



AGENDA DEVELOPMENT AND ENVIRONMENT COMMITTEE 12 APRIL 2021

MEMBERSHIP: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker, J Ryan and B Shields.

The meeting is scheduled to commence at 5:30pm.

	Page
DEC21/11 LEAVE OF ABSENCE (ID21/493)	
DEC21/12 BUILDING SUMMARY - MARCH 2021 (ID21/489) The Committee had before it the report dated 31 March 2021 from the Director Development and Environment regarding Building Summary - March 2021.	2
DEC21/13 PLANNING AGREEMENTS POLICY FOR SOLAR AND WIND ENERGY FARMS IN THE DUBBO REGIONAL LOCAL GOVERNMENT AREA (ID21/397) The Committee had before it the report dated 26 March 2021 from the Manager Growth Planning regarding Planning Agreements Policy for Solar and Wind Energy Farms in the Dubbo Regional Local Government Area.	15



DUBBO REGIONAL
COUNCIL

REPORT: Building Summary - March 2021

AUTHOR: Director Development and
Environment
REPORT DATE: 31 March 2021
TRIM REFERENCE: ID21/489

EXECUTIVE SUMMARY

Information has been prepared on the statistics of the number of dwellings and other residential development approved in the Dubbo Regional Local Government Area (LGA) together with statistics for total approved Development Applications for the information of Council.

Appendix 1 relates specifically to residential approval figures, and includes both historical and current financial year data relating to the Dubbo Regional LGA. **Appendices 2 to 5** include both the current and retrospective figures for all development types approved within the Dubbo Regional LGA for the financial years stated.

All development applications, construction certificates and complying development certificates can be tracked online at <https://planning.dubbo.nsw.gov.au/Home/Disclaimer>.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the information contained within the report of the Director Development and Environment dated 31 March 2021 be noted.

Stephen Wallace

Director Development and Environment

REPORT

Provided, for information, are the latest statistics (as at the time of production of this report) for Development Applications for Dubbo Regional Council.

1. Residential Building Summary

Dwellings and other residential developments approved during March 2021 were as follows:

March

Single dwellings	30
Other residential development	5
(No. of units)	8

For consistency with land use definitions included in the Local Environmental Plan (LEP), residential development has been separated into 'Single Dwellings' (defined in the LEP as 'dwelling house') and 'Other residential development' (comprising 'dual occupancies', 'secondary dwellings', 'multi dwelling housing', 'seniors housing', 'shop top housing' and 'residential flat buildings').

These figures include development applications approved by private certifying authorities (in the form of Complying Development Certificates).

A summary of residential approvals for the former Dubbo City Council area since 2011-2012 is included in **Appendix 1**. However, it should be noted that the figures from July 2017 onwards include the approvals within the former Wellington Local Government Area as a consequence of the commencement of the merged application system.

2. Approved Development Applications

The total number of approved Development Applications (including Complying Development Certificates) for March 2021, a comparison with figures 12 months prior and the total for the respective financial years, are as follows:

	<u>1 March 2021 – 31 March 2021</u>	<u>1 March 2020 to 31 March 2020</u>
No. of applications	83	48
Value	\$16,592,856	\$15,670,044
	<u>1 July 2020 – 31 March 2021</u>	<u>1 July 2019 – 31 March 2020</u>
No. of applications	707	540
Value	\$149,824,210	\$126,168,907

A summary breakdown of the figures is included in **Appendices 2-5**.

3. Online Application Tracking

All development applications, construction certificates and complying development certificates are tracked online and can be accessed at any time. A link is available on Councillor iPads for assistance (<https://planning.dubbo.nsw.gov.au/Home/Disclaimer>).

What information is available?

- All development applications, construction certificates and complying development certificates submitted from 1 November 2015 will provide access to submitted plans and supporting documents as well as tracking details of the progress of the application.
- More limited information is provided for applications submitted from 1 January 2001 to 31 October 2015.
- Occupation certificates (where issued) are provided from 2010.

What information is not available?

- Application forms.
- Floor plans for residential dwellings.
- Documentation associated with privately certified applications.
- Internal reports.

Councillors are welcome to contact me should they require further information in respect of outstanding Development Applications emanating from the online tracking system.

The information included in this report is provided for notation.

Appendices:

- [1](#) Building Summary - March 2021
- [2](#) Approved Applications - March 2021
- [3](#) Approved Applications - March 2020
- [4](#) Approved Applications - 1 July 2020 to 31 March 2021
- [5](#) Approved Applications - 1 July 2019 to 31 March 2020

STATISTICAL INFORMATION ON *SINGLE DWELLINGS AND **OTHER RESIDENTIAL DEVELOPMENTS

		JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
DCC	2011/2012													
	Single Dwellings	6	12	10	6	7	16	4	16	12	8	12	9	118
	Other Residential Developments (No of units)	1 (14)	1 (2)	- (-)	1 (1)	2 (4)	2 (3)	- (-)	- (-)	- (-)	- (-)	- (-)	1 (16)	8 (40)
DCC	2012/2013													
	Single Dwellings	3	7	14	13	9	3	9	9	13	13	15	13	121
	Other Residential Developments (No of units)	4 (8)	6 (6)	- (-)	- (-)	1 (2)	9 (11)	- (-)	- (-)	1 (2)	- (-)	2 (39)	- (-)	23 (68)
DCC	2013/2014***													
	Single Dwellings	23	17	25	20	14	15	19	10	18	14	19	14	208
	Other Residential Developments (No of units)	- (-)	1 (2)	1 (2)	- (-)	- (-)	1 (2)	4 (46)	2 (1)	1 (2)	2 (4)	- (-)	3 (6)	15 (65)
DCC	2014/2015***													
	Single Dwellings	19	34	19	21	13	16	14	12	20	19	15	20	222
	Other Residential Developments (No of units)	3 (6)	1 (2)	6 (31)	5 (50)	6 (6)	12 (21)	- (-)	4 (87)	2 (4)	1 (1)	9 (25)	5 (10)	54 (243)
DCC	2015/2016***													
	Single Dwellings	27	20	26	19	21	26	19	14	16	17	17	22	244
	Other Residential Developments (No of units)	6 (50)	8 (98)	8 (12)	4 (7)	1 (2)	3 (5)	3 (18)	3 (4)	3 (5)	5 (14)	3 (6)	8 (23)	55 (244)
DCC	2016/2017***													
	Single Dwellings	24	13	17	18	12	21	16	18	18	14	18	36	225
	Other Residential Developments (No of units)	8 (10)	5 (10)	7 (13)	4 (7)	6 (10)	5 (16)	3 (6)	2 (75)	1 (2)	5 (8)	4 (13)	7 (14)	57 (184)
DRC	2017/2018***													
	Single Dwellings	26	21	13	12	16	19	4	22	16	21	22	16	208
	Other Residential Developments (No of units)	6 (11)	9 (16)	2 (3)	1 (2)	9 (16)	1 (2)	5 (8)	5 (5)	11 (23)	1 (2)	3 (3)	5 (9)	58 (100)
DRC	2018/2019***													
	Single Dwellings	15	26	13	7	17	8	19	5	8	11	19	6	154
	Other Residential Developments (No of units)	3 (4)	4 (7)	3 (5)	- (-)	6 (11)	2 (29)	2 (4)	1 (1)	5 (12)	7 (25)	9 (15)	5 (10)	47 (123)

		JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
	2019/2020***													
DRC	Single Dwellings	16	11	8	18	27	14	4	5	10	8	8	8	137
	Other Residential Developments	4	4	3	4	11	6	1	4	2	1	1	1	42
	(No of units)	(8)	(7)	(6)	(7)	(19)	(10)	(2)	(7)	(2)	(2)	(2)	(1)	(73)
	2020/2021***													
DRC	Single Dwellings	7	17	21	12	20	46	18	25	30				196
	Other Residential Developments	5	2	5	6	3	15	2	6	5				49
	(No of units)	(7)	(4)	(11)	(10)	(4)	(35)	(5)	(10)	(8)				(94)

* Single Dwellings = Single 'Dwelling House'

** Other Residential Developments = Dual occupancies, secondary dwellings, multi dwelling housing, seniors housing, shop top housing and residential flat buildings

*** Includes private certifiers



Civic Administration Building
 P.O. Box 81 Dubbo NSW 2830
 T (02) 6801 4000
 F (02) 6801 4259
 ABN 53 539 070 928

Print Date: 31/03/2021

Print Time: 10:17:56AM

**Approved Development & Complying Development Applications
 by Dubbo Regional Council and Private Certifiers-Period 1/03/2021 - 31/03/2021**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	33	10,467,972	29	9,851,206	4	616,766	29	
Dwelling- Transportable/Relocatable	1	213,023	1	213,023			1	
Dwelling - Secondary/Dual Occ Dwelling	4	1,803,000	4	1,803,000			6	
Dwelling - Dual Occupancy, one storey	1	540,000	1	540,000			2	
Garage/Carport/Roofed Outbuildings	26	730,541	23	672,591	3	57,950		
Fences/Unroofed Structures	1	2,000	1	2,000				
Swimming Pool	7	249,820	7	249,820				
Office Building	1	275,000	1	275,000				
Retail Building	2	54,500			2	54,500		
Office & Retail Building	1	230,000			1	230,000		
Factory/Production Building	1	831,000	1	831,000				
Warehouse/storage	1	600,000	1	600,000				
Home Business	1	1,000			1	1,000		
Subdivision - Residential	3	10,000						6
Subdivision - Industrial	1	0						2
Subdivision - Rural	2	35,000						6
Miscellaneous	1	550,000	1	550,000				
Totals for Development Types	87	16,592,856						

Total Number of Applications for this period: 83

*** Note: There may be more than one Development Type per Development Application
 Statistics include applications by Private Certifiers

Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/03/2021 - 31/03/2021

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
------------------	------------------------	---------	------------------	---------	---------------------------	---------	---------------	----------

----- End of Report -----



Civic Administration Building
 P.O. Box 81 Dubbo NSW 2830
 T (02) 6801 4000
 F (02) 6801 4259
 ABN 53 539 070 928

Print Date: 31/03/2021

Print Time: 10:28:01AM

**Approved Development & Complying Development Applications
 by Dubbo Regional Council and Private Certifiers-Period 1/03/2020 - 31/03/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	12	3,180,039	9	2,885,997	3	294,042	9	
Dwelling - Secondary/Dual Occ Dwelling	3	171,910	3	171,910			3	
Dwelling - Dual Occupancy, one storey	1	380,000	1	380,000			2	
Garage/Carport/Roofed Outbuildings	17	251,795	16	244,005	1	7,790		
Swimming Pool	4	76,300	4	76,300				
Retail Building	1	20,000			1	20,000		
Office & Retail Building	1	80,000			1	80,000		
Retail & Residential Building	1	7,800,000	1	7,800,000				
Warehouse/storage	1	130,000			1	130,000		
Infrastructure - Transport, Utilities	2	145,000	1	140,000	1	5,000		
Educational Building	1	2,800,000			1	2,800,000		
Place of Worship	1	430,000			1	430,000		
Signs/Advertising Structure	1	5,000	1	5,000				
Demolition	1	0	1					
Agricultural Development	1	200,000	1	200,000				
Subdivision - Residential	2	0						4
Subdivision - Commercial	1	0						
Totals for Development Types	51	15,670,044						

Total Number of Applications for this period: 48

*** Note: There may be more than one Development Type per Development Application
 Statistics include applications by Private Certifiers

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/03/2020 - 31/03/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
-------------------------	-------------------------------	----------------	-------------------------	----------------	----------------------------------	----------------	----------------------	-----------------

----- End of Report -----



Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
F (02) 6801 4259
ABN 53 539 070 928

Print Date: 31/03/2021

Print Time: 10:30:00AM

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2020 - 31/03/2021**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	288	86,993,008	228	77,535,308	60	9,457,700	227	1
Dwelling- Transportable/Relocatable	4	814,800	4	814,800			4	
Dwelling - Secondary/Dual Occ Dwelling	37	11,754,795	37	11,754,795			60	
Dwelling - Dual Occupancy, one storey	13	5,421,200	13	5,421,200			24	
Dwelling - Dual Occupancy, >one storey	1	570,000	1	570,000			3	
Medium Density Res - one/two storeys	2	2,000,000	2	2,000,000			7	
Medium Density Res - Seniors Living SEPP	1	2,400,000	1	2,400,000			10	
Garage/Carport/Roofed Outbuildings	189	4,908,916	182	4,777,885	7	131,031		
Fences/Unroofed Structures	5	60,750	4	41,500	1	19,250		
Swimming Pool	83	2,277,857	83	2,277,857				
Office Building	9	1,891,773	1	275,000	8	1,616,773		
Retail Building	12	5,163,556	1	4,000,000	11	1,163,556		
Hotels	1	460,000			1	460,000		
Office & Retail Building	5	1,649,500	2	1,360,000	3	289,500		
Factory/Production Building	7	3,777,247	3	1,325,000	4	2,452,247		
Warehouse/storage	8	3,827,000	7	3,770,000	1	57,000		
Infrastructure - Transport, Utilities	3	3,280,000	3	3,280,000				
Educational Building	2	1,924,500	1	1,900,000	1	24,500		
Place of Worship	1	1,000,000			1	1,000,000		
Community/Public Building	1	80,000			1	80,000		
Signs/Advertising Structure	11	370,015	8	309,815	3	60,200		
Demolition	6	58,000	1	2,000	5	56,000		

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2020 - 31/03/2021**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Home Business	1	1,000			1	1,000		
Change of Use - Commercial	9	330,000	3	70,000	6	260,000		
Change of Use - Industrial	2	0			2			
Agricultural Development	2	300,000	2	300,000				
Parks/Reserves	1	72,000	1	72,000				
Subdivision - Residential	28	3,211,000	1					2
Subdivision - Commercial	1	27,000						2
Subdivision - Industrial	4	828,000						10
Subdivision - Rural	5	45,000						10
Miscellaneous	8	4,310,000	6	4,266,000	2	44,000		
Alterations and additions to commercial	1	17,293			1	17,293		
Totals for Development Types	751	149,824,210						

Total Number of Applications for this period: 707

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



Civic Administration Building
P.O. Box 81 Dubbo NSW 2830
T (02) 6801 4000
F (02) 6801 4259
ABN 53 539 070 928

Print Date: 31/03/2021

Print Time: 10:39:23AM

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2019 - 31/03/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Dwelling - single	161	47,186,198	132	44,360,824	29	2,825,374	132	
Dwelling- Transportable/Relocatable	1	269,100	1	269,100			1	
Dwelling - Secondary/Dual Occ Dwelling	35	8,284,079	35	8,284,079			57	
Dwelling - Dual Occupancy, one storey	17	7,045,000	17	7,045,000			32	
Dwelling - Dual Occupancy, >one storey	1	795,625	1	795,625			2	
Garage/Carport/Roofed Outbuildings	153	2,427,758	136	2,082,954	17	344,804		
Fences/Unroofed Structures	7	157,500	7	157,500				
Swimming Pool	57	1,639,695	57	1,639,695				
Office Building	9	1,502,000	3	1,110,000	6	392,000		
Retail Building	14	4,044,010	3	2,000,000	11	2,044,010		
Hotels	2	95,000			2	95,000		
Hostels, Boarding House	1	10,000			1	10,000		
Office & Retail Building	1	80,000			1	80,000		
Retail & Residential Building	1	7,800,000	1	7,800,000				
Factory/Production Building	4	2,050,000	3	1,570,000	1	480,000		
Warehouse/storage	6	2,192,000	5	2,062,000	1	130,000		
Infrastructure - Transport, Utilities	9	666,983	5	478,970	4	188,013		
Health Care Facility - Other	1	15,000	1	15,000				
Educational Building	4	7,374,000	1	4,500,000	3	2,874,000		
Place of Worship	1	430,000			1	430,000		
Entertainment/Recreational Building	2	119,632	1		1	119,632		
Community/Public Building	5	1,050,000	2	700,000	3	350,000		

**Approved Development & Complying Development Applications
by Dubbo Regional Council and Private Certifiers-Period 1/07/2019 - 31/03/2020**

Development Type	Number of Applications	Est. \$	New Developments	Est. \$	Additions and Alterations	Est. \$	New Dwellings	New Lots
Signs/Advertising Structure	7	214,300	6	191,500	1	22,800		
Demolition	7	106,109	3		4	106,109		
Home Business	2	0			2			
Change of Use - Commercial	15	340,120	7	23,800	8	316,320		
Agricultural Development	1	200,000	1	200,000				
Tourism Development	2	3,455,000	1	2,800,000	1	655,000		
Subdivision - Residential	20	23,254,000	4	12,684,000				18
Subdivision - Commercial	4	2,055,898						2
Subdivision - Industrial	4	13,600						4
Subdivision - Rural	3	0						9
Subdivision - Other	2	9,000						
Miscellaneous	8	1,287,300	6	1,270,300	2	17,000		
Totals for Development Types	567	126,168,907						

Total Number of Applications for this period: 540

*** Note: There may be more than one Development Type per Development Application
Statistics include applications by Private Certifiers

----- End of Report -----



REPORT: Planning Agreements Policy for Solar and Wind Energy Farms in the Dubbo Regional Local Government Area

AUTHOR: Manager Growth Planning
REPORT DATE: 26 March 2021
TRIM REFERENCE: ID21/397

EXECUTIVE SUMMARY

Council, at its meeting on 7 December 2020, considered a report in respect of a proposed Draft Planning Agreement Policy for Solar and Wind Energy Farms and resolved, in part:

2. *That the draft amended Planning Agreement Policy ... be adopted for the purposes of undertaking detailed community and stakeholder consultation.*
3. *That the draft Planning Agreement Policy for Solar and Wind Energy Farms be placed on public display for a period of no less than 28 days and in accordance with the provisions of the Environment Planning and Assessment Act 1979.*
4. *That following completion of the public exhibition period a further report be provided to Council, including any submissions received during the public exhibition period."*

The report was prepared by Council in light of the growth in Solar and Wind Energy Farm developments in the Dubbo Regional Local Government Area (LGA), recognising that the impacts of such developments needs to be carefully considered and planned for, including any impacts on the community.

The proposed Draft Policy requests developers of both Solar Energy Farms and Wind Energy Farms across the LGA to enter into a Planning Agreement with Council for the following values:

- \$3,350 per wind turbine proposed to be installed paid to Council per annum (subject to CPI) for applicable Wind Farms;
- \$3,500 per Mega Watt of Alternating Current [AC] installed capacity [energy exported to the grid] paid to Council (subject to CPI) from applicable Solar Energy Farms.

The proposed Policy was placed on public exhibition from 15 January 2021 to 19 February 2021 for a total of 36 days. A total of three submissions were received during this period from members of the community. Issues raised in the public submissions are further discussed in the report.

Following the conclusion of the public exhibition period, Council staff have made some minor changes to the draft Policy. It is considered that none of the changes made are inconsistent with the overall Policy direction of Council in respect of Solar and Wind Energy Farms in the Dubbo Regional Local Government Area.

It is recommended that the proposed Planning Policy for Solar and Wind Energy Farms be adopted by Council, as amended, and included here in **Appendix 1**.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. The Voluntary Planning Agreement process requires approval from Council to enter into or vary an existing Voluntary Planning Agreement. The individual financial implications associated with every agreement will be required to be considered by Council for future proposals.

POLICY IMPLICATIONS

If endorsed by Council, this report will adopt the subject draft amended Policy for Solar and Wind Energy Farms.

RECOMMENDATION

1. That the report from the Manager Growth Planning, dated 26 March 2021, be noted.
2. That Council adopt the draft Policy as attached as Appendix 1 of this report.
3. That an advertisement be placed in local print media advising of Council's adoption of the Planning Agreement Policy for Solar and Wind Energy Farms.
4. That the Planning Agreement Policy for Solar and Wind Energy Farms commence operation from the date it is advertised in the local print media.
5. That those who made submissions be acknowledged and advised of Council's determination in this matter.
6. That Council write to the NSW Department of Planning, Industry and Environment to notify the commencement of this Policy.

Steven Jennings
Manager Growth Planning

BACKGROUND

Council, at its meeting on 7 December 2020 considered a report in respect of the proposed Planning Agreement Policy for Solar and Wind Energy Farms. Council in support of the proposal resolved as follows:

- “1. That the report from the Senior Growth Planner dated 25 November 2020 be noted.*
- 2. That the draft amended Planning Agreement Policy as attached in Appendix 1 to the report of the Senior Growth Planner be adopted for the purposes of undertaking detailed community and stakeholder consultation.*
- 3. That the draft Planning Agreement Policy for Solar and Wind Energy Farms be placed on public display for a period of no less than 28 days and in accordance with the provisions of the Environmental Planning and Assessment Act 1979.*
- 4. That following completion of the public exhibition period a further report be provided to Council, including any submissions received during the public exhibition period.”*

The draft amended Policy was placed on public exhibition and submissions were invited from 15 January 2021 to 19 February 2021, for a total of 36 days. A total of three submissions were received during this period from members of the community. Issues raised in the public submissions are further discussed in this report.

REPORT

1. Existing Policy and Proposed draft amended Policy for Solar and Wind Energy Farms

Currently Council has a Planning Agreement Policy for Solar Energy Farms located within the former Wellington Local Government Area only. However, given the growth in both Solar and Wind Energy Farms across the Dubbo Regional LGA, it is proposed to amend this Planning Agreement Policy to include both Solar Energy Farms as well as Wind Energy Farms located anywhere in the Dubbo Regional LGA. The draft amended Policy is provided here, as **Appendix 1**.

The proposed draft amended Policy for Solar and Wind Energy Farms continues to recognise that the impacts of such development types need to be carefully considered and planned for, including any cumulative and ongoing impacts on the broader community.

The draft amended Policy requests developers of Solar Energy Farms as well as Wind Energy Farms to enter into a Planning Agreement with Council in the following manner:

- \$3,350 per wind turbine proposed to be installed paid to Council per annum (subject to CPI) for applicable Wind Farms,
- \$3,500 per Mega Watt of Alternating Current [AC] installed capacity [energy exported to the grid] paid to Council (subject to CPI) from applicable Solar Energy Farms.

The intent of the draft amended Planning Agreement Policy to ensure the following:

- To establish an efficient, fair, transparent and accountable framework governing the use of Planning Agreements by Council;
- To enhance planning flexibility in Council's area through the use of Planning Agreements;
- To enhance the range and extent of development contributions made by development towards public facilities in the Local Government Area; and
- To set out Council's specific policies on the use of Planning Agreements.

The proposed draft amended Policy will provide guidance to both Solar and Wind Energy Farms in the Dubbo Regional LGA and sets a framework for Council to negotiate Planning Agreements with future proponents.

2. What is a Planning Agreement?

Planning Agreements were introduced to the Environmental Planning and Assessment (EP&A) Act on 8 July 2005. A Planning Agreement is an agreement entered into by Council and a developer where the developer agrees to fund public amenities or infrastructure, dedicate land at no cost to Council, provide monetary contributions or any other material public benefit, for a public purpose. In accordance with the EP&A Act 1979, a public purpose includes any of the following:

- The provision of public amenities or services;
- The provision of affordable housing;
- The provision of transport or other infrastructure relating to land;
- The funding or recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- The monitoring of the planning impacts of development; and
- The conservation or enhancement of the natural environment.

The NSW Planning System allows for the consideration of the impacts of development on the community through Planning Agreements under the provisions of the EP&A Act 1979. The use of Planning Agreements has increased as a result of their flexibility in allowing councils to capture public benefits outside of the contributions planning structure where there is a need for an innovative and flexible approach to deliver public infrastructure and services.

The Planning Agreement process relies on a development proponent first making an initial offer to a Planning Authority (in this case Council). However, in respect of State Significant Developments, which are assessed and determined by the NSW Department of Planning, Industry and Environment, a condition of development consent can require a proponent to enter into a Planning Agreement.

3. Public Exhibition

The draft Planning Agreement Policy was placed on public exhibition from 15 January 2021 to 19 February 2021. The draft Policy was displayed at:

- Council's website - www.dubbo.nsw.gov.au
- Council's Customer Experience Centres – both Dubbo Office (Corner Church and Darling Street, Dubbo) and Wellington Office (Corner Nanima Crescent and Warne Street, Wellington)
- Macquarie Regional Library (Corner Macquarie and Talbragar Street, Dubbo) and Wellington Library (Corner Percy and Maughan Street, Wellington).

An advertisement was also placed in local print media (the Daily Liberal) on the following dates:

- 13 January 2021
- 20 January 2021
- 3 February 2021
- 10 February 2021
- 17 February 2021

A total of three submissions were received during the public exhibition period.

A summary of relevant comments from each submission are provided below, along with Council's comments.

Submission 1 – H Fuller

Submission 1, from H Fuller, dated 17 January 2021, noted that the submitter:

- would like to see *the VPA associated with CWP windfarm to be used in part in conjunction with TAFE and dedicated to providing educational opportunities for young people residing in the 2820 postcode*
- would like to see *the money used to create employment for young people residing in the 2820 postcode and that this be overseen by an independent CCC.*

Comment:

Although the submitter makes reference to the CWP windfarm, and using the funds in the Wellington area, the following comments are provided in respect of the draft Planning Agreements Policy for Solar and Wind Energy Farms:

The purpose of the revised Policy is to offset impacts from development on and for the benefit of the local community as a whole, extending benefit options to the entire Local Government Area.

The draft Policy for Planning Agreements for Solar and Wind Energy Farm projects will allow the community to seek funding for various local community projects. These projects will need to meet certain eligibility criteria and be considered by Council's Solar and Wind Farm Consultative Committee.

Submission 2 – N Barton

Submission 2, from N Barton, dated 21 January 2021, makes a number of comments about various matters relating to Solar and Wind Energy Farms. It is considered that Mr Barton's submission also raises a number of points that are not of direct relevance to this draft amended Policy. Notwithstanding, the majority of issues raised in Mr Barton's submission have been considered as part of this review process.

Key points raised in the submission are outlined below:

- *“each one of these Solar and Wind Farm developments will have differing levels of impacts ... Each community consultative committee will have different views as to the public benefit of any proposal and as such should be treated as an individual entity. Whilst there is a role for DRC to oversee and coordinate the proposals, the final decision should be left to each individual consultative committee...*
- *REZ have been rushed and poorly thought through and decisions have been made that do not adequately address the needs of either landowners or proponents. Little thought has been given to where Solar and Wind Farms are best placed, apart from being near the present transmission lines. Prime agricultural land is being lost... it is also likely that DRC will maintain the view that the subject development will have an impact on the loss of viable RU1 land and habitat for endangered species from the available Wellington land supply chain.*
- *The proposition that farmers will be made to pay to clean solar panels should they inadvertently cause dust and/or chemical to trespass onto solar panels is very real unless a waiver is explicitly written into the consent provisions...*
- *By publishing policies and procedures for planning agreements Local Councils can provide a greater level of certainty and clarity to the developer... An effective policy document removes the possibility that the goal posts will be moved and specific infrastructure needs of the local area will be overlooked...*
- *The planning agreement policy released by DRC has three main components... The framework would not take into account any road related impacts or augmentation of the road network to facilitate the proposed developments*
- *Fire Risks - The Rural Fire Service has been instructed not to attend fires that are on Solar Farms because of the toxic smoke that is emitted. There are risks to fire-fighter safety associated with a fire burning the solar panels and associated equipment...*
- *(Ungula Wind Farm): To date, no VPA has been entered into between DRC and CWP Renewables...If CWP were to agree to the DRC proposals they would incur the following costs on an annual basis: 97 Turbines @\$3,350/turbine/yr \$324,950.00, 400 MW @\$3500/MW/yr \$1,400,000.00. TOTAL \$1,724,950.00. Under the former Wellington Council's Section 94A Developer Contribution Plan 2012, levies are payable at 1% of the proposed development cost. Given that CWP is yet to announce the capital investment cost, we do not know what a fair and reasonable levy would be...*

- *The Crudine Ridge Community Sponsorship Fund (CRWF), established by CWP Renewables, provides funding to local initiatives that benefit the Mid-Western Shire and Bathurst Regional Council areas... Priority Areas for the Community Sponsorship Fund include: Education and Training Initiatives; Community Development Programs; Health and Well-being; and Environmental Initiatives...*
- *Housing – Of particular concern to Dubbo Regional Council is the very rapid potential increase in construction staff requirements if all six solar farm projects were constructed over a two to three-year time frame.*
- *...the costs of being in this REZ are high. Businesses that rely on servicing the agricultural sector will be adversely impacted... It is likely that more community services will be required in Wellington as a greater number of staff will be required to service and build these renewable energy projects... the REZ could take 15 years to build... The Draft Plan attempts to cover some of these costs."*

Comment:

Overall support for the draft Policy is noted. It is anticipated that Council's Revised Policy will unlock a number of community benefits for the Dubbo Regional LGA.

In respect of the role of the Community Consultative Committee, Council has developed the Dubbo Regional Council Solar and Wind Farm Consultative Committee for all Solar and Wind Energy Farms in the Dubbo Regional LGA. This is in lieu of any Council representatives being a part of various individual Community Consultative Committees for Solar and Wind Energy Farms. This decision was based on the potential creation of four additional Community Consultative Committees in the Region.

As per the NSW Government's *Community Consultative Committee Guideline 2019*, a Community Consultative Committee would be responsible for providing a forum for discussion between a proponent and representatives of the community, stakeholder groups and the local council on issues directly relating to a specific State Significant Project. A Community Consultative Committee is not a decision-making or regulatory body, but rather, it performs an advisory and consultative role. Government agencies, in this case Council, will remain responsible for ensuring proponents comply with any statutory obligations. Funding requests from the Community Benefit Fund will also need to be evaluated, selected and approved by Council, as appropriate.

Lease agreements between landowners and proponents are private contracts. Submitter's concerns relating to impacts on farming are understandable, however, it is suggested that the submitter raises these concerns directly with Department of Planning, Industry and Environment (DPIE) as a general Renewable Energy Zone (REZ) feedback. The submitter may also provide comments when individual energy farms are exhibited to ensure relevant concerns are reviewed appropriately.

This public exhibition relates to establishing Planning Agreement procedures for all Solar and Wind Energy Farms proposed in the future, and not the assessment of any individual Solar and Wind Energy Farm, current/past. The prevention and mitigation of potential localised impacts as a result of any future energy development will typically be dealt with as part of the development assessment process. Nonetheless, the following comments are provided for Uungula as raised by the submitter:

Uungula Wind Farm is a State Significant Development with a minimum capital investment value of \$30 million. Council can now confirm that a Planning Agreement is being finalised between Dubbo Regional Council and Uungula Wind Farm Pty Ltd. Under this Agreement, Council is expected to receive up to \$320,973 per annum (subject to CPI increases) over the project's 25 year lifespan. Note that a 1% levy of \$30,000,000 would be \$300,000, which would be a one-off payment. Also, as a wind farm, the payments will only be calculated per turbine, not per Mega Watts of energy.

Regarding impacts from related road works, the current and revised Policy has a component in relation to associated maintenance works. For Wind Energy Farms, it is a maintenance levy charged separately where there are impacts on any community infrastructure, paid per annum to Council, for the lifespan of the development. For Solar Energy Farms, the revised Policy has a component for a road maintenance levy that would allow the proponent to provide funds to Council for the maintenance and upkeep of roads in the immediate locality.

Regarding the need for additional workers' housing, Council recognises the need for accommodation for temporary energy farm workers coming to the region. In 2020 Council investigated five potential sites in Wellington for the location of temporary workers' accommodation. It is Council's preference that this accommodation be provided by the energy farm operators in the form of permanent accommodation, and/or construction phases planned around the availability of permanent accommodation and/or options for transport from nearby villages being explored.

Submission 3 – J Frogley

Submission 3, from J Frogley, dated 18 February 2021 made the following comments:

- *It is distressing that Dubbo Regional Council does not have anything concerning renewables in the Dubbo or Wellington Development Control Plans. Community outcomes, apart from monetary compensation for these developments has never been considered.*
- *Mid-Western Region Council has a comprehensive section in their Development Control Plan concerning renewables. They have desired outcomes, detailed requirements, standards and constraints. In other words, they have a plan concerning renewables in their area.*

Comment:

The proposed Planning Agreement is intended to ensure any impacts resulting from the development on the broader community are ameliorated. Any proposed planning agreement for both Solar and Wind Energy Farms will have funding dedicated to various community projects, including a 'community benefit fund' and a 'community benefit program' for solar energy farms; and a 'community benefit fund' for wind energy farms.

Whilst it is acknowledged that there are no particular Development Control Plan (DCP) controls currently in place for energy farm developments in the Dubbo Regional LGA, the submitter's comments are noted for Council's future works program, including any future DCP consolidation work.

It is also to be noted that large scale energy farms with a capital cost of more than \$30 million (or \$10 million in an environmentally sensitive area) are considered as State Significant Development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979*. SSDs are assessed by the NSW Department of Planning, Industry and Environment and go through a detailed assessment process to ensure compliance with relevant State policy/guidelines related to Energy Farm developments to minimise any adverse impacts.

4. Changes to the proposed amended draft Policy

Following the conclusion of the public exhibition period, Council staff have made some minor changes to the draft Policy, primarily to clarify the role of Community Consultative Committee.

It is considered that the changes made are consistent with the overall Policy direction of Council in respect of Solar and Wind Energy Farms across the Dubbo Regional LGA.

Accordingly, it is recommended that the amended revised Planning Agreement Policy for Solar and Wind Energy Farms as included in **Appendix 1** now be adopted.

SUMMARY

The draft Planning Agreement Policy was placed on public exhibition from Friday 15 January 2021 to Friday 19 February 2021. A total of three submissions were received. Following a review of submissions received, the Draft Policy was amended, primarily to clarify the role of Council's consultative committee. The amendment is minor in nature and consistent with the overall direction of Council. This report therefore recommends that the amended Planning Agreement Policy for Solar and Wind Energy Farms, as included in **Appendix 1**, be adopted.

Appendices:

- [1](#) Planning Agreement Policy for Solar and Wind Energy Farms



COUNCIL POLICY

Planning Agreement Policy for Solar and Wind Energy Farms

Date 25 March 2021

Council Resolution Date

Clause Number

Responsible Position Director Development and Environment

Branch Growth Planning

Division Development and Environment

Version 3

TRIM Reference Number

Review Period Two (2) years

Review Date

Consultation

Document Revision History	
Description	Date
Notes	

POLICY

PURPOSE

This Policy establishes a framework to guide the preparation of Planning Agreements with respect to Solar Energy Farms and Wind Energy Farms in the Dubbo Regional Local Government Area (LGA).

BACKGROUND AND RELATED LEGISLATION

Solar Energy Farms and Wind Energy Farms are types of *Electricity Generating Works*. Under the provisions of the Dubbo Local Environmental Plan 2011 and the Wellington Local Environmental Plan 2012, *Electricity Generating Works* are “a building or place used for the purpose of—(a) making or generating electricity, or (b) electricity storage”.

There has been much interest and growth in Solar Energy Farms and Wind Energy Farm developments in the Dubbo Regional LGA. This Policy recognises that the impact of such development types needs to be carefully considered and planned for, including any broader community impacts.

The NSW Planning System allows for the consideration of the impacts of development on the community through the Planning Agreement process under the provisions of the Environmental Planning and Assessment Act, 1979.

Planning Agreements

A Planning Agreement is an agreement entered into by Council and a developer where the developer agrees to fund public amenities or infrastructure, dedicate land at no cost to Council, provide monetary contributions or any other material public benefit, for a public purpose. A public purpose may include any of the following:

- A community facility;
- Affordable housing;
- Transport or other infrastructure relating to the development;
- The funding of recurrent expenditure relating to the provision of community facilities, affordable housing or transport or other infrastructure;
- The monitoring of the planning impacts of development, and
- The conservation or enhancement of the natural environment.

The use of Planning Agreements has increased as a result of their flexibility in allowing councils to capture public benefits outside of the infrastructure contributions system where there is a need for an innovative and flexible approach to deliver public infrastructure and services.

This draft amended Planning Agreement Policy for Solar and Wind Energy Farms ensures the impacts of Solar and Wind Energy Farms are carefully considered and planned for, including any impacts on the broader community.

SCOPE

This Policy applies to any Solar Energy Farms or Wind Energy Farms proposed to be undertaken in the Dubbo Regional Local Government Area. This Policy also applies to State or Regional Development with a capital investment value in excess of \$5 million.

POLICY

Process for entering into a Planning Agreement

Council, as part of any proposal, is required to consider a variety of matters as to whether a Planning Agreement should be entered into including:

- Will it meet Council's strategic objectives?
- Will its use meet the fundamental principles governing the use of Planning Agreements?
- Will its use fit within the described circumstances in which Council will consider negotiating a Planning Agreement?

If Council decides it is appropriate to enter into a Planning Agreement on consideration of the matters above, Council and the developer must agree on the value as discussed in this draft amended Policy.

To ensure transparency across the Planning Agreement process, Planning Agreements are required to be placed on public exhibition for a minimum of 28 days. Council is also required to consider any submissions made during the public exhibition period.

Solar Energy Farms

- (a) Solar Energy Farm proponents are encouraged to enter into a Planning Agreement or another legally binding agreement with Council.
- (b) The value of the funds to be provided by the proponent as part of a Planning Agreement or other legally binding agreement shall be \$3,500 (plus CPI) per Mega Watt of energy from an applicable Solar Energy Farm.
- (c) A Planning Agreement or other legally binding agreement for solar energy farms could have the following structure:
 1. Strategic Analysis (this would include funds towards Council's planned strategic framework to empower the community to manage the impacts of large scale solar development).
 2. Community Benefit Program (for example this could be towards for the provision of a dedicated program benefitting the broader community in the Dubbo Regional LGA).
 3. Community Benefit Fund (this would account for the remainder of the Planning Agreement funds and be open to community groups through an application process).
 4. Road Maintenance Levy (this would allow the proponent to provide funds to Council to be used towards the maintenance and upkeep of impacted roads in the immediate locality).

- (d) The funds associated with component 1 above would consist of upfront payments over a defined period. The funds associated with components 2 and 3, being the Community Benefit Program and Community Benefit Fund, would potentially be offered on an annual basis for the life of the project. It should be noted that the framework as provided above involves some impact on local infrastructure, including road maintenance requirements.
- (e) In respect of solar energy farm developments, Council has developed the Dubbo Regional Council Solar and Wind Farm Consultative Committee. The committee will consider recommendations for the expenditure of community benefit funds across solar and wind energy farm developments. Council, as the responsible Government Agency, will ultimately select and approve projects for funding as appropriate.
- (f) Funds apportioned between the separate components of the Planning Agreement will be subject to negotiations between Council and the Proponent.
- (g) This Planning Agreement structure and purpose shall only be in respect of accounting for any community impacts, including the surrounding localities. Any other specific impacts of a development shall be subject to a separate negotiation and consideration process, with the \$3,500 (plus CPI) per Mega Watt in respect of community impacts only. However, this could include a road maintenance levy.
- (h) Council can consider an alternative proposal from a Solar Energy Proponent. However, the alternative proposal must be equal to or greater than \$3,500 (plus CPI) per Mega Watt of Energy.
- (i) Council can consider another form of legally binding agreement, which is not a Planning Agreement.

Wind Energy Farms

- (a) Wind Energy Farm proponents will be encouraged to enter into a Planning Agreement with a value of \$3,350 per turbine proposed to be installed (subject to CPI), paid to Council per annum.
- (b) The value of the funds to be provided by the proponent as part of a Planning Agreement or other legally binding agreement shall be no less than \$3,350 per turbine proposed to be installed from an applicable Wind Energy Farm (subject to CPI).
- (c) This Planning Agreement structure and purpose shall only be in respect of accounting for any wider community impacts, including the surrounding localities. Any other specific impacts of a development shall be subject to a separate negotiation and consideration process, with the \$3,350 per turbine cost (subject to CPI).
- (d) Any Planning Agreement payments for Wind Energy Farms will contain four (4) separate components as per below:
 - 1. Strategic Analysis - Part 1 of the Planning Agreement would be a financial amount paid over the first five (5) years of the Planning Agreement and would be for Council to undertake a range of strategic planning activities particularly in respect to the proposed development.

2. Strategic Projects - Part 2 of the Planning Agreement would be for the provision of funding for strategic projects throughout the Local Government Area, and for the life of the Planning Agreement/project. These projects would ideally be identified in a Council approved Strategy or Plan, and could include the Community Strategic Plan and the relevant Delivery Program and Operational Plan or a subsidiary Plan or Action Plan of Council.
 3. Community Benefit Fund - This component of the Planning Agreement will be towards a Community Benefit Fund style program, paid per annum, for the life of the project. Community benefit funds may be used for any eligible programs anywhere across the Dubbo Regional LGA.
 4. Planning Agreement and any associated Maintenance Works - In addition to the Planning Agreement associated with community and other benefits, it is considered best for Planning Agreements to include a component for ongoing maintenance of any infrastructure impacted in the locality. A maintenance levy will be charged separately where there are impacts on any community infrastructure, paid per annum to Council, for the life span of the development.
- (e) In respect of wind energy farm developments, Council has developed the Dubbo Regional Council Solar and Wind Farm Consultative Committee. The committee will consider recommendations for the expenditure of community benefit funds across solar and wind energy farm developments. Council, as the responsible Government Agency, will ultimately select and approve projects for funding as appropriate.
- (f) Council can consider an alternative proposal from a Wind Energy Proponent. However, the alternative proposal must be equal to or greater than \$3,350 per turbine (subject to CPI).
- (g) Council can consider another form of legally binding agreement, which is not a Planning Agreement.

RESPONSIBILITIES

The Director of Planning and Environment is responsible for the enforceable of this Policy.