



ABN 81 011 241 552

Upper Lachlan Shire Council

All correspondence addressed to the General Manager, PO Box 42, GUNNING NSW 2581

Crookwell Office: 44 Spring Street, Crookwell NSW 2583

p: 02 4830 1000 | f: 02 4832 2066 | e: council@upperlachlan.nsw.gov.au | www.upperlachlan.nsw.gov.au

Gunning Office: 123 Yass Street, Gunning NSW 2581

p: 02 4830 1000 | f: 02 4845 1426 | e: council@upperlachlan.nsw.gov.au

Taralga Office: Taralga Community Service Centre, Orchard Street, Taralga NSW 2580

p: 02 4840 2099 | f: 4840 2296 | e: taralgacsc@upperlachlan.nsw.gov.au

Our Ref: F10/937-013 & Development and Building Controls – Unregistered Applications

Your Ref: SSD-46668486

12 December 2023

NSW Department of Planning and Environment

Major Project Assessment

Locked Bag 5022

PARRAMATTA NSW 2124

E-mail: michelle.niles@planning.nsw.gov.au & cameron.ashe@dpie.nsw.gov.au

Dear Michelle & Cameron

Re: Submission to Public Exhibition of EIS – Gunning Solar Farm (SSD-46668486)

Property: Various Lots, unnumbered property Lade Vale Road, LADE VALE

Reference is made to the invitation to review the EIS for the Gunning Solar Farm project from Gunning Subco Pty Ltd which involves construction, operation and decommissioning of a solar farm located within the Upper Lachlan Shire Council Area approximately 12km south west of Gunning. The development is described as generating up to 250 megawatts (MW) of electricity with an ancillary Battery Energy Storage System (BESS) of approximately 150MW/600MWh and ancillary works including grid connection and subdivision. The EIS and exhibited attachments placed on public exhibition have been used in preparing the response.

Council has serious concerns with regards to the level of detail submitted with the application, particularly due to the scale of the development and requests the opportunity to comment on any further details of the following items and local matters prior to the determination of the application:

Council Planning Matters

- The value of the development (CIV) was not made publicly available with the EIS.
 - To ensure the development application and assessment process is open and transparent, Council requests a copy of the CIV as submitted with the application.
- The subdivision plan (Figure 14) is only conceptual and inadequate for consideration as to the scale and nature of the development. The EIS does not address the Minimum Lot Size (MLS) requirement nor seek a variation to the MLS required under clause 4.1 of the *Upper Lachlan Local Environmental Plan 2010* (LEP). Consolidation of the remaining lots should be required so the development cannot be sold separately and that structures do not encroach over lot boundaries.
 - Council requests the lot layout and Minimum Lot Size be addressed and a requirement for consolidation of existing allotments over the proposed development site.
- There is a lack of detailed plans particularly of the BESS, Operation and Maintenance facilities (which will include a permanent onsite building housing a control room, storage shed, a workshop to undertake maintenance activities, staff amenities) and carparking location/s, temporary construction fencing and any temporary construction compound.

- Council requests clarification and revised plans to enable a full and proper assessment of the application.
- The application does not address the potential impact the development will have on the availability of housing, given there is a housing shortage in NSW, nor identify how Upper Lachlan Shire Council (ULSC) will benefit or not be adversely impacted. Table 72 of the EIS identifies the number of short-term rental facilities; it does not address the potential occupancy or number of rooms available nor assess potential accommodation within the LGA and make a commitment to support available accommodation within the LGA where possible.
 - Although limited, available accommodation should be considered within the LGA including, Gunning, Crookwell approx. 63km, Grabben Gullen approx. 50km, Dalton approx. 21km and Collector approx. 46km.
 - Council requests the application be revised to propose measures to ensure there is sufficient accommodation for the workforce associated with the development that will benefit the LGA; investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction.
- The development does not identify or confirm the buildings proposed for demolition (up to 29 farm structures are proposed for demolition), identify waste streams or volumes resulting from the demolition nor identify waste minimisation or disposal measures of the demolition waste. There is concern as to whether any building/s may contain asbestos and further concern as to whether the decommissioning of any on-site wastewater management facilities has been considered and the suitability of any to be retained.
 - Council requests the application be revised to clarify proposed retention and demolition of existing structures and the management of the waste materials.
- The development does not appear to identify how wastewater including onsite effluent will be managed or treated as it is not included as a waste stream under the Waste Management Plan. There are no staff wastewater volumes estimated under Table 7 to the Waste Management Plan.
 - Council requests an on-site Waste Water Management Plan or revised Waste Management Plan is required to assess the suitability of the site (including new or existing facilities), any upgrades or alternative treatment measures. Without further information, Council is concerned that the transportation of sewage and grey water to a treatment plant may be a risk to the environment that has not been adequately considered.
- The volume of water required for on-site amenities does not appear to be addressed as part of the application. Furthermore, the use of bore water may require a variation to any bore water licence from an agricultural purpose to industrial. This does not appear to be a matter raised within the potential approvals required in the EIS.
 - Council recommends that the potential water demand and supply be addressed and considered in the application.
- It is unclear as to the design (colours, materials, height) and potential location of security fencing
 - Council requests revised plans to clarify proposed temporary and permanent fencing.
- The biosecurity assessment in section 5.4.2 of the AIA makes no recommendations for management or mitigation measures.
 - It is recommended that weed management be required (B3 & B4 of the Proposed Mitigation and Management Measures) including on-going weed management within the site.
- The road widening plans identified in (sheet 1 – 14) do not clearly identify whether the road widening (and any drainage) will be undertaken wholly within the road reserve or whether any encroachment requires owners consent and the dedication of land for the purpose of road widening.

- Council recommends that the location of road widening works near lot boundaries be clarified so that any necessary owners consent can be obtained prior to the determination of the development.
- The risk assessment did not appear to describe the location of the Dalton to Canberra gas pipeline and any ancillary risk assessment measures or cumulative impacts such as bush fire or reasonable worst-case scenario to and from the pipeline. The Canberra Line appears to cross Lade Vale Road to the east of the development. This concern was raised in Council's previous letter and does not appear to have been addressed in the EIS or risk assessment.
 - Council requests this matter be fully addressed and assessed.
- A draft Heritage Review report was presented to the 18 August 2022 Council Meeting requesting Council's resolution to consider the proposed items for local heritage listing and place on public exhibition. The draft Report was proudly funded by the NSW Government. Consideration should be given to the draft items recommended for listing. A copy can be found on Council's web site. This concern was raised in Council's previous letter and does not appear to have been addressed in the EIS.
- Waste
 - It is recommended that Council be consulted during the preparation of the final Waste Management Plan for recyclable material and waste storage and disposal with proposed transport routes.
- Any Voluntary Planning Agreements / S7.12 Contributions have not been discussed with staff following the document being placed on exhibition.
 - Council would request that the proponent contact Council to arrange discussion and negotiation and to consider different values and varying concepts to best protect the public interests.
- ULSC has areas of poor radio, tv, mobile phone and two-way reception and the like. There appears to be a lack of communication assessment measures in the risk assessment.
 - Council requests this matter be fully addressed and assessed.
- The development has not adequately addressed whether the proposal would compromise the long-term use of the land for agricultural purposes, subject to the removal of project infrastructure at decommissioning, in particular the potential impact of fire on the panels or batteries and the retention of the BESS after decommissioning the site.
 - Council requests this matter be fully addressed and assessed.
- A detailed Decommissioning and Rehabilitation Plan is proposed to be prepared within 18 months of closure. This plan should be drafted and prepared in consultation with Council prior to determination.
 - Council request this matter be conditioned and not deferred until near closure.

Council Public Road Matters

- The construction of the project involves the delivery of plant, equipment and materials, including the potential movement of heavy vehicles requiring escort, all of which have the potential to impact on the local and regional road network primarily during construction. The application has not adequately assessed the impact and disturbance of construction materials and up to 300 construction staff during construction.
 - Council requests this matter be fully addressed and assessed.
- Council generally support the proposed transport route, subject to the recommended conditions requiring road upgrades to be undertaken to support the increased traffic associated with the project.
 - Council will need to be provided with accurate locations of the 4 access locations so that access requirements can be conditioned appropriately for each access.
 - A route map for the workforce during the construction phase will need to be provided to Council indicating an approximate calculation of vehicular movements on each road.

- A Dilapidation report will need to be completed for the following roads
 - On Lade Vale Road following its upgrade and seal and prior to the construction phase.
 - Following submission of the workforce access routes to the site, Council may require a dilapidation report for certain additional roads being used by workers.
- Council be provided with the road upgrade design for the section of Lade Vale Road that is to be upgraded. These will need to include but not limited to the following details alongside the standard design plans.
 - A typical cross section of the road indicating width, cross fall, gravel thickness etc.
 - Details of the Hillgrove intersections upgrade/realignment.
 - Culvert details for the section of road and what action will be taken with each one.
 - Vegetation clearing details if any vegetation is to be removed during the upgrade of the road.
 - Pavement and sealing details.
 - Line marking and signage details.
- The Mitigation and management measures be updated to include requirement to apply and obtain from Upper Lachlan Shire Council s138 approval under the *Roads Act 1993* for works on road reserves within the LGA.

Rural and Landscape Matters:

- o Visual impacts including important vista and views of the BESS do not appear to be fully addressed, particularly if the BESS is proposed to remain in-situ following decommissioning.
- o The retention of the BESS onsite after decommissioning and ancillary infrastructure is not fully justified.
- o Outline any potential restrictions and impacts to neighbours. The site is identified as part Bushfire Prone land and any application should consider potential risks and worst case scenarios. Contingency plans should be developed in case of emergency, storms, bush fire management and climate change.

General Community Matters

- Identify any direct benefit to the Upper Lachlan Shire community other than infrastructure (roads) which have been required to adequately service the development. It should be noted, that the road upgrade has a direct benefit to the development and a secondary benefit to the community, however, the application does not take into full consideration the inconvenience and disturbance on the community particularly during construction.
- The potential for dust and requirement for water usage is considered potentially inadequate, particularly during summer/dry periods.
- It is noted Council would like any concerns of the local community considered. Any issues or concerns raised by the community during the development assessment process will need to be adequately addressed and resolved prior to determination.
- The Applicant maintain up to date information on the project stage, progression steps and avenues for active engagement with Council and the community.

Council hopes that you can take these matters into consideration and should the application be proposed to be amended, Council requests the right to comment on the future changes or additional information and have the opportunity to provide or comment on draft conditions of consent should the application be approved.

Should you wish to discuss this matter further please contact me on 4830 1000 or council@upperlachlan.nsw.gov.au

Yours sincerely


Dianne James
Senior Town Planner