



COUNCIL POLICY

Planning Agreement Policy for Solar Energy Farms

Date

Council Resolution Date

Clause Number

Responsible Position

Director Planning and Environment

Branch

Strategic Planning Services

Division

Planning and Environment

Version

1 (DRAFT)

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Review Date

Consultation

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Description	Date
Notes	

POLICY

PURPOSE

This Policy establishes a framework to guide the preparation of Planning Agreements with respect to solar energy farm developments particularly situated around Wellington in the Dubbo Regional Local Government Area.

BACKGROUND AND RELATED LEGISLATION

This Policy sets out Dubbo Regional Council's policy and procedures relating to Planning Agreements for solar energy farm developments, particularly around Wellington, under the provisions of the Environmental Planning and Assessment Act, 1979.

Planning Agreements were introduced into the Environmental Planning and Assessment Act, 1979 (EP&A Act) on 8 July 2005 with the gazettal of the Environmental Planning and Assessment Amendment (Development Contributions) Act, 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.

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

SCOPE

This Policy applies to any Solar Energy Farms developments undertaken around Wellington in the Dubbo Regional Local Government Area.

POLICY

- (a) Solar Farm Proponents are encouraged to enter into a Planning Agreement or another legally binding agreement with Council.
- (b) A Planning Agreement or other legally binding agreement shall have the following structure:
 - (i) Strategy (this would include funds towards Council's planned strategic framework for Wellington to empower the community to manage the impacts of large scale solar development).
 - (ii) Community Benefit Program (this could for example be towards for the provision of a dedicated program in the Wellington Central Business District to assist the town centre).
 - (iii) Community Benefit Fund (this would account for the remainder of the Planning Agreement funds and be open to community groups through an application process).

The funds associated with components 1 and 2 would consist of upfront payments over a defined period. The funds associated with the Community Benefit Fund would potentially be offered on an annual basis.

However, it should be noted that the framework as provided above would not take into account road related impacts and any construction or augmentation of the road network to facilitate the subject developments.

- (c) The total 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 \$3,500 per Mega Watt of energy from an applicable Solar Energy Farm.
- (d) Council can consider an alternative proposal from a Solar Energy Proponent. However, the alternative proposal must be equal to or greater than \$3,500 per Mega Watt of Energy.
- (e) Council can consider another form of legally binding agreement, which is not a Planning Agreement.
- (f) In respect of the Community Benefit Fund component, that Council agree to the development of one (1) community consultation group for all Solar Energy Farms in Wellington. This group shall have the role of providing community input into the management and selection of community projects for the Community Benefit Funds.

In this regard, a representative of each Solar Energy Proponent and/or Owner shall comprise the Group, in addition to representatives of Council, the community and any other relevant representatives. All community representatives shall serve on the consultation group for three (3) years only.

- (g) That the funds apportioned between the three (3) separate components of the Planning Agreement be subject to negotiations between Council and the Proponent.

- (h) That this Planning Agreement structure and purpose shall only be in respect of accounting for the wider community impacts to Wellington and the surrounding localities. Any other specific impacts of a development shall be subject to a separate negotiation and consideration process, with the \$3,500 per Mega Watt in respect of community impacts only.
- (i) That this Policy is in respect of Solar Energy Farms only.
- (j) Council also reserves the right to seek compliance with the Policy prior to the issue of any Section 138 approval under the Roads Act, 1993.

RESPONSIBILITIES

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