

OUT22/1864

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Dear Elisha,

Advice to Requirements – Bendemeer Solar Farm and BESS – (SSD-36651552) (Tamworth Regional Council)

Thank you for the opportunity to provide advice on the draft Secretary's Environmental Assessment Requirements (SEARs) for the above proposal as per your email dated 11 February 2022.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend. NSW DPI also supports the development of renewable energy generating projects where important and productive rural land is not affected. Important considerations in this case are the potential impacts on agricultural resources, cumulative impacts on local and regional agricultural activity, social and economic impacts, visual impacts, and the ability to rehabilitate the land to enable future agricultural investment post-decommissioning.

We have considered the Scoping Report (Report) as well as the draft SEARs provided. We advise that the >1,400ha site supports Class 4 land (NSW Land and Soil Capability) which is typical of the New England Tablelands fine wool country. We consider that a relevant and proportionate response to the proposal's expected long-term impacts on agricultural land and agricultural production needs to be prepared in the EIS.

The following specific inclusions should be addressed in the Environmental Impact Statement in addition to the other matters required in the draft SEARs template, attached:

- The EIS should include a thorough assessment of the site's productive agricultural land which has relatively high rainfall, favourable climatic conditions, perennial water supply, access to markets, labour, transport, and position in a wider rural locality that provides for sustained wool and livestock production. It is also necessary to assess and address the cumulative impacts of the proposal and other energy generation and transmission development in the vicinity.
- Alternative site selection needs to be provided in the EIS. We note that 2.3.1 of the Scoping Report details the selection process as favouring land near the existing 330kV transmission line in the New England REZ. We refer to the Department's Draft *Large Scale Solar Energy Guidelines*, where it is requested proponents avoid important agricultural land, consider the agricultural capability of the land during the site selection process and are strongly encouraged to select sites which have limited potential for sustained agricultural production.

Accordingly, the EIS should be detailed and substantial in justifying site selection against the principles set out in the Guidelines.

- The EIS needs to include the assessment of biosecurity risk of the site including the development of a weed and pest management plan for construction and operational phases, including management of weeds along ephemeral watercourses and the Macdonald river. References to ongoing grazing of livestock on the project site and around the BESS site need to be qualified and properly assessed as an ongoing groundcover management tool.
- The Rehabilitation and Decommissioning/Closure Management Plan should include, but not be limited to, description of the potential design criteria of the final land use and landform, indicators which may be used to guide the return of the land back to agricultural production, along with the expected timeline for the rehabilitation program. The final decommissioning phase should also consider the commitment to the removal of all above and below ground infrastructure. It is recommended that the site assessment includes a soil survey (noted in the Draft SEARs), which can also be used for final rehabilitation outcomes to achieve preconstruction land condition and land and soil capability.

Further comments on the Scoping Report are provided to assist clarification:

- The site is zoned RU1 Primary Production and electricity generating works are permissible with consent under the Tamworth Regional LEP 2010. The relevant Regional Plan is the New England North West Regional Plan 2036 (Action 5.2), which pre-dates the announcement of the New England REZ. The draft New England North West Regional Plan 2041 has been exhibited and the pertinent section is Strategy 9.2.
- The Macdonald River is a perennial system that forms the headwater of the Namoi River in the Namoi Catchment in the Upper Murray Darling Basin. Lots 1, 2 and 3 DP1211502 have direct river frontage, with lower order creeks draining from the project site. The Macdonald river supports threatened fauna species including platypus (*Ornithorhynchus anatinus*) and the locally endemic Namoi or Bells Turtle (*Elseya belli*).
- In terms of local social and economic impacts (2.3.1), the limited consultation due to Covid-19 is noted and NSW DPI supports the need for a social impact assessment as set out in the draft SEARs. Despite preliminary consultation residents may not fully appreciate the scale and future social, economic, and visual impacts of the proposal. This extends to the numerous communities further east of the site (Walcha, Walcha Road, Woolbrook) who use the Oxley Highway as the only sealed route to the major regional centre of Tamworth for administrative, health, educational and retail services. The location of the proposal in a prominent position adjacent to the Oxley highway may have visual and other social impacts¹ for many more people than the 11 nominated (unrelated) sensitive receivers that will need to be mitigated.
- Commentary around the expected distribution of income stream benefits to the project landowners (2.3.1) to provide agricultural diversity is immaterial to the merit of the project. There needs to be examination in the EIS around the development of a 'social licence'² to operate a large scale solar energy project in the subject locality. Large scale solar projects cause community division where 'host' landowners directly benefit while adjoining landowners are burdened with the costs of visual impacts, loss of critical mass of agricultural land, permanent loss of population, traffic disruption, drainage, water diversion and weed management issues (for example). Despite the declaration of the New England REZ there is little research to date on the impacts of large scale solar on rural communities³.
- It is critical that the community of Bendemeer and surrounds has a sustained voice in the proposal through appropriate and meaningful engagement that includes decision making on the distribution of compensation for community benefit.

¹ Impacts such as the sense of a loss of place due to visual disruption and lack of control over development outcomes

² Australian Government, 2016, 'Establishing the social licence to operate large scale solar facilities', <https://arena.gov.au/assets/2016/11/summary-establishing-the-social-licence-to-operate-large-scale-solar-facilities-in-australia.pdf>

³ Roddis et.al, 'What shapes community acceptance of large-scale solar farms?', *Solar Energy* 209, (2020) 235-244

- It is also highly likely that Tamworth (estimated urban population >43,000⁴ not 37,326) will be the source of services and goods including accommodation, to support construction and operational stages of the proposal (not Uralla, Walcha, or Woolbrook as suggested), and accordingly, this needs to be factored into the distribution of any financial benefits locally particularly as only 10 FTE jobs are expected once operational.

NSW DPI Agriculture provides SEARs (Attachment 1) and a range of publications to assist consent authorities, community, and proponents in addressing the recommended SEARs (Attachment 2).

Should you require clarification on any of the information contained in this response, please contact Nita Scott, Agricultural Landuse Planning Officer on 0487023845 or by email at landuse.ag@dpi.nsw.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nita Scott', is positioned above the printed name.

Nita Scott
Agricultural Land Use Planning Officer

23 February 2022

⁴ <https://opendata.transport.nsw.gov.au/dataset/population-projections>

Attachment 1: Environmental Assessment Requirements for Bendemeer Solar Farm

Issue	Environmental Assessment Requirement for Environmental Impact Statement
Site Suitability	• Include a map to scale showing the above operational and infrastructure details including separation distances from sensitive receptors including other agricultural land uses and infrastructure.
Consideration of impacts on agricultural resources and land	Characteristics of Agricultural Land • Describe the soil, slope, land capability, agricultural productivity, land characteristics and the history of agricultural land uses on the proposed development site. • Describe the current and historical agricultural land uses on surrounding land in the locality including the land capability and agricultural land uses and productivity of the surrounding land. Impacts on Agricultural Land, Resources and Land Uses • Detail the potential impacts from the proposed development on agricultural land and agricultural land uses on the site and in the locality. • Detail the location and areas of land to be temporarily/permanently removed from agricultural use, and those areas which are to be returned to agricultural use on completion of the development. • Consider possible and probable cumulative impacts on surrounding agricultural enterprises and landholders. • Assess impacts on agricultural support services, processing and value adding industries including the fine wool industry. Measures to mitigate impacts on Agricultural land • Demonstrate that all significant impacts on current and potential agricultural developments and resources can be reasonably avoided or adequately mitigated. • Detail the expected life span of the proposed development. • Detail measures to mitigate adverse views on neighbouring properties and for traffic on the Oxley Highway.
Suitable and secure water supply	• Outline any impacts to water use and access for agriculture and measures to mitigate against these impacts.
Biosecurity	• Detail the design of fencing and its adequacy to manage livestock. • Undertake a biosecurity risk management plan. A biosecurity risk management plan must detail the considered risks and strategies developed to monitor, prevent, eliminate, or minimise the following: - the introduction, presence, spread or increase of a pest or disease of plants - the introduction, presence, spread or increase of a pest animal - the introduction, presence, spread or increase of a weed - the introduction, presence, spread or increase of a pest or disease of animals - animals or animal products becoming chemically affected. • Specific weed or pest animals for a region are addressed in the regional plans or strategies issued by NSW Local Lands Services.
Traffic movements	• Detail the volume and route of traffic movements for the proposed development and how potential impacts on surrounding agricultural

	land uses are proposed to be mitigated (e.g. noise, dust, volume of traffic). This should include consideration of Travelling Stock Reserves (TSR) and the movement of livestock or farm vehicles along / across the affected roads.
Land stewardship	• Describe the final proposed land use and land form. • Detail the proposed rehabilitation and decommissioning/closure measures to achieve this land use including the expected timeline for the rehabilitation program. Describe the nature of agricultural productivity post rehabilitation. • Outline the monitoring and mitigation measures to be adopted for rehabilitation remedial actions. • Detail the cropping history or capability for cropping of the land and how the proposed rehabilitation works will enable this land to be used for cropping in the future. This detail is expected to require that cables/pipes are to be buried at a depth >500mm to allow greater opportunity for agricultural activities to continue over the top, particularly for non-decommissioning cables/pipes once restoration is complete. • Where the land contains sodic soils detail the proposed management practices which should ensure that any trenching through sodic soils during construction is to include soil amendment with Gypsum at a minimum rate of 10t/ha (actual rates to be determined following soil testing (Clay content, ECEC and EC).
Community consultation	• Consult with the owners / managers of affected and adjoining neighbours and agricultural operations in a timely and appropriate manner about the proposal, the likely impacts and suitable mitigation measures or compensation.
Emergency Management	• The proposal is to detail contingency plans to enable the operation to deal with emergency situations, Emergency Management procedures and responsibilities for responding to bushfire threats and other possible hazardous events.



Attachment 2: Guidelines for assessment

Title	Location
Infrastructure Proposals on Rural Land	https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/infrastructure-proposals
Biosecurity Risk Management in Land Use Planning and Development	https://www.dpi.nsw.gov.au/data/assets/pdf_file/0018/1271241/managing-biosecurity-risks-in-land-use-planning-and-development-guide.pdf
Agricultural Impact Statements – technical notes	https://www.dpi.nsw.gov.au/data/assets/pdf_file/0010/463789/Agricultural-Impact-Statement-technical-notes.pdf
Draft State Significant Agricultural Land mapping	https://nswdpi.mysocialpinpoint.com/ssal
Land Use Conflict Risk Assessment Guide	https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra