposes and subsumed into adjoining properties, while maintaining substantial / viable agricultural on all allotments.

Your letter seems to indicate that the proposed allotment size changes will enable the existing rural dwelling and the associated land (23.472 ha) to be used for agricultural purposes, but the size of the lot clearly limits any potential.

It is considered the proposed development may have a detrimental impact on the existing and likely future amenity of the locality, in that the proposed lot containing the dwelling is too small to function as an agricultural entity and will simply exist as a rural/residential property, which is contrary to the objectives of the zone and detrimental to the operation of large scale agricultural properties.

It is therefore considered that the proposed subdivision fails to meet the requirements of the *Environmental Planning and Assessment Act 1979*, *Warrumbungle Local Environmental Plan 2013* and the *Warrumbungle Development Control Plan 2015* with regard to minimum lot size, objectives of the zone and locality and it is considered likely to have a significant negative impact upon the future amenity of the locality once the solar farm operation has ceased.

Council through the LEP is unable to provide it's support for the proposed subdivision for the following reasons:

1. The proposal fails to meet the Rural Subdivision Principles with regard to the minimisation of rural land fragmentation and likely rural land use conflicts.
2. The proposal is contrary to rural land subdivision, in that all lots are proposed to be less than the minimum size permitted for the land, upon which an existing dwelling would also be situated on one of these lots.
3. The proposal is incompatible with the existing land sizes in the vicinity of the development and is likely to have a significant impact on land use that are the predominant land uses in the vicinity.

4. The proposal is contrary to an 'aim of Plan' in that it discourages the retention of productive rural land for agriculture, with the creation of a 23.472 ha allotment containing a dwelling and 4 additional lots all significantly under the minimum lot size of 600ha.
5. The proposal is contrary to an objective of the RU1 Primary Production zone, in that it does not minimise conflict between land uses within the zone.
6. The proposal is contrary to the objectives of the 'minimum subdivision lot size' requirements with regard to rural land fragmentation and likely rural land use conflicts. (Environmental Planning & Assessment Act, 1979, s4.15(1)(a)(i) Warrumbungle Local Environmental Plan 2013, clause 4.1 Minimum subdivision lot size).
7. The proposal is contrary to the 'minimum lot size' requirement for rural subdivision, with one (1) proposed lot also having an existing dwelling situated upon that lot. (Environmental Planning & Assessment Act, 1979, s4.15(1)(a)(i) Warrumbungle Local Environmental Plan 2013, clause 4.2(4) Rural subdivision).
8. The proposal is likely to result in social and economic impacts should the proposed subdivision be approved. The resulting fragmented rural lands locale would become an unserviced area, with no community facilities and detrimentally impacting upon the remaining agricultural activities. (Environmental Planning & Assessment Act, 1979, s4.15(1)(b)).
9. The proposal is likely to have a detrimental impact on the existing and future amenity of the locality, given the size of proposed lot with an existing dwelling, being utilised as a rural/ residential property. (Environmental Planning & Assessment Act, 1979, s4.15(1)(c)).

Council appreciates being given the opportunity to comment during this stage of the development process and advises that should you require further information about the content of this letter please contact Council's Town Planner, Miss Ashleigh Stewart on 02 6849 2000.

Yours faithfully



KEN STRATTON
MANAGER PLANNING AND REGULATION