

**MATTERS OF URGENCY REPORT TO ORDINARY MEETING OF
GREATER HUME COUNCIL TO BE HELD AT
HENTY COMMUNITY CIVIC CENTRE, 20 SOUTH ST HENTY
ON WEDNESDAY, 20 NOVEMBER 2019**

OFFICER'S REPORT – PART A – FOR DETERMINATION

ENVIRONMENT AND PLANNING

1. **REQUEST BY NEOEN FOR GREATER HUME COUNCIL TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT FOR THE PROPOSED CULCAIRN SOLAR FARM**

Report Prepared By Director Environment and Planning – Colin Kane

NEOEN the developer of the proposed Culcairn Solar Farm has written to Council indicating a willingness to enter into a Voluntary Planning Agreement (VPA) with Council. This report will seek a Council resolution for the author and the General Manager to undertake further VPA negotiations with NEON.

REFERENCE TO DELIVERY PLAN

None relevant.

DISCUSSION

Council has received correspondence from NEOEN which indicates that they are willing to negotiate with Council a VPA in lieu of other developer contribution that could be attributable to their proposed 400 Megawatt (MW) Culcairn solar farm development. The development includes solar panels, inverters, transformers, underground cabling, battery storage (200 MW), site office and maintenance building, access tracks, road and electrical easement crossings, perimeter security fencing, and a substation. The solar farm is located either side of Cummings Road and on the western side of Weeamera Road between Walla Walla and Culcairn.

As Council applies development contributions to all applicable development under the Greater Hume Council Section 7.12 Development Contribution Plan 2019 and its predecessors, Council has asserted to proposed solar farm developers and the Department of Planning, Industry and Environment that development contribution commensurate with its plan should be attributable to proposed solar farm developments within Greater Hume Council.

Consequently an initial offer has been received from NEOEN to enter into a VPA with Council. Should a VPA eventuate the agreement would become a part of any development consent that is issued for the proposed development.

Whilst not insignificant, initial evaluation of the offered terms of the VPA reveals that the staging of the payments over 25 years and the tying of the payments to Council undertaking road works results in the offered VPA not being commensurate with development contributions that would result through application of the Greater Hume Council Section 7.12 Development Contribution Plan 2019.

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REQUEST BY NEOEN FOR GREATER HUME COUNCIL TO ENTER INTO A VOLUNTARY
PLANNING AGREEMENT FOR THE PROPOSED CULCAIRN SOLAR FARM [CONT'D]

As indicated it is considered necessary that the author and the General Manager be authorised to enter into further negotiations with NEOEN so that a VPA can be considered by Council as an open agenda item at a future ordinary meeting of Council.

Councillors should note that the determination of NEOEN's request to negotiate a VPA need not influence Council in deciding whether to support the proposed development when the application is placed on public exhibition by the Department of Planning Industry and Environment.

BUDGET IMPLICATIONS

Subject to further negotiation Council may receive a contribution from a VPA negotiated with NEOEN.

CONCLUSION

NEOEN has indicated a willingness to enter into a Voluntary Planning Agreement with Council. It would be advantageous to negotiate a suitable VPA before the determination of the development application by the Department of Planning, Industry and Environment or the Independent Planning Commission. In order to do so it is considered necessary for the General Manager and the author to be authorised by Council to undertake further negotiations on Council's behalf.

Finally, Councillors should note that the determination of NEOEN's request to negotiate a VPA need not influence Council in deciding whether to support the proposed development when the application is placed on public exhibition by the Department of Planning Industry and Environment.

RECOMMENDATION

That:

1. Council authorise the General Manager and Director Environment and Planning to undertake further negotiations with NEOEN in respect to a Voluntary Planning Agreement (VPA) for the proposed Culcairn Solar Farm.
2. At a future ordinary meeting Council consider as an open agenda item whether to accept a VPA with NEOEN for the proposed Culcairn Solar Farm.

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**2. REQUEST BY FRV TO ENTER INTO NEGOTIATIONS WITH COUNCIL IN
RELATION TO DEVELOPER CONTRIBUTIONS/COMMUNITY BENEFIT FOR THE
WALLA WALLA SOLAR FARM**

Report prepared by Director Environment and Planning - Colin Kane

REASON FOR REPORT

FRV the developer of the proposed Walla Walla solar farm, has written to Council indicating a willingness to enter into discussions regarding development contribution/community benefits that result from their proposal to develop the Walla Walla solar farm. This report will seek a Council resolution for the author and the General Manager to undertake further negotiations.

REFERENCE TO DELIVERY PLAN

None relevant.

DISCUSSION

Council has received correspondence from FRV which indicates that they are willing to negotiate with Council regarding a development contribution/community benefit package that would be associated with their proposed 300 Megawatt (MW) Walla Walla solar farm. On receiving the correspondence from FRV, the author responded by telephone to advise that Council considered that a Voluntary Planning Agreement (VPA) under the provisions of Part 7 of the Environmental Planning and Assessment Act 1979 (EPA Act 1979) was the appropriate means for the payment of a contribution to Council. The FRV representative indicated an acceptance that a VPA would then be negotiated with Council.

As Council applies development contributions to all applicable development under the Greater Hume Council Section 7.12 Development Contribution Plan 2019 and its predecessors, Council has asserted to proposed solar farm developers and the Department of Planning, Industry and Environment that development contribution commensurate with its plan should be attributable to proposed solar farm developments within Greater Hume Council.

Should the initial offer that has been received from FRV eventuate into a VPA with Council, then the VPA would become a part of any development consent that is issued for the proposed development.

Whilst not insignificant initial evaluation of what has been offered by FRV reveals that the offered package is not sufficiently commensurate with development contributions that would result through application of the Greater Hume Council Section 7.12 Development Contribution Plan 2019.

As indicated it is considered necessary that the author and the General Manager be authorised to enter into further negotiations with FRV so that a VPA can be considered by Council as an open agenda item at a future ordinary meeting of Council.

Councillors should note that the determination of FRV's request is a separate matter to the consideration of whether to raise concerns or object to the proposed development which is the subject of item No 1 under Environment and Planning of this business paper.

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REQUEST BY FRV TO ENTER INTO NEGOTIATIONS WITH COUNCIL IN RELATION TO
DEVELOPER CONTRIBUTIONS/COMMUNITY BENEFIT FOR THE WALLA WALLA SOLAR
FARM [CONT'D]

BUDGET IMPLICATIONS

Subject to further negotiation Council may receive a contribution from a VPA negotiated with FRV.

CONCLUSION

FRV has indicated a willingness to enter into a Voluntary Planning Agreement with Council. It would be advantageous to negotiation a suitable VPA before the determination of the development application by the Department of Planning, Industry and Environment or the Independent Planning Commission. In order to do so it is considered necessary for the General Manager and the author to be authorised by Council to undertake further negotiations on Council's behalf.

Councillors should note that the determination of FRV's request is a separate matter to the consideration of whether to raise concerns or object to the proposed development which is the subject of item No 1 under Environment and Planning of this business paper.

RECOMMENDATION

That:

1. Council authorise the General Manager and Director Environment and Planning to undertake further negotiations with FRV in respect to a Voluntary Planning Agreement (VPA) for the proposed Walla Walla Solar Farm.
2. At a future ordinary meeting Council consider as an open agenda item whether to accept a VPA with FRV for the proposed Walla Walla Solar Farm.