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Contact: Scott Martin

Julia Green
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Sydney NSW 2001

Dear Julia

Subject: Marulan Solar Farm (SSD-13137914)

A review of the Environmental Impact Statement prepared by Premise Australia has been undertaken in relation to the above proposal and a report was considered at the 18 October 2022 Council Meeting. Accordingly, Council provides the following as its submission.

Developer Contributions

The EIS is silent in regards to developer contributions or a Planning Agreement. This project would attract s7.12 contributions in accordance with Council's Local Infrastructure Contributions Plan 2021, and would potentially be suitable for a Planning Agreement.

Community Consultation

Community consultation to date would appear to be unsuccessful in letting people know that the project is even proposed. The EIS recommends that the Community and Stakeholder Engagement Plan (CSEP) be updated. This should have occurred prior to the exhibition of the EIS. Section 6.15.1.1 – *Socio Economic Planning context* should also refer to the Goulburn Mulwaree Local Strategic Planning Statement and the Goulburn Mulwaree Social Sustainability Strategy.

Section 6.15.1.4 of the CSEP - *Targeted SIA consultation* consisted of nine telephone interviews and Section 6.15.1.8 advises the nine interviews included "near neighbours; local government, industry and business, and community representatives; and relevant state government agencies".

It may be the case that those consulted were supportive, but Goulburn Mulwaree Council is concerned that this may have been a very small sample and that community awareness of this project and EIS exhibition may be limited. Therefore, the intention of the public exhibition has not been fulfilled to draw out the community comment. Community Consultation after exhibition of the EIS will seem tokenistic if the decision has already been made to proceed with inadequate consultation at this point in the approval process.

Table 5. of the CSEP identifies Council as being supportive in relation to social impact:

Social impacts	GM Council	Supportive of the project	Refer Section 6.15
Social impacts	Landowners	Concerns around visual impacts raised by a number of receivers. Specifically regarding: <ul style="list-style-type: none"> • Noise • Dust • Impacts during construction 	Sections 5 and 6.15, and Appendix C

Council staff have been involved in discussions regarding this project and raised relevant local considerations. Council in principle may be supportive of renewable energy projects in suitable locations however no specific endorsement of this project has been given.

Workers Accommodation

The social impact assessment undertaken does highlight concerns around the capacity for local accommodation to accommodate additional workers during the construction phase. The EIS proposes an Accommodation and Employment Strategy as per the extract below:

*The **Accommodation and Employment Strategy** will provide further detail on accommodation providers. The strategy will include engagement with accommodation providers to avoid negatively impacting on tourism opportunities and any vulnerable populations who are utilising temporary accommodation. The strategy will also include engagement with Goulburn Mulwaree Council to avoid potential negative impacts on local services and social infrastructure, and manage positive social integration with existing communities.*

Council believes the Accommodation and Employment Strategy should have been submitted with the EIS and considered as part of the assessment of the application. Section 6.15.2 of the EIS states:

*The median rent in the Goulburn Mulwaree LGA over the quarter to 31 December 2021 was \$390, an annual increase of 8.3% (FACS 2022). The rental vacancy rate in Goulburn has been below 2.5% since January 2017 (indicating a tight rental market), and **in March 2022 the rate was very low at 0.9%** (41 properties) (SQM Research 2022). Compounding this is that the COVID-19 pandemic has adversely impacted on renters in regional areas generally, causing declining vacancy rates and increasing median rental rates (Pawson et al., 2021) and this has been the case for the Goulburn area.*

A vacancy rate of 0.9% is almost non-existent. Essentially, any small change to availability of accommodation in a market like this will be significant and take up any remaining capacity with a high level of impact on the most vulnerable.

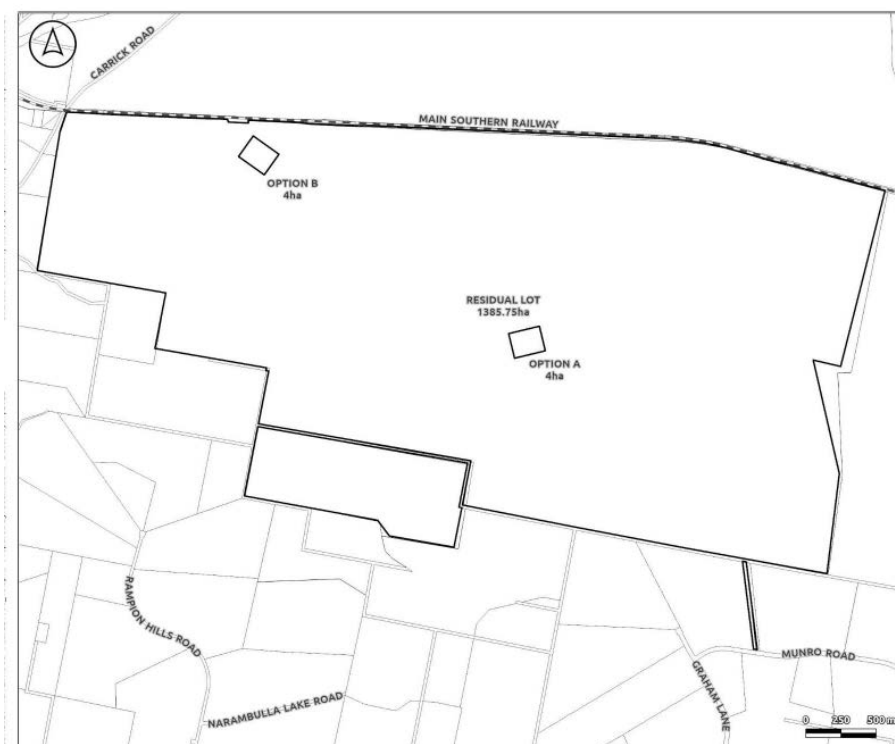
Table 19 identifies this significance of this impact as high for the construction phase and low post construction.

Potential impact	Significance	Mitigation / Enhancement Measures	Significance of residual impact
		<ul style="list-style-type: none"> Local Procurement Policy 	
Pressure on rental housing and short-term accommodation	High	<ul style="list-style-type: none"> Accommodation and Employment Strategy Targeted engagement with relevant stakeholders 	Low

Consideration of other options such as purchasing accommodation i.e. acquiring property for construction workers could be considered, rather than simply a local procurement policy for materials/services. It is the preference of Goulburn Mulwaree Council that local workers are utilised for the MSF project in the first instance.

Subdivision

The proposal includes subdivision of the land to create an infrastructure lot and a residue lot which would host the substation and solar farm infrastructure.



Proposed Plan of Subdivision

The subdivision is proposed to facilitate the dedication of the switching station to the electricity authority. The indicative area of Lot 1 is 3-4ha and approximately 1396ha for Lot 2. Figure 14 of the EIS nominates two alternative options for the location of Lot 1.

Pursuant to clause 4.2 of the Goulburn Mulwaree Local Environmental Plan the applicable minimum lot size (MLS) is 100ha. Proposed Lot 2 is compliant with the MLS however Lot 1 is only 4ha and inconsistent with the MLS provisions applicable to the RU1 Primary Production zone. The permissibility pathway for the proposed subdivision needs to be established.

Impacts on agriculture

As stated in Section 2.1.6 of the EIS in relation to maintaining land for agricultural industries there is a NSW Department of Primary Industries policy document *Maintaining land for agricultural industries (2011)* which provides some guidance on the conversion of agricultural land (in particular high quality agricultural land) to other uses. As stated in this document:

It is recognised that changing community needs and aspirations may require a change in the use of agricultural land. Once land is converted to other uses, especially to residential or industrial uses, it is most unlikely to return to agricultural production. Since these decisions cannot be practically reversed, the long term social and economic costs and benefits (including intergenerational equity), need to be evaluated before a decision is made (i.e. triple bottom line or people, planet, profit assessment).

*The objective is not to prevent or discourage other land uses, but rather through planning ensure that land resources are efficiently allocated so as to maximise total benefit to the community. **To achieve this goal, planning authorities should develop planning strategies for rural and agricultural industries when they develop strategies for other land uses.** The determination of the economic, environmental and social contributions from agricultural land uses can be undertaken preferably through an agricultural industry study or regional rural land use study with emphasis on the major agricultural industries.*

Council has identified the need for an Agricultural land Use Strategy in its Local Strategic Planning Statement (Action 5.1) and has a vision for agricultural or primary resource land being: “*Primary resource land is a valued asset; and primary industry is a significant economic sector within the LGA which contributes to positive environmental and social outcomes*”.

One of the main issues currently affecting the planning of rural land is the lack of direction from the State on the relative values of agricultural land. The Department of Primary Industries (Agriculture) has been undertaking a State Significant Agricultural Land Mapping Project for some time which has yet to be finalised. Significant agricultural land mapping is quite complex as different areas have different capabilities and dominant agriculture types. In Goulburn Mulwaree industries around sheep and cattle grazing are dominant with occasional cultivation of fodder crops. The area does not generally lend itself to vegetable, fruit, cereals or other high energy crops (which are typically identified on a higher classification of soils). This does not mean that a soil of a different category **which is suited to grazing and occasional fodder crops has no value**, it is valuable within the context of the industry type and within the region.

Using the old land capability mapping categorisations prepared by the NSW Soil Conservation Service, much of the subject site is Classified as IV which has the following interpretation/implications:

*Land not suitable for cultivation on a regular basis owing to the limitations of slope, gradient, soil erosion and shallowness or rockiness, climate or a combination of these factors. **Comprises the better classes of grazing land of the State** and can be cultivated for an occasional crop, particularly a fodder crop, or for pasture renewal.*

It is understood that the subject site has characteristics that make it attractive for a renewable energy project given its proximity to major electrical transmission infrastructure, but at the same time it will also remove a relatively large holding of land from its full potential.

It is acknowledged that some grazing of sheep may be possible but other impacts will potentially affect the subject area such as:

- Potential for contaminants to affect a large area of soil. This could result from the materials used but also from damage to the facility from a bushfire.
- Lock up one of the larger more viable land holdings in this location from its full agricultural potential and the associated range of agricultural maintenance of soils etc.
- Result in localised erosion from panels if ground cover of vegetation is not maintained under the panels.
- Reduced soil permeability and localised run-off.
- Potential for downstream salinity impacts if water infiltration to saline subsoil increases where pasture is not utilised.
- Impact of metal or concrete structures in contact with acidic or saline soils.

Consideration of the value of the land **within its context** should be undertaken, given it is a large rural land holding suitable for grazing and surrounded by small holdings with a lesser capacity.

Biodiversity

The potential impacts of the MSF project on biodiversity appear to have been assessed correctly through preparation of a BDAR. The BDAR has determined that the project will require retirement of 138 Ecosystem Credits and 291 Species Credits. The project has been designed to avoid impacts on biodiversity as far as is practicable. What appears to be lacking is any serious proposal to restore and enhance native vegetation communities on the land. Landscape screening with vegetation to mitigate visual impacts is briefly mentioned, but more detail is needed. This could for example involve detailed plans to establish extensive buffers of native vegetation communities around the periphery of the site that would ameliorate visual impacts and simultaneously provide significant habitat and landscape connectivity for fauna and flora.

Stormwater and Flooding

The development will construct access and maintenance roads and install 360,000 solar panels. This will substantially increase stormwater runoff from the site. The submitted documentation does not adequately address the increase stormwater runoff from the site due to the increase in impervious surfaces. A revised report that examines the hydrologic impacts of this development on runoff rates and volumes and how this impacts the local and broader catchment is required. This should include:

- runoff routing changes to flowrates in creeks
- impacts on any downstream culvert or bridge capacity
- impacts on stream erosion and stability.

Roads

The intersection of Munro and M31 (Hume Highway) is substandard and cannot safely cater for the traffic generated by the development. While this is mainly a TfNSW issue to manage, Goulburn Mulwaree Council would like to ensure that nearby residents are not adversely affected. This would include ensuring residents can still turn right safely to go to Goulburn from Munro Road and that any changes to the intersection are designed to ensure that the driveways 75m east are still safe with full functionality.

Prior to work commencing a dilapidation report for Munro Road and video should be provided to Council. The dilapidation report should include the condition of any bridges and culverts, road pavement, table drain and the verge.

All sections of Munro Road narrower than 7m should be widened to 7m in width plus a 1m wide shoulder and table drains. The speed should be lowered to 80 km/h during the period of construction.

A traffic and speed counter should also be installed in Munro Road. Council should be provided with monthly data output to review the effectiveness of, and adherence to, the Driver Code of Conduct.

Any decommissioning or renewal of the solar panels will generate significant traffic on the road and should be accompanied by a new application

As Munro Road currently has no line markings, the following recommendations also apply:

- Centreline and edgeline marking;
- Double barrier lines where minimum sight distances are not achieved; and
- Guideposts installed at 75m intervals.

The Munro Road pavement is currently in overall good condition and will last for a long period of time without intervention if traffic remains the same. Constructing the Solar farm has the potential to destroy the existing road pavement. The following maintenance and renewal program is required by the developer:

- Prior to construction: Heavy patch localised road failures.
- During Construction: Maintenance and repair of the road pavement. A contact name and number is to be provided to Council and residents of Munro Road to lodge maintenance requests.
- Prior to operation: Stabilisation of the existing pavement material and resealing. The pavement is to be a 250mm depth of double mixed wet and dry to be specified by a geotechnical engineer. The seal type is to be a 14/7mm Double with C240 binder.

Heritage

The Aboriginal Cultural Heritage Assessment concluded that whilst the development would result in impacts to identified Aboriginal objects, these have been assessed as having low to moderate scientific significance. A range of recommendations are proposed to ensure that residue impacts are appropriately managed.

The Statement of Heritage Impact provides an assessment on the impact of the proposed development on the locally listed heritage items Ruins of Kyle and Lockyersleigh Homestead within the site, as well as on the unlisted historical timber bridge. It concludes that the proposed development would result in:

- No physical impact to the Ruins of Kyle;
- Moderate physical and visual impact to the heritage curtilage of the Ruins of Kyle,
- Neutral physical impact and negligible visual impact to the Lockyersleigh Homestead; and
- Nil impact on the historical timber bridge.

Several recommendations are made to mitigate impacts to the heritage items including the installation of a high-visibility barrier during construction in relation to the heritage items and the provision of a development buffer area around the Ruins of Kyle.

The Statement of Heritage Impact is being reviewed by Council's Heritage Advisor. Given the limited exhibition time that has been provided, comments had not been received at the time of writing this report. It is recommended that any comments received from Council's Heritage Advisor be included with any submission made by Council.

Waste

The EIS identifies 3 key phases of waste generation as a result of construction, operations and decommissioning. The applicant has proposed a waste management plan as part of an eventual Construction Environmental Management Plan, however, no such commitments have been made in relation to either the operational phase or the decommissioning phase.

Council would be seeking that a comprehensive waste management plan be prepared and assessed by DPE prior to any consent being granted to ensure that a holistic waste management plan is in place prior to any works commencing.

Section 6.11.2 – Construction Waste also contains a statement in relation to effluent disposal as follows:

Effluent disposal would be limited to provision of short term services to service the construction workforce. Transportable services would be provided and emptied by suitable contractors. These would be removed at the completion of the construction period.

Upon review of the EIS and its accompanying appendices, it is not clear how the applicant intends to manage effluent or wastewater-generating facilities such as toilets, or whether there will actually be such facilities onsite. Prior to any consent being granted, Council seeks that the applicant provide a revised Water Cycle Management Plan that identifies and considers the generation and management of effluent and wastewater.

If you require any further information, please contact me on (02) 4823 4480.

Yours sincerely



Scott Martin
Director Planning & Environment