Department of Primary Industries - Agriculture
Department of Regional NSW

OUT23/11893

Nestor Tsambos
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Department of Planning and Environment
C/- Major Projects Portal

Attention: Nestor Tsambos

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Sundown Solar Development SSD-8911

Dear Mr Tsambos

Thank you for your correspondence of 4 July 2023 and the opportunity to provide comment on the environmental impact statement (EIS) for the Sundown Solar Development (SSD-8911).

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

NSW DPI Agriculture has reviewed the EIS for the proposed development which comprises 651 hectares (ha) of solar array, a Battery Energy Storage System, and supporting infrastructure, including electricity supply infrastructure, cabling, fencing, operations and maintenance buildings and access tracks (729ha disturbance area within a 2,079ha project site).

NSW DPI Agriculture has considered the content of the EIS with regard to how it has addressed the potential impact of the proposed development on agricultural land and agricultural production in the locality. The following comments are provided for the consent authority's consideration.

Impact on agricultural land

It is understood the Department of Planning and Environment issued an addendum to the Secretary's Environmental Assessment Requirements on 15 February 2023 requiring the EIS for Sundown Solar to be prepared in accordance with the Large-scale Solar Energy Guideline (LSSEG) 2022 and specifically an assessment of agricultural impacts in accordance with Appendix A. The EIS does not consider the LSSEG 2022 in relation to agriculture. This is despite the subject land being mapped as Land and Soil Capability Class 3 which requires a detailed agricultural assessment in accordance with the LSSEG 2022.

There is also no analysis of surrounding land use, which includes high value cereal cropping and livestock grazing enterprises suited to the soil capability. The EIS states that properties adjacent to the solar farm '*will be able to continue agricultural activities unimpeded during all phases of the project'*. A Land Use Conflict Risk Assessment (LUCRA) has not informed this statement, nor is there attention given to biosecurity or weed and pest control in the EIS.

Soil assessment

The LSSEG 2022 requires a soil survey and verification of the land and soil capability.

The EIS, based on the soil assessment and site observations has downgraded approximately 363ha of Land and Soil Capability (LSC) Class 3 land to LSC Class 4, leaving around 143.9ha of LSC Class 3 land from a potential 507ha.

The EIS does not verify the extent of Biophysical Strategic Agricultural Land (BSAL) on site, estimated at over 800ha covering LSC Classes 3 and 4 land. It instead assumes that the extent of BSAL is likely to also be revised consistent with the LSC classes. BSAL should not be assumed to be limited to LSC Class 3 only, as there are areas where it does extend to LSC Class 4 lands. The extent of BSAL on the site should only be revised if verified in accordance with the Interim protocol for site verification and mapping of biophysical strategic agricultural land .

The proposed development is partly located on LSC Class 3 and it is considered that the EIS has not given adequate consideration to the location of the proposed development on some of the best agricultural land in NSW, and which is a scarce resource in the Inverell LGA and New England region.

Agriculture and Grazing Management

The EIS nominates sheep grazing, and apiculture on the project site as a solution to the loss of agricultural land however there is no further detail provided for these options.

NSW DPI Agriculture recommends the proponent be required to develop a Grazing Management Plan in consultation with NSW Local Land Services to detail appropriate grazing and biosecurity approaches.

Groundcover should be maintained at a minimum of 70% to prevent soil erosion. The Grazing Management Plan should detail the measures and management practices to re-establish vegetation and grazing on the land post construction and during operation of the facility.

Decommissioning and rehabilitation

Decommissioning is not fully explained in the EIS, with reference to *'underground cabling remaining in-situ to avoid unnecessary ground disturbance'*. It is NSW DPI Agriculture's preference that all buried infrastructure (including cabling) to a depth of 500 mm is removed when a facility is decommissioned. This practice allows cropping activities to be reinstated when the solar development is closed, particularly where it is located on productive agricultural land.

Cumulative impact

The EIS states on page 33 that a 'very small portion of agricultural land is currently used for renewable energy projects' and that the project is 'comparatively insignificant', with 'no significant cumulative impact on the removal of regional land available for agricultural use'. The EIS also notes that there are five large-scale renewable projects within 15km of the project site.

Rural zoned land can include a wide range of land with varying suitability to agriculture. The EIS does not appear to consider the cumulative impact of the proposal on the loss of land mapped as Land and Soil Capability Class 3 within the LGA, nor the cumulative impact of the area of other large scale solar developments on this agricultural resource in the LGA or the region.

Biosecurity

The EIS refers to implementation of weed and biosecurity management practices as part of a proposed Construction Environmental Management Plan. NSW DPI Agriculture requests that the

requirement to prepare a Pest and Weed Management Plan which also addresses the operational phase of the facility is included as a condition of consent should the application be approved.

Suggested Requirements

NSW DPI Agriculture suggests that the following additional information is required to enable an appropriate assessment of the impact of the proposed development on agricultural land and nearby land uses:

1. A Land Use Conflict Risk Assessment (LUCRA) to assess impacts on adjoining properties and nearby agricultural land uses for both construction and operational phases.
2. A Level 3 – detailed agricultural impact assessment consistent with the requirements of the LSSEG 2022.
3. A soil survey and LSC Class verification consistent with the requirements of Appendix A of the LSSEG 2022 specifically with regard to inspection density.
4. An assessment of the cumulative impact of the proposed developent and other large scale renewable energy developments on land mapped as LSC Classes 2 to 4 in the LGA and the region.

Should the proposed development be approved NSW DPI Agriculture requests that the following be included in the conditions of consent:

1. The preparation of a Grazing Management Plan in consultation with NSW Local Land Services to detail appropriate grazing practices such as stocking rates, groundcover management and biosecurity arrangements.
2. The preparation of a Decommissioning and Rehabilitation Plan which details the measures required to return the site to the pre-development condition or better to enable agricultural operations to be undertaken including the removal of all below ground infrastructure to a depth of 500 mm.
3. The preparation of a Pest and Weed Management Plan which addresses the operational phase of the facility.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact Nita Scott on 0487 023 845 or by email at landuse.ag@dpi.nsw.gov.au

Sincerely

Paul Garnett
Acting Manager, Agricultural Land Use Planning

2 August 2023