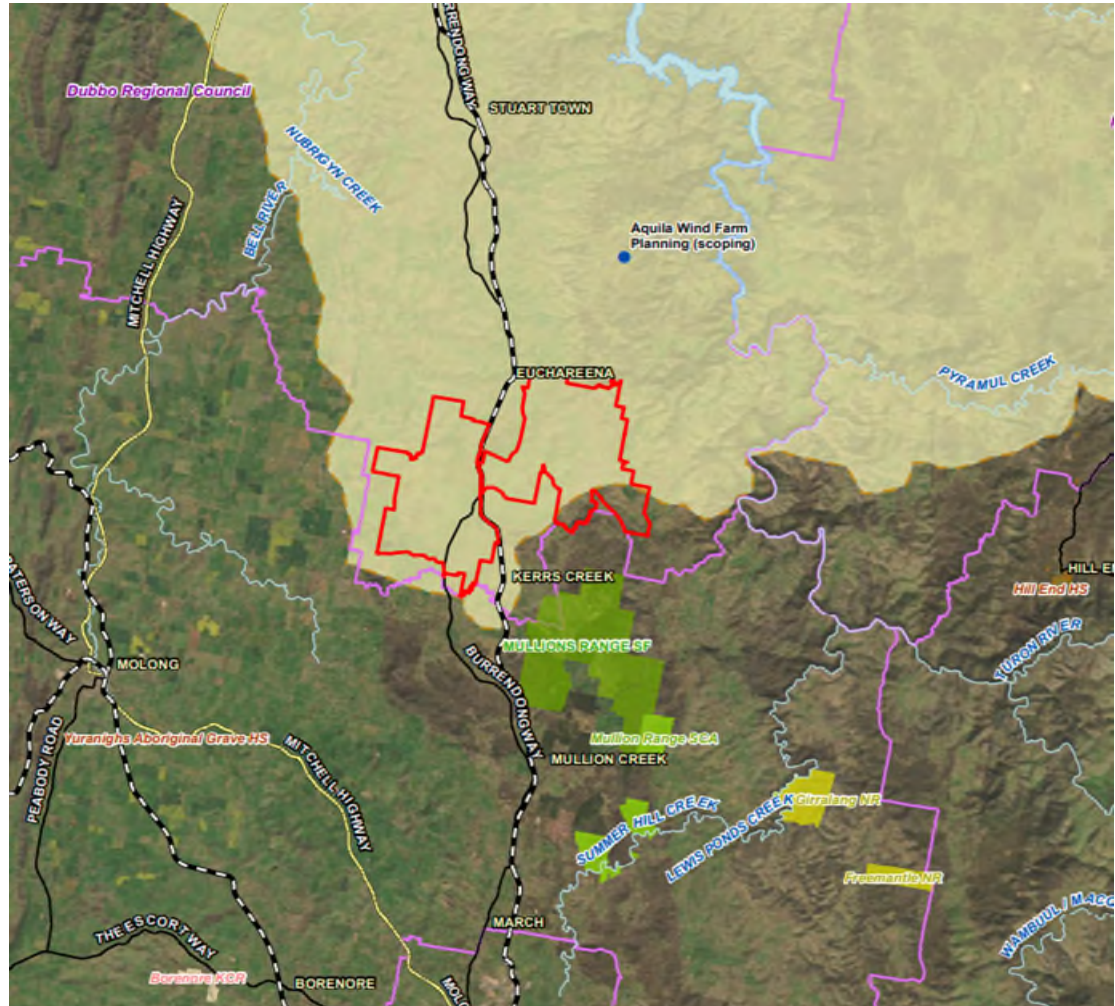


# Kerrs Creek Wind Farm Draft Planning Agreement



# Overview of the Development

Kerrs Creek Wind Farm is a State Significant development application currently being assessed by the State Government and consists of:

- 63 turbines/441 megawatts
- Height of 280m
- 8,918 hectares over 7 freehold properties
- Capital investment value of approximately **\$710 million**



**State Government**  
Consent Authority  
Community/Landowner Consultation

**Council**  
Opportunity to input  
Planning Agreement

# What is a Planning Agreement

A planning agreement is an agreement between a developer and Council where a developer pays a monetary contribution or delivers a material public benefit for:

- **Public amenities or services**
- **Affordable housing**
- **Transport or other infrastructure**

## Timeline for a Planning Agreement:





# Renewable Energy Benefit Framework

## Council adopted the Renewable Energy Benefit Framework in December 2022

Renewable Energy Benefit Framework is used to provide guidance to developers of Solar and Wind Energy about Council's requirements to deliver benefits to our community.

- The Framework provides guidance regarding Council's requirements to deliver benefits to our community through Planning Agreements.
- Funding project's Capital Investment Value.
- Council encourages the inclusion of a Community Benefit Fund in all Planning Agreements.

### Renewable Energy Benefit Framework



#### What is a Renewable Energy Benefit Framework?

A Renewable Energy Benefit Framework is the framework used to provide guidance to developers of Solar and Wind Energy about Council's requirements to deliver benefits to our community.

Solar Energy Farms and Wind Energy farms are Electricity Generating works.

#### Related Legislation

Under the provisions of the Dubbo Regional Local Environmental Plan 2022, Electricity Generating Works are defined as follows: "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 Local Government Area (LGA).

This framework guides the impact of such development types and the need to carefully consider and plan for 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 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.

#### Community Benefit Objectives

- Ensure our community positively benefits from large scale solar and wind development.
- Manage and seek to ameliorate the impact of large scale and wind development.
- Provide opportunities for proponents to proactively and positively add to the betterment of the community.
- Provide opportunities for development proponents to positive 'non-traditional' community benefits in the Dubbo Regional Local Government Area.

#### Funding Target

Proponents of Solar Energy Farms and Wind Energy Farms will be required to enter into a Planning Agreement with Council with funding requirements to be equivalent to 1.5% of the Capital Investment Value of the project as a total value.

#### Use of Funds for Community Benefits

Council will utilise funds received for the benefit of the community of the Dubbo Regional Council Local Government Area. The benefit/s to the community includes (but may not be limited to) the following:

- Road infrastructure provision and maintenance;
- Housing opportunities and initiatives;
- Strategic planning;
- Economic development and investment attraction opportunities and initiatives;
- Skills development;
- Community facilities and recreation opportunities;
- Youth welfare and support;
- Town centre development and maintenance in Wellington;
- Other infrastructure provision that provides for the continued health, wellbeing and development of the community.

Council encourages the inclusion of a Community Benefit Fund/s component in all Planning Agreements. Community benefit fund/s provide the ability for community groups and other not for profit organisations to seek funding.

However, a Community Benefit Fund must constitute the smallest percentage of any Planning Agreement funding mechanism.

#### Further Information

For further information please contact Council's Growth Planning Branch on 02-6801 4000 or email to [council@dubbo.nsw.gov.au](mailto:council@dubbo.nsw.gov.au)

## Community Benefit Objectives

- Ensure our community positively benefits from large scale solar and wind development.
- Manage and seek to accelerate the impact of large scale and wind development.
- Provide opportunities for proponents to proactively and positively add to the betterment of the community.

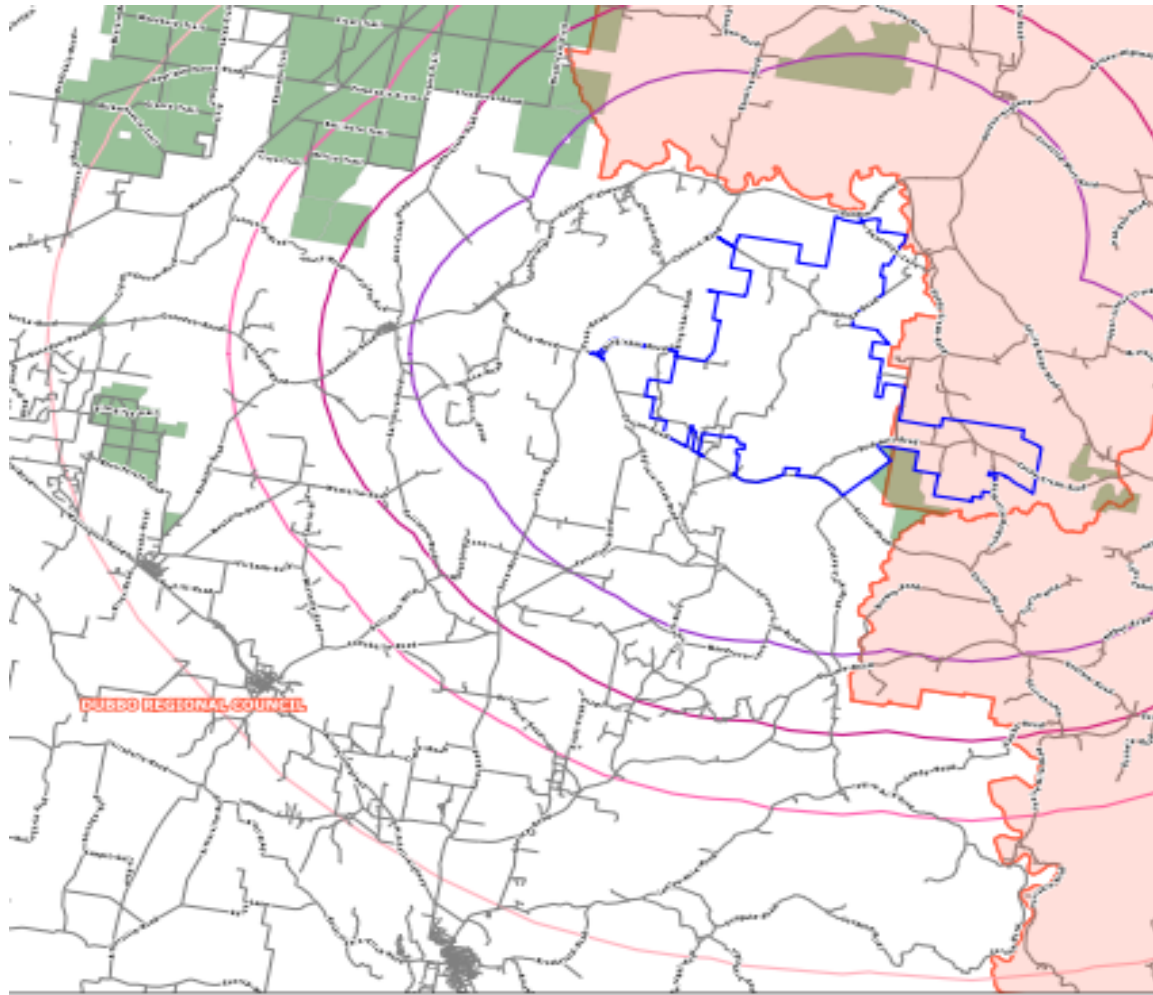
## Use of Funds for Community Benefits

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- Housing opportunities and initiatives;
- Economic development and investment attraction opportunities and initiatives;
- Skills development;
- Community facilities and recreation opportunities;
- Youth welfare and support;
- Town centre development and maintenance in Wellington;
- Other infrastructure provision that provides for the continued health, wellbeing and development of the community.

Council's policy setting in relation to negotiating planning agreement funds are:

- 1.5% of Capital Investment Value (CIV)
- Funds to be paid annually over the life of the project (30 years).
- The CIV of this project is approximately **\$710 million**

# Structure of a Planning Agreement



LEGEND		COMPANY	
Project Site	Roads	<b>SPICERS CREEK WIND FARM</b>	
10km	Dubbo Regional Council Local Government Area		
25km	Other Local Government Area	TITLE	
30km	NWSG Estates	<b>Dubbo Regional Council - Roads</b>	



# Structure of a Planning Agreement

The structure of the Planning Agreement includes a breakdown of how the allocation and percentage of funding is broken up. Below is a real example:

Timeframe	Development Contribution	%PA
Year 1- 5	A Strategic project (nominated to be construction and maintenance of Forest Vale Road causeway being a council public road within 10km of the Project site)	54%
	Community Benefit Fund (funding for community groups and other not-for-profit organisations for projects, with a preference for projects principally situated within 20km of the project site)	6%
	Remaining funding (maintenance of council public roads within 20km of the Project site, that are not otherwise to be carried out or funded by or on behalf of a government entity)	38%
	Administration	2%

# Structure of a Planning Agreement

Timeframe	Development Contribution	%PA
Year 6 - 30	Strategic projects (funds to be used in the Dubbo LGA for projects within the categories identified in the Framework, with an emphasis on large scale infrastructure including road infrastructure provision and maintenance)	54%
	Community Benefit Fund (funding for community groups and other not-for-profit organisations for projects, with a preference for projects principally situated within 20km of the project site)	6%
	Remaining funding (funds to be used on projects for community benefits identified in the framework, with a preference for projects principally situated within 20km of the Project Site)	38%
	Administration	2%

# Questions

# End

DUBBO REGIONAL COUNCIL

