

# Explanatory Note

## Draft Planning Agreement Goulburn River Solar Farm

*Environmental Planning & Assessment Regulation 2021, section 205*

### Planning Agreement

The purpose of this Explanatory Note is to provide a plain English summary to support the exhibition of a proposed draft planning agreement (the **Planning Agreement**) prepared under section 7.4 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

The Planning Agreement will provide for the payment of monetary development contributions and carrying out of road upgrades in connection with the Goulburn River Solar Farm.

This Explanatory Note has been prepared jointly between the parties as required by Section 205 of the *Environmental Planning and Assessment Regulation 2021* (the **Regulation**).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

### Parties

The parties to the Planning Agreement are the Upper Hunter Shire Council (**Council**) (ABN 17 261 839 740) and Goulburn River Fund Pty Ltd as trustee for the Goulburn River Trust (**Company**), a wholly owned subsidiary of Lightsource bp.

### Description of subject land

The subject land comprises the parcels listed in Attachment A.

### Description of the Development

Lightsource bp has submitted a State Significant Development application SSD-33964533 for the Goulburn River Solar Farm.

The project is located within the Upper Hunter Local Government Area (LGA) of NSW, approximately 28 kilometres (km) south-west of the township of Merriwa.

The project involves the construction, operation and decommissioning of approximately 550-megawatt peak (MWp) of solar photovoltaic (PV) generation as well as a Battery Energy Storage System (BESS) with 280 MWp / 570 megawatt hour (MWh) capacity. The project will also include a substation and connection to an existing 500 kilovolt (kV) transmission line. The project will include various associated infrastructure, including road repairs and upgrades to Ringwood Road, temporary construction facilities, operation and maintenance buildings, internal access roads, civil works and electrical infrastructure to connect the project to the existing transmission line which passes through the project area.

## Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Company will contribute the following monetary development contributions:

Monetary Contribution	Item	Public Purpose	Payment Details
<p><b><i>The greater of:</i></b></p> <p><b><i>(a) \$346 per annum (increased by CPI) x the number of MW installed on the Land; or</i></b></p> <p><b><i>(b) \$190,000 per annum (increased by CPI)</i></b></p>	<p><i>Community Enhancement Fund (47.4%)</i></p> <p><i>Road Maintenance Fund (52.6%)</i></p>	<p><i>The Community Contribution is to be used for or applied towards public purposes for the benefit of the community within approximately 30km of the solar farm.</i></p> <p><i>The contribution is to be allocated at the discretion of the Council.</i></p> <p><i>A committee of Council and representatives of the community and Company will make recommendations to Council regarding the use of contributions for, or application of the contributions towards public purposes.</i></p> <p><i>To be used for or applied towards the maintenance of roads in the Upper Hunter LGA, with preference given to Ringwood Road and Wollara Road, in the vicinity of the Development.</i></p>	<p><i>Annual contributions shall be paid in arrears on 1 July each year commencing on the date of commencement of construction.</i></p>
<p><b><i>\$4.4 million</i></b></p>	<p><i>Road Upgrades</i></p>	<p><i>Sealing and widening of 4.7 kilometres of Wollara Road from the end of the existing sealed section (adjacent to Lot 6 DP731205) up to the Goulburn River National Park boundary.</i></p>	<p><i>Upgrades to be completed prior to commencement of construction of the Development.</i></p>

### Security and Enforcement

The Company will be required to provide a bank guarantee in the amount of \$100,000.

### Other

Council will establish a committee under section 355 of the Local Government Act 1993 to assist with the administration of the Community Enhancement Fund in accordance with Schedule 2 of the draft Planning Agreement

## **Assessment of the merits of the Planning Agreement**

The delivery of the monetary development contributions required by the Planning Agreement will be used to address the environmental, social and economic impacts of the Goulburn River Solar Farm on the community, particularly in the vicinity of the project.

In accordance with Section 7.4 of the Act, the Community Contribution could be used for or applied towards the following public purposes:

- the provision of (or the recoument of the cost of providing) public amenities or public services,
- the provision of (or the recoument of the cost of providing) transport or other infrastructure;
- the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,
- the conservation or enhancement of the natural environment.

In this regard, the Planning Agreement will have a positive impact on the public.

The public purposes for which the Community Contribution may be used for or applied towards may include items included in the Council's capital works program. However, the monetary development contributions required by the Planning Agreement are not limited to the provision of capital works and may provide public benefits beyond those set out in the Council's capital works program.

The nature of the development means that there are no relevant specific requirements of the agreement relating to the issue of construction certificates, occupation certificates or subdivision certificates which must be complied with.

The Planning Agreement promotes the public interest by promoting the objects of the Act, in particular:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land.

The Planning Agreement is available on the Council's website.

## **Attachment A – Subject Land**

Lot 3 in Deposited Plan 750956 (Lot 3)

Lot 30 in Deposited Plan 750956 (Lot 30)

Lot 31 in Deposited Plan 750956 (Lot 31)

Lot 32 in Deposited Plan 750956 (Lot 32)

Lot 33 in Deposited Plan 750956 (Lot 33)

Lot 57 in Deposited Plan 750956 (Lot 57)

Lot 61 in Deposited Plan 750956 (Lot 61)

Lot 21 in Deposited Plan 750966 (Lot 21)

Lot 25 in Deposited Plan 750966 (Lot 25)

Lot 26 in Deposited Plan 750966 (Lot 26)

Lot 27 in Deposited Plan 750966 (Lot 27)

Lot 28 in Deposited Plan 750966 (Lot 28)

Lot 29 in Deposited Plan 750966 (Lot 29)

Lot 30 in Deposited Plan 750966 (Lot 30 - 750966)

Lot 38 in Deposited Plan 750966 (Lot 38)

Lot 39 in Deposited Plan 750966 (Lot 39)

Lot 84 in Deposited Plan 750966 (Lot 84)

Lot 85 in Deposited Plan 750966 (Lot 85)

Lot 5 in Deposited Plan 750966 (Lot 5)

Lot 6 in Deposited Plan 750966 (Lot 6)

Lot 7 in Deposited Plan 750966 (Lot 7)

Lot 8 in Deposited Plan 750966 (Lot 8)

Lot 9 in Deposited Plan 750966 (Lot 9)

Lot 10 in Deposited Plan 750966 (Lot 10)

Lot 58 in Deposited Plan 750956 (Lot 58)

Lot 62 in Deposited Plan 750956 (Lot 62)

Lot 63 in Deposited Plan 750956 (Lot 63)

Lot 64 in Deposited Plan 750956 (Lot 64)

Lot 75 in Deposited Plan 750966 (Lot 75)

Lot 76 in Deposited Plan 750966 (Lot 76)

Lot 86 in Deposited Plan 750966 (Lot 86)

Lot 87 in Deposited Plan 750966 (Lot 87)

Lot 77 in Deposited Plan 750966 (Lot 77)

Lot 78 in Deposited Plan 750966 (Lot 78)

Lot 82 in Deposited Plan 750956 (Lot 82)

Lot 99 in Deposited Plan 750966 (Lot 99)

Lot 102 in Deposited Plan 750966 (Lot 102)

Lot 105 in Deposited Plan 750966 (Lot 105)

Lot 42 in Deposited Plan 750956, Folio identifier 42/750956 (Lot 42)

Lot 43 in Deposited Plan 750956, Folio identifier 43/750956 (Lot 43)

Lot 47 in Deposited Plan 750956, Folio identifier 47/750956 (Lot 47)

Lot 55 in Deposited Plan 750956, Folio identifier 55/750956 (Lot 55)

Lot 56 in Deposited Plan 750956, Folio identifier Auto-Consol 5831-78 (Lot 56)

Lot 84 in Deposited Plan 750956, Folio identifier Auto-Consol 5831-78 (Lot 84)