



New South Wales Government
Independent Planning Commission

Jindera Solar Farm SSD 9549

Statement of Reasons for Decision

Andrew Hutton (Chair)
Professor Zada Lipman

22 December 2020

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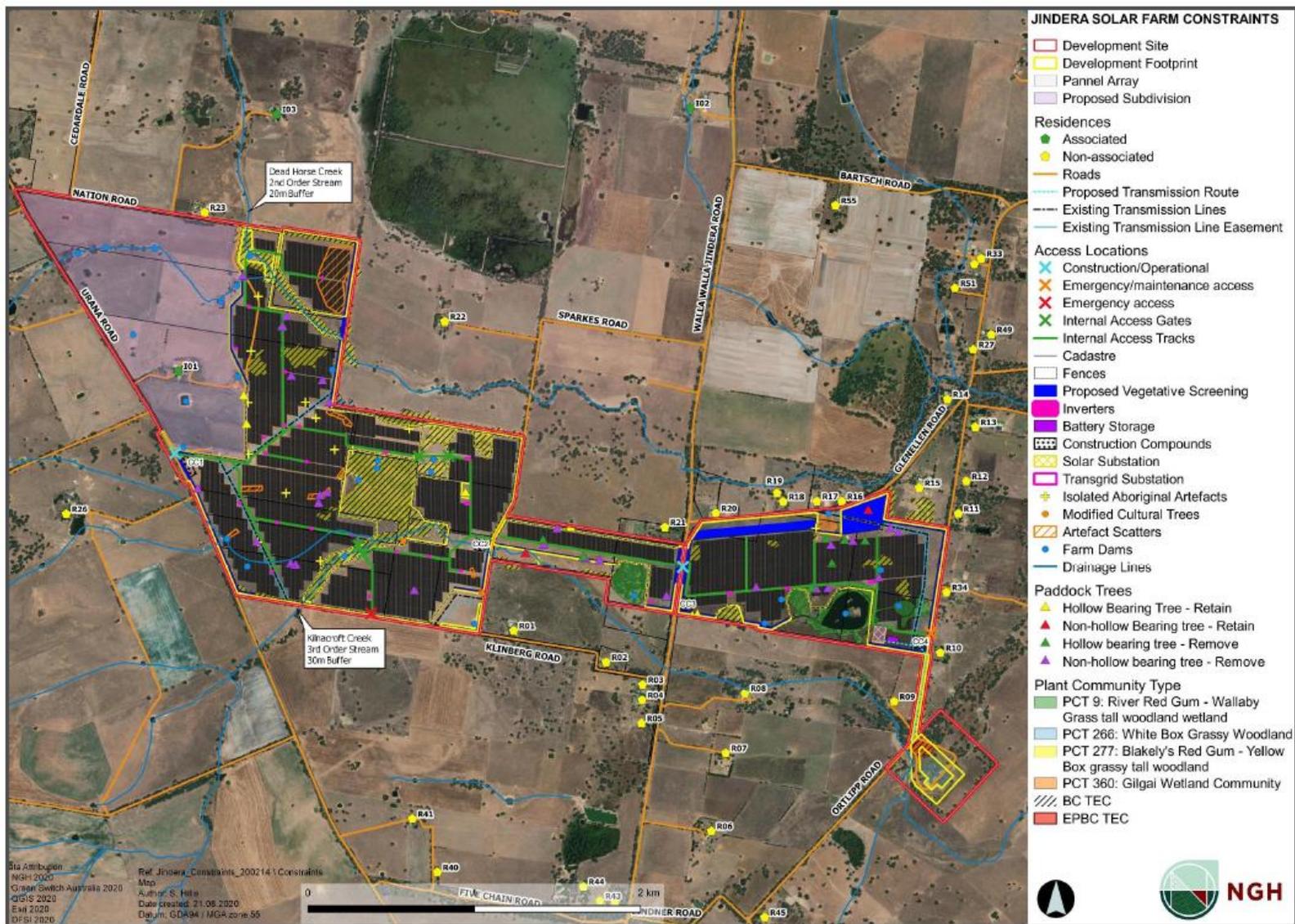
1 INTRODUCTION

1. On 27 October 2020, the NSW Independent Planning Commission (**Commission**) received from the NSW Department of Planning, Industry and Environment (Department) a State significant development application (SSD 9549) (**Application**) made by Jindera Solar Farm Pty Ltd (**Applicant**) seeking approval for the Jindera Solar Farm (**Project**) under section 4.36 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
2. The Applicant sought amendments to the application in March and June 2020 under clause 55 of the *Environmental Planning and Assessment Regulation 2000*. The amendments to the Application were agreed by the Department under delegation from the Commission. Accordingly, the Commission has now determined the Application as amended by the Applicant.
3. The Commission is the consent authority in respect of the Application under section 4.5(a) of the EP&A Act and clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* (**SEPP SRD**). This is because:
 - the Project constitutes State significant development (**SSD**) under section 4.36 of the EP&A Act;
 - the Department received more than 50 unique submissions from the public objecting to the Application; and
 - Greater Hume Shire Council (**Council**) objected to the Application.
4. Professor Mary O’Kane AC, Chair of the Commission, nominated Mr Andrew Hutton (Chair), and Professor Zada Lipman to constitute the Commission determining the Application.

2 THE APPLICATION

5. The Department’s Assessment Report (**AR**), from October 2020, describes the site (**Site**) and locality of the Project within section 2.1 and other proposed and approved solar farms in the region within section 2.2.
6. The main components of the Project are set out at Table 1 of the AR. The amendments made to the Application are set out within section 4.4, Table 3 and Appendix E of the AR.
7. The AR states that the Applicant “proposes to develop a new State significant solar farm development approximately 5 kilometres (km) northeast of Jindera in the Greater Hume Local Government Area”.
8. Assessment Report Paragraph (**ARP**) 1.1.2 states that “*The project involves the construction of a new solar farm with a generating capacity of approximately 120 megawatts (MW) and 30 MW / 60 MW-hour (MWh) of battery storage. It also involves the upgrading and decommissioning of infrastructure and equipment over time*”. ARP 1.1.3 states that “*the solar farm would connect to TransGrid’s existing Jindera 330/132 kilovolts (kV) substation, which is located approximately 600 m south east of the site via a new overhead 132 kV transmission line along Ortlipp Road*”.

Figure 1 – Project Layout (Source: Applicant's EIS, dated 26 September 2019)



2.1 The Amended Application

9. ARP 4.4.1 states that “*following consideration of submissions on the project, JSF amended its application on two occasions, in February and June 2020*”. As summarised in ARP 4.4.2, the amendments included the following:
 - *“an additional 60m setback between project infrastructure and Glenellen Road resulting in a total 120m setback from properties to the north of the eastern section;*
 - *repositioning, and reduction in the number of, inverter stations to reduce potential visual and noise impacts on surrounding residences;*
 - *removal of solar panels to avoid clearing sections of Blakely’s Red Gum – Yellow Box grassy tall woodland (Box-gum woodland) EEC in the centre of the site, to maintain and improve the connectivity of this species on and surrounding the site;*
 - *constructing the site access point on Urana Road with a channelised right turn-short (CHR(s)) and a basic left turn (BAL) treatment;*
 - *constructing the two site access points on Walla Walla Jindera Road with BAL and basic right turn (BAR) treatments;*
 - *a minimum 30 m setback from solar panels to all neighbouring property boundaries;*
 - *additional landscape screening across the site;*
 - *a revised subdivision plan; and*
 - *details of a proposed Voluntary Planning Agreement with Council.”*
10. Table 3 of the AR further summarises the amendments to the Project made during the assessment process.
11. AR paragraph 4.4.5 states that “*the Department provided the Amendment Report to government agencies for review and comment and made it available on the Department’s Website. As the project amendments would reduce the impacts of the project as a whole, the Department did not exhibit the Amendment Report*”.
12. ARP 4.4.4 states that “*despite the proposed changes, the generating capacity of the project would remain the same*”.
13. The Application now before the Commission consists of the following, as summarised in Table 1 of the AR:
 - *“approximately 390,500 single-axis tracking solar panels (up to 3 m high) and 25 inverter stations (up to 3.5 m high);*
 - *an on-site substation and a new 600 m 132 kV overhead transmission line along Ortlipp Road to connect to TransGrid’s 330/132kV Jindera substation south east of the site;*
 - *a lithium-ion battery energy storage facility (30 MW / 60 MWh);*
 - *internal access tracks, staff amenities, maintenance buildings (up to 3.5 m high), offices, laydown areas, car park, vegetation screening and security fencing; underground cabling across Walla Walla Jindera Road;*
 - *subdivision of land within the site to be retained by the landowner and for the substation; and*
 - *connection configuration works at TransGrid’s Jindera Substation”.*
14. In addition, the amended application also includes a Voluntary Planning Agreement (VPA) being entered into by the Applicant with Council totalling \$1.7 million including:
 - *“A one-off payment of \$700,000 at completion of the construction project;*
 - *A further \$250,000 in staged payments for the first six years of the project’s operation; and*
 - *An annual contribution of 25,000 to be adjusted for inflation, into a community fund for the 30-year operation of the project for community related projects and organisations”.*

2.2 Need and Strategic Context

15. The Applicant's Environmental Impact Statement (**EIS**), dated 16 September 2019, sets out the strategic need for the Project within section 2.1.
16. The Department summarises the strategic context of renewable and solar energy sources in ARP 2.3.2 – 2.3.10.

3 THE DEPARTMENT'S CONSIDERATION OF THE APPLICATION

17. The Department received the Application in September 2019.
18. Under section 4.6(d) of the EP&A Act, the Department (through the Planning Secretary) is responsible for some of the Commission's functions in respect of community participation. This includes responsibility for public exhibition (and if necessary, re-exhibition) of applications. The Department's engagement and exhibition process is set out in ARP 4.1.1 – 4.1.3. Furthermore, engagement with the local community undertaken by the Applicant is set out in ARP 4.2.1.
19. ARP 4.3.1 – 4.3.2 provides the following summary in relation to public submissions received during exhibition:

“During the exhibition period of the EIS, the Department received 109 public submissions, consisting of 96 objections (including a petition with 201 signatures), 11 in support and 2 comments.

Of the 96 objections received, 27 were either duplicate submissions or were substantially the same as the other submissions (i.e. form letters and a petition). Therefore, 69 were considered unique objections for the purposes of the assessment”.
20. ARP 4.3.3 – 4.4.4 identifies that two special interest groups also provided comments on the Project and advice was received from 13 government agencies, including an objection from Greater Hume Council.
21. Key issues raised in submissions are provided in sections 4.5 and 4.6 of the AR, while submissions received, and the Applicant's submissions report, are provided in Appendix C and Appendix D, respectively. In addition, Appendix G of the AR considers community views raised through submissions.
22. In responding to the submissions, the Applicant amended its Application through an initial Amendment Report, dated 16 March 2020, and a second Amendment Report dated 18 June 2020. The AR summarises the amendments to the original proposal in section 4.4, Table 3, Appendix C and Appendix E.
23. AR sections 5.1 to 5.3 identify the compatibility of the proposed land use, visual impact and biodiversity as the key impacts associated with the Project. Other issues are considered section 5.4 (Table 8).
24. ARP 7.1.1 states *“the Department has assessed the development application, EIS, submissions, Submissions Report, amended development application and additional information provided by JSF and advice received from relevant government agencies”.*
25. ARP 7.1.12 concludes *“the project achieves an appropriate balance between maximizing the efficiency of the solar resource development and minimising the potential impacts on surrounding land uses and the environment. The project would also stimulate economic investment in renewable energy and provide flow-on benefits to the local community, through job creation, capital investment and substantial contributions to Council for community enhancement projects”.*

4 THE COMMISSION'S CONSIDERATION

4.1 The Commission's Meetings and Site Inspection

26. As part of its determination, the Commission met with various stakeholders, as set out in Table 1 below. The transcripts from all meetings along with the notes from the site inspection were made available on the Commission's website.

Table 1 – Commission's Meetings

Meeting	Date of Meeting	Transcript / Notes available on Commission's website
Department	23 November 2020	25 November 2020
Applicant	23 November 2020	25 November 2020
Greater Hume Council	23 November 2020	25 November 2020
Site Inspection	30 October 2020	8 December 2020
Public Meeting	27 November 2020	30 November 2020

4.2 Public Comments

27. Anyone interested in providing further comment on the proposal was offered the opportunity to provide a written submission to the Commission within seven (7) days of the public meeting which closed at 5pm on Friday 4 December 2020.
28. The Commission received a total of 135 written submissions on the Application (2 making comment, 90 in objection, and 43 in support).

4.3 Material considered by the Commission

29. In this determination, the Commission has carefully considered the following material (**Material**):
- the Environmental Impact Statement dated 26 September 2019 and prepared by NGH Consulting (**NGH**) and its accompanying appendices (including any amendments);
 - all submissions made to the Department in respect of the proposed Application during public exhibition, 16 October 2019 – 13 November 2019;
 - the Applicant's Submissions Report, dated 16 March 2020;
 - the Applicant's Amendment Report, dated 16 March 2020;
 - The Applicant's Amendment report, dated 18 June 2020;
 - the Applicant's Additional Information, dated 15 May 2020;
 - the Department's draft conditions of consent, referred to the Commission on 27 October 2020;
 - the Applicant's comments to the Commission, dated 23 November 2020;
 - the Council's comments to the Commission, dated 23 November 2020;
 - the Department's comments to the Commission, dated 23 November 2020;
 - all speaker comments made to the Commission at the public meeting held 27 November 2020; and
 - all public submissions received by the Commission up until 20 November 2020.

4.4 Mandatory considerations

30. In determining this application, the Commission has taken into consideration the following mandatory considerations, as provided in s 4.15(1) of the EP&A Act (**mandatory considerations**), and as are relevant to the Application:

- the provisions of all:
 - relevant environmental planning instruments (**EPIs**) including:
 - Greater Hume Local Environment Plan 2012; (**GHLEP 2012**);
 - State Environmental Planning Policy (Infrastructure) 2007 (**ISEPP 2007**);
 - State Environmental Planning Policy (State and Regional Development) 2011 (**SRD SEPP**);
 - State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (**H&OD SEPP**);
 - State Environmental Planning Policy (Primary Production and Rural Development) 2019 (**PP&RD SEPP**);
 - State Environmental Planning Policy No. 55 – Remediation of Land (**RoL SEPP**);
 - State Environmental Planning Policy No. 44 – Koala Habitat Protection (**Koala SEPP**); and
 - proposed instruments that are or have been the subject of public consultation under the EP&A Act and that have been notified to the Commission (unless the Secretary has notified the Commission that the making of the proposed instrument has been deferred indefinitely or has not been approved);
 - development control plans (**DCP**);
 - planning agreements that have been entered into under s 7.4 of the EP&A Act, and draft planning agreements that a developer has offered to enter into under s 7.4; and
 - the *Environmental Planning and Assessment Regulations 2000* (**Regulations**) to the extent that they prescribe matters for the purposes of s 4.15(1) of the EP&A Act;
- the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;
- the suitability of the site for development;
- submissions made in accordance with the EP&A Act and Regulations; and
- the public interest.

31. ARP 7.1.1 and Appendix H of the AR states that the Department has considered all the matters set out in Paragraph 30 above.

4.5 Additional considerations

32. In determining this application, the Commission has also considered:
- Interim Construction Noise Guideline 2009 (**ICNG**);
 - NSW Large Scale Solar Energy Guideline 2018 (**Solar Energy Guideline**);
 - NSW Noise Policy for Industry 2017 (**Noise Policy**); and
 - NSW Renewable Energy Action Plan 2013 (**Renewable Energy Action Plan**).

4.6 Compatibility of Proposed Land Use

Council's Comments

33. Council, in its submission to the Department on 8 November 2019, raised concerns relating to the Project and associated loss of high quality agricultural land. Council identified that a large portion of the site comprises class 3 land (with the remainder being class 6) under the *Land and Soil Capability Assessment Scheme* and that it had been advised that the land will be mapped as important agricultural land under the Riverina Murray Draft Important Agricultural Land Mapping project in the future. On this basis, Council was of the view that the land should be considered constrained under the Solar Energy Guideline and that the Project was inconsistent with the RU1 zoning objectives of the LEP.

34. In addition, Council also raised concerns in their submission regarding the potential impact of the Project on the growth of Jindera.

Applicant's Consideration

35. The Applicant's EIS considers that the Project is a compatible land use which has addressed the requirements of the *Solar Energy Guideline*. The EIS states "*The proposal has addressed the requirements of the guidelines through the assessment of environmental impacts (Sections 6 and 7), site suitability (Section 2.5), community and agency consultation (Section 5) and policy and framework requirements (Section 4).*"
36. The Applicant's EIS states in section 4.2.3 "*the activity would impact on land availability for primary production; however, would be developed in a way that would minimise fragmentation and alienation of resource land and minimise land use conflict*". Furthermore, the EIS stated that "*Being reversible and involving limited ground disturbance, it would not remove the potential to use the land for primary production at the end of the life of the development. Upon decommissioning of the proposal, the development footprint would be rehabilitated to restore land capability to pre-existing agricultural use*".
37. In response to submissions received by the Community and Council, as well as agency advice from DPI Agriculture received during public exhibition, a Land and Soil Capability Statement and Agricultural Impact Statement (**AIS**) were prepared.
38. The Land and Soil Capability Assessment prepared by McMahon Earth Science (30 January 2020) identifies that the portion of land mapped class 3 land would be more appropriately mapped as class 4 land. Class 4 land has moderate to severe limitations for some land uses that need to be consciously managed to prevent soil and land degradation.
39. The AIS prepared by Riverina Agriconsultants (25 February 2020) on behalf of the Applicant considered the impact on agricultural production resulting from the Project. The AIS states that the paddock area available for stocking would be reduced by 10% with a likely 25% overall reduction in agricultural productivity due to the construction of physical infrastructure associated with the Project. The AIS endorses the feasibility of appropriately managed sheep grazing within the solar array.
40. Section 6.5.1 of the Applicant's EIS states "*During the operational phase, not all agricultural activities would be precluded, and it is highly likely that limited production such as occasional grazing could continue*". Furthermore, it states that "*The solar farm would be decommissioned at the end of its operational life, removing all above-ground infrastructure. It is expected that the land would be returned to its prior production uses, as solar farms typically do not have significant permanent impacts to soil and landform*".
41. The Applicant's EIS states in 2.4.3 that while the site selection process had reviewed the potential of many areas within New South Wales (NSW), the site was chosen because:
- "The proposed site was selected because it provides the optimal combination of:*
- *Low environmental constraints (predominantly cleared cropping and grazing land).*
 - *Level terrain for cost effective construction.*
 - *High quality solar resource.*
 - *Compatible land use zoning (on the development site and considering adjacent landholdings).*
 - *Low flood risk.*
 - *Existing road access.*
 - *Onsite connection to the transmission network.*
 - *High levels of available capacity on the grid transmission system.*
 - *Land availability and support from the landowner."*

Department's Assessment

42. The AR identifies that electricity generating works are not expressly listed as permitted with or without consent under a strict reading of GHLEP 2012. However, ARP 3.3.2 states: *“Under the Infrastructure SEPP, electricity generating works are permissible on any land in a prescribed rural, industrial or special use zone. Land zoned RU1 Primary Production is a prescribed rural zone pursuant to the Infrastructure SEPP. Consequently, the project is permissible with development consent”*. Furthermore, as outlined in 5.5.2, following consideration of the objectives of the RU1 zone and other strategic documents for the region, the Department considers that there is no clear intention to prevent the development of a solar farm at the site.
43. ARP 5.1.5 states that *“the introduction of solar energy generation would contribute to a more diverse local industry, thereby supporting the local economy and community. In addition, the proposed solar farm would encourage renewable energy development which is consistent with the Greater Hume Local Strategic Planning Statement 2018”*.
44. ARP 5.1.7 states *“development would not fragment or alienate resource lands in the LGA as the land could be easily returned to agricultural land following decommissioning as the inherent agricultural capability of the land would not be affected in the long-term and JSF propose to continue sheep grazing within the development footprint”*.
45. In relation to concerns by Council regarding the potential of the Project to restrict the growth of Jindera, ARP 5.1.8 states that Council's Local Strategic Planning Statement does not identify land to the north of Jindera for residential expansion (and these areas are instead identified to the south and west of the township). On this basis, as stated in 5.1.9, *“As the site is located on land zoned RU1 Primary Production, and is not identified as a future growth area by Council, the Department considers the project would not impact the future growth of Jindera”*.
46. The AR identifies that the land does not comprise any mapped *Biophysical Strategic Agricultural Land* (BSAL). In addition, as per ARP 5.1.14, while the AR acknowledges that statewide mapping of important agricultural land is currently being prepared by DPIE Agriculture, as this has not been finalised, exhibited, or adopted by the NSW Government it is not relevant to the assessment of this Project.
47. The Department accepts the findings of the Applicant's Land and Soil Capability Assessment which assesses the class 3 land to be more likely to be consistent with the class 4 land categorization under the *Land and Soil Capability Assessment Scheme* (OEH 2012). ARP 5.1.15 states *“although majority of the site is mapped as Class 3 land at a regional scale, this portion of the land is more likely to be Class 4 (moderate limitations), which can support grazing but requires active management to sustain cultivation on a rotational basis. DPI Agriculture has accepted the conclusions of the agricultural impact assessment and agreed that the productivity of the land is limited due waterlogging issues”*.
48. In relation to the agricultural output of the site, the AR acknowledges in 5.1.16 that the decline in agricultural output as a result of the Project is anticipated to be 25%. Notwithstanding, the AR states in 5.1.17 *“The inherent agricultural capability of the land would not be affected by the project due to the relatively low scale of the development, and JSF proposes to return the land back to existing levels of agricultural capability. To this end, the Department has included requirements to maintain the current land capability of the site (including ground cover and maintaining grazing within the development footprint) during the construction and operation of the project, and to fully reinstate the agricultural capability of the land following decommissioning of the project, including the requirement to return the development footprint to existing land and soil capability.”*

49. When considering the cumulative impacts of the Project, the AR states in ARP 5.1.18: *“the development footprint of the project combined with the other approved and/or operational SSD solar farms in the Riverina-Murray region would be approximately 8,200 ha. The loss of 8,200 ha of agricultural land represents a very small fraction (0.09 %) of the 9.1 million ha of land being used for agricultural output in the Riverina-Murray region and would result in negligible reduction in the overall productivity of the region”*.
50. Furthermore, in relation to cumulative impacts, AR 5.1.19 states in relation to other solar farm approvals within the Greater Hume under assessment (or recently assessed) that *“If all four proposed SSD solar projects within Greater Hume LGA are approved, they would have a combined development footprint of approximately 2,300 ha, which is approximately 0.69 % of the 335,000 ha of land being used for agricultural output within the Greater Hume local government area.*
51. In conclusion, based on the findings provided in ARP 5.1.1 – 5.1.21, the Department considers *“the proposed solar farm represents an effective and compatible use of the land within the region”*.

Commission’s Findings

52. It is acknowledged by the Commission that the compatibility of the proposal with existing land uses and, in particular, high quality agricultural land, was a key concern raised by both the Council and the community in the submissions made during the exhibition period as well as in representations made during the Public Meeting and subsequent submissions.
53. The Commission agrees with the Department’s assessment, as set out in paragraphs 42 – 51 above for the following reasons:
 - the Project is permissible in accordance with ISEPP 2007 and is considered compatible with GHLEP 2012 and other relevant strategic documents for the region;
 - the land is not identified in BSAL mapping;
 - although the site is mapped as Class 3 and class 6 land under the existing *Land and Soil Capability Assessment Scheme* (OEH 2012), the Land and Soil Capability Assessment has concluded that it is more likely that the land mapped as class 3 is consistent with the description of Class 4 land (moderate limitations). This finding has been accepted by DPI Agriculture.
 - the Project will not result in the fragmentation of agricultural land and the inherent agricultural capability of the land will not be affected in the long term; and
 - the solar farm does not preclude the use of land for agriculture and managed grazing during operation of the Project, and upon decommissioning of the proposal the development footprint will be rehabilitated to restore land capability to pre-existing agricultural use.
54. With consideration given to the Department’s assessment outlined in paragraphs 42 – 51 above, the Commission has imposed the Department’s recommended conditions which require the Applicant to maintain the agricultural land capability of the site.

4.7 Potential Impacts on Neighbouring Agricultural Activities

Council’s Comments

55. Council, in its submission to the Department on 8 November 2019, raised concerns relating to the potential of the Project to adversely impact upon local climatic conditions and result in heat transmission out of the solar farm and into neighbouring properties through the heat island effect. Council was of the opinion that international studies in relation to the heat island effect may not be appropriate to reference as they are not reflective of localised conditions.

Department's Assessment

56. The AR identified that concerns had been raised during submissions about the potential impacts on neighbouring activities resulting from the Project. ARP 5.1.22 stated *“These concerns included potential impacts on livestock and cropping from the spread of weeds, increased flooding, erosion and dust, increased fire risks and noise generated by the project, as well as potential changes to the microclimate as a result of solar panels”*.
57. In relation to the ‘Photovoltaic Heat Island Effect’, the AR states in 5.1.23-5.2.24:
- “While evidence shows that solar panels can increase air temperatures above solar panels, a study commissioned by Greater Shepparton Council on the Shepparton Solar Farm, and referenced in the EIS, found that lateral temperatures drop very quickly from the perimeter of a solar farm in part due to natural convections, which take warm air upwards.*
- The study found that changes to air temperatures would be negligible within 30m of the development footprint, and that any impacts would be further reduced once vegetation screens at the project boundary become effective. However, in response to community concerns, JSF has committed to having a minimum 30 m setback from solar panels to the boundary of adjacent private properties”*.
58. ARP 5.1.25 – 5.1.26 states that with the implementation of the recommended conditions of consent requiring setbacks of infrastructure from property boundaries, vegetation screening, and strict land management conditions to control the growth of weeds, the Project would not significantly impact neighbouring agricultural activities.

Commission's Findings

59. The Commission agrees with the Department's assessment and conclusion, as set out in paragraph 56 – 58 above. The Commission is satisfied that the 30m setback to the boundary of adjacent properties is appropriate and the Commission supports the conditions recommended by the Department because the Commission considers that the recommended conditions are appropriate to manage any impacts of the Project through heat transmission.

4.8 Visual Amenity

Council's Comments

60. Council, in its submission to the Department on 8 November 2019 in relation to the original proposal, raised concerns about the visual impact on the 64 sensitive receivers within a 2km radius of the Project. Council's submission stated: *“Council is of the opinion that the proposed development will lead to poor social and environmental outcomes through a loss of amenity for nearby residents in that the immediate landscape will dramatically change from prime agricultural land, to be a landscape with an industrial appearance”*. Council's comments are set out in pages 1 – 2 of its submission.
61. While Council opposed the Project on visual impact grounds identified in paragraph 60 above, in the meeting held with the Commission on 27 October 2020 Council acknowledged that the amended application alleviated some of the initial concerns Council raised from a visual impact perspective through enhanced landscape plantings.

Applicant's Consideration

62. The Applicant's EIS included a Visual Impact Assessment (**VIA**) dated 26 September 2019, prepared by NGH. The VIA included a strategy to address identified impacts, including onsite vegetation screening, general design measures and a process to verify the actual visual impacts of the proposal.

63. The Applicant's EIS includes an assessment of visual impacts based on the findings set out in the VIA. The Applicant's EIS considers visual impacts associated with the Project on landscape character, viewpoints within the public domain and potentially affected residences throughout section 6.4.4 – 6.4.6. Cumulative visual impacts are considered in 6.4.7 and safeguards and mitigation measures are identified in 6.4.8.
64. Project amendments made by the Applicant reduced the visual impact of the original proposal and responded to concerns raised during consultation and submissions received. Details of the amendments are provided in section 2.2 – 2.4 of the Amendment Report dated 16 March 2020.
65. A revised VIA was subsequently submitted by the Applicant dated 22 April 2020 which reassessed the likely visual impacts of the Project following amendment to the design of the solar farm layout as amended by the Amendment Report dated 16 March 2020. The revised VIA identified that amendments were undertaken to reduce visual amenity impacts, primarily for residents along Glenellen Road, north of the development site. It increases the width of the buffer to ensure the minimum distance from the southern boundary fence of Glenellen Road to the nearest solar farm infrastructure is 120m. The previously proposed 50m wide landscaping screen would be retained and incorporated into the buffer. A number of additional vegetation screening buffers of approximately 15m, comprising three rows of shrubs and trees would also be planted along the majority of the development site boundary at the request of Transport for NSW (TfNSW) to reduce visual impacts from public roads and other surrounding residences.

Department's Assessment

66. The AR acknowledged concerns regarding visual impact raised during public submissions. ARP 5.2.1 states *"The majority of the public submissions objecting to the project (84%) raised concerns about the potential visual impacts of the proposed development, including the proximity of the project to surrounding residences, potential impacts on the scenic quality, landscape and rural outlook of the area and cumulative impacts of multiple solar farms within the LGA"*.
67. The AR summarised the visual context of the site and impact at surrounding receivers (see ARP 5.2.2 – 5.2.8 and Table 5). A total of 28 non-associated receivers are identified within 2km of the Project (25 residences within 1km and 23 residences within 1km to 2km). A summary of visual mitigation measures is also provided at ARP 5.2.9:

"JSF has proposed avoidance and mitigation measures to reduce the potential visual impacts on surrounding residences, including:

 - *retention of mature vegetation within and surrounding the site;*
 - *exclusion of infrastructure at several locations around the site to reduce potential impacts on nearby residences and road users, including the western, north-western, southern and south-eastern boundaries of the western array area and the northern and eastern boundaries of the eastern array area (see Figure 3); and*
 - *installing vegetation screening (minimum 15 m depth) along the majority of the project boundary, including along Ortlipp Road, Urana Road, Walla Walla Jindera Road and the north western and southern boundaries of the site to screen views to residences and road users, with more extensive landscaping (50 m depth) to minimise views from residences along Glenellen Road (see Figure 7 and Figure 9)".*
68. In relation to the visual impact of the Project on the landscape, the AR states *"the Department recognises that the introduction of the proposed solar farm to a rural landscape would result in a material change to the local landscape but considers it would have a limited impact on the region, and it would not be visible from the township of Jindera (approximately 4km south)"*.

69. The AR in ARP 5.2.16 – 5.2.17 states that the visual impact for residences surrounding the site is expected to be negligible, unless located in one of the four identified clusters referred to as being:
- “Southern Group (Klinberg Road and Walla Walla Jindera Road);
 - Eastern Group (Ortlipp Road);
 - North-Eastern Group (Glenellen Road); and
 - Western Group (Urana Road, Nation Road, Walla Walla Jindera Road and Sparked Road)”.
70. When considering the visual impact of residences within the Southern Group, ARP 5.2.21 states “*that with the existing intervening vegetation, distance to the solar infrastructure (including setbacks from the project boundary) and proposed landscape screening, the visual impacts on these residences would be low*”.
71. In relation to the visual impact of the Project on residences within the Eastern Group, ARP 5.2.22 – 5.2.24 consider visual impacts and relevant mitigation measures. Mitigation measures include a 110m setback from Ortlipp Road, a 15m landscape screening along the site’s eastern and northern boundaries and relocation of the on-site substation 120m west. ARP 5.2.25 states “*The Department considers that with the existing intervening vegetation, location of the residences to the east of Ortlipp Road, increased setbacks to the solar infrastructure and proposed landscape screening, the visual impacts on these residences would not be significant*”.
72. In relation to the visual impact of the Project on residences within the North-Eastern Group, ARP 5.2.28 identifies that these residences benefit from the amended Project layout which includes a 120m setback from Glenellen Road. ARP 5.2.29 states “*The Department considers that with the existing intervening vegetation, location of the residences to the north of Glenellen Road, increased setbacks to the solar infrastructure and proposed extensive landscape planting, the visual impacts on these residences would not be significant*”.
73. When considering the visual impact of residences within the Western Group, ARP 5.2.35 states “*The Department considers that with the existing dense intervening vegetation at residences, along the project boundaries and retained on site, the increased setbacks to the solar infrastructure and the proposed landscape screening, the visual impacts on these residences would be minimal*”.
74. The AR further considers the visual impacts of the Project at residences within identified clusters and mitigating factors in Table 5.
75. ARP 5.2.36 – ARP 5.2.38 consider the potential impact of the Project resulting from glint and glare. ARP 5.2.38 states that “*The Department has recommended conditions requiring the applicant to minimise the off-site visual impacts of the development, including the potential for any glare or reflection, and to ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape*”. Subject to the recommended conditions, the Department is satisfied that the Project would not cause significant glint or glare related impacts to nearby receivers.
76. In relation to the cumulative impacts of the Project associated with other solar farms, ARP 5.2.39 – ARP 5.2.41 states the following:
- “*The project is located approximately 320 m north west of the proposed Glenellen Solar Farm at its closest point. If both projects were approved, there is the potential for cumulative visual impacts on four residences (R09, R10, R11 and R12). Existing dense native vegetation would largely screen views of the proposed Glenellen Solar Farm from these residences. Similarly, existing vegetation would mostly screen views of the project. The Department notes that JSF has committed to further mitigating visual impacts to these residences with additional vegetation plantings within the project site, which would further fragment views of the project.*”

The project would not be visible from other proposed solar farms in the LGA, including Walla Walla Solar Farm (18 km north) and Culcairn Solar Farm (21 km north).

In consideration of the low-lying nature of the development, the existing and proposed vegetation screening, the Department considers that cumulative visual impacts with the proposed Glenellen Solar Farm would be minor”.

77. The Department has recommended a range of conditions to address visual impacts associated with the Project. ARP 5.2.42 states the following:

“To address the residual visual impacts, the Department has recommended a range of stringent conditions requiring JSF to:

- *Establish and maintain a vegetation buffer along sensitive parts of the site, including along Ortlipp Road, Urana Road, Walla Walla Jindera Road, Glenellen Road and the north western and southern boundaries of the site, which must:*
 - *be planted prior to the commencement of construction;*
 - *consist of a variety of endemic species that would facilitate the best possible outcome in terms of visual screening;*
 - *reduce views of the solar panels and ancillary infrastructure within 3 years of the commencement of construction; and*
 - *be properly maintained with appropriate weed management;*
- *prepare a detailed Landscaping Plan for the site which must include a description of measures that would be implemented to ensure the effectiveness of the vegetation buffer;*
- *minimise the off-site visual impacts of the development, including the potential for any glare or reflection;*
- *ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and not mount any advertising signs or logos on site, except where this is required for identification or safety purposes; and*
- *minimise the off-site lighting impacts of the development, and ensure that any external lighting is installed as low intensity lighting (except where required for safety or emergency purposes), does not shine above the horizontal and complies with Australian/New Zealand Standard AS/NZS 4282:2019 – Control of Obtrusive Effects of Outdoor Lighting”.*

78. ARP 5.2.43 concludes *“Subject to the proposed amended layout, the associated setbacks and the implementation of the recommended conditions, the Department considers that there would be no significant visual impacts, including cumulative visual impacts, on surrounding residences, and the rural character and visual quality of the area would be preserved as far as practicable”.*

Commission’s Findings

79. The Commission notes that there are 25 non-associated residences within 1km of the Project’s solar infrastructure and that visual impact on the surrounding residents and landscape was one of the most common matters raised in submissions objecting to the Project.
80. The Commission acknowledges the amendments that the Applicant has proposed to avoid and mitigate these impacts, including retention of mature vegetation, exclusion of infrastructure at several key locations, increasing setbacks from Project boundaries and installing vegetation screening along the majority of the Project boundary.

81. The Commission agrees with the Department's assessment and conclusion regarding the proposed measures, as set out in paragraphs 66 – 78 above. The Commission has generally imposed the Department's recommended conditions within Schedule 2 because the Commission considers that the recommended conditions are appropriate to manage the visual impacts of the Project. However, the Commission has made minor amendments to the conditions to ensure that landscape screening plantings are undertaken at any early stage of the development and that any failed plantings are replaced.

4.9 Biodiversity

Council's Comments

82. In Council's submission to the Department dated 8 November 2019, it stated that while it was satisfied with the rigour of the biodiversity impact assessment, the removal of 17.41 hectares of native vegetation should be considered constrained and therefore unsuitable for the Project.

Applicant's Considerations

83. The Applicant's EIS included a Biodiversity Development Assessment Report (**BDAR**) dated 26 August 2019, prepared by NGH. The BDAR followed the Biodiversity Assessment Methodology (BAM) as the development triggered the NSW Biodiversity Offsets Scheme under the NSW *Biodiversity Conservation Act 2016 (BC Act)*. BDAR also addresses the assessment requirements of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.
84. The Applicant submitted a revision of the BDAR dated 4 March 2020. The BDAR was revised to document the assessment undertaken for the additional 22ha for the substation (Lot 1 DP588720) and two access point into the solar farm, as well as additional plots and survey to meet the requirements of the Biodiversity & Conservation Division (**BCD**) of the Department.
85. The Applicant submitted a further revision of the BDAR dated 17 June 2020. This revision was prepared to assess the impact of a reduction of 3.9ha in clearing of Blakeley's Red Gum (PCT 277) in response to commentary received from BCD and DPIE.

Department's Assessment

86. ARP 5.3.1 states "*The site comprises mostly cleared agricultural land with good quality native vegetation located along sections of the property boundary, the two on-site watercourses and in the centre of the western portion of the site. There is approximately 78 ha of native vegetation distributed throughout the site, including 41 scattered paddock trees. The remnant native vegetation is predominantly (42.8 ha) Blakeley's Red Gum – Yellow Box grassy tall woodland (plant community type (PCT 277), which is classified as a critically endangered ecological community (EEC) under the Biodiversity Conservation Act 2016 (BC Act) (reclassified from endangered in July 2020)*".
87. ARP 5.3.2 states "*JSF has designed the project to avoid large stands of native vegetation throughout the site (see Figure 3), including riparian vegetation along both Dead Horse Creek and Klinberg Creek, which traverse the western portion of the site, and a large stand in the centre of the western portion of site. JSF has also designed the project to avoid the two wetland areas and 12 of the 19 farm dams on site*". In addition, ARP 5.3.2 states "*The Department accepts that JSF has designed the project to minimise biodiversity impacts and acknowledges the amendments made by JSF to retain an additional 3.9 ha of Box-gum woodland in the western portion of the site to address BCD's concerns regarding the impact on this woodland*".

88. ARP 5.3.6 states *“Of the 78 ha of native vegetation and 41 native paddock trees on site, the amended project would avoid 57.2 ha and seven paddock trees, six of which are hollow bearing”*.
89. ARP 5.3.7 states *“Of the 377 ha development footprint, the project would clear 20.8 ha of native vegetation and 34 native paddock trees. The remainder of the development footprint is cleared land and/or exotic species.”*
90. ARP 5.3.9 - 5.3.11 states the following in relation to fauna impacts associated with the Project:
- *“The biodiversity assessment concluded that there would be impacts to one species (Squirrel Glider) observed during targeted surveys and a further four species are assumed to be present.”*
 - *“Targeted surveys did not find any Koalas or evidence of Koalas within the survey area. Any habitat within the study area is not considered to be critical to the survival of the Koala”.*
 - *“The Department and BCD consider that all threatened species, communities and habitats have been correctly identified, assessed and offsets calculated correctly”.*
91. The AR identifies that under the BC Act, the impact on native vegetation and species would generate 276 ecosystem credits and 318 species credits for flora and fauna species both known and assumed to be present on site and within the road reserve. This is summarised in Table 6 and Table 7 of the AR.
92. As per 5.3.16, the Department has recommended conditions requiring the applicant to do the following:
- *“avoid the disturbance of native vegetation or fauna habitat located outside the development footprint;*
 - *Retire the applicable biodiversity offset credits in accordance with the Biodiversity Offsets Scheme prior to commencing the development; and*
 - *Prepare and implement a Biodiversity Management Plan in consultation with BCD, including measures to minimise clearing, avoid unnecessary disturbance of vegetation located within the development footprint and maintaining and improving the condition and extent of Blakely’s Red Gum – Yellow Box Grassy tall woodland within and surrounding the project site”.*
93. The Department is satisfied that, with the measures outlined in paragraph 92, the Project is unlikely to result in significant impact on the biodiversity values of the locality.

Commission’s Findings

94. The Commission is satisfied with the Department’s assessment, as set out in paragraphs 86 – 93 above. The Commission is satisfied that the Applicant has designed and amended the Project to avoid impacts on biodiversity (in particular the Box Gum woodland vegetation on the site) and that all unavoidable impacts would be offset in accordance with the NSW Biodiversity Offset Scheme or appropriate mitigation measures. The Commission also supports the implementation of a Biodiversity Management Plan in consultation with BCD. The Commission has imposed the Department’s recommended conditions because the Commission considers that the recommended conditions are appropriate to manage the biodiversity impacts of the Project.

4.10 Traffic and Transport

Applicant's Consideration

95. The Applicant's EIS includes a Traffic Impact Assessment (TIA) dated 6 May 2019, prepared by Stantec.
96. In relation to construction access, 7.3.3 of the EIS states "*It is proposed to provide construction access to/from the site via Urana Road and Walla Walla Jindera Road in 3 locations*". Furthermore, is stated "*Emergency access to the site will be available from 2 locations on Klinberg Road and Ortlipp Road, however this will not be used as general construction access*".
97. The Applicant's EIS included operational site access detailed in 7.3.4 and states "*Operational maintenance and emergency access will primarily be from the 3 major construction access points on Urana Road and Walla Walla Jindera Road. The 2 nominated emergency access points from Klinberg Road and Ortlipp Road will be used for emergency access only*".
98. The Applicant's EIS assesses traffic and transport impact in 7.3.5 and potential cumulative impacts associated with Glenellen Solar farm in 7.3.6.
99. The Applicant's EIS provides safeguards for traffic, transport and associated safety impacts in 7.3.7 (See Table 7-12).

Department's Assessment

100. The AR provides a summary of the findings and recommendations in relation to traffic and transport within column 1 and column 2 of Table 8 respectively.
101. As identified in Table 8 of the AR, the main increase in traffic volumes is expected to occur during the 18-month construction period where up to 30 heavy vehicle movements per day and 110 light vehicle movements per day can be expected during the peak period.

During operations, traffic generated would be negligible with 5 heavy and 6 light vehicle movements per day expected.
102. The AR states that "*the Department has recommended a requirement in the Traffic Management Plan for JSF to undertake dilapidation surveys and repairs of local roads along the proposed over-dimensional and heavy vehicle transport route*".
103. The AR concludes that "*With the above upgrades, maintenance requirements and implementation of a Traffic Management Plan, the Department, TfNSW and Council are satisfied that the project would not result in significant impacts on the road network capacity, efficiency or safety*".
104. In relation to cumulative impacts, the AR states "*Any potential cumulative traffic impacts on local road users would be minimised and managed through stringent measures developed as part of the Traffic Management Plan, including scheduling construction activities and deliveries to minimise road transport movements and avoid conflict with school buses, other road users, and the construction traffic of other solar farms in the Greater Hume area*".

Commission's Findings

105. The Commission agrees with the Department's assessment regarding access routes for over-dimensional and heavy vehicles associated with the development. The Commission also accepts that the increase in traffic volumes will be largely during the construction period and that the number of vehicles during construction will be manageable if restricted to the peak volumes identified in the AR. The Commission also agrees that the relevant road upgrades should be undertaken prior to commencing construction. The Commission supports the Department's requirement to prepare a Traffic Management Plan in consultation with TfNSW and Council, including dilapidation surveys and details of measures to support road safety. The Commission has therefore imposed the Department's recommended conditions within Schedule 3 because the Commission considers that the recommended conditions are appropriate to manage the traffic impacts of the Project. However, the Commission has amended the condition relating to site access to ensure that water carts fall within the category of heavy vehicles and use the same access route to the project site.

4.11 Noise

106. The AR identifies in Table 8 that noise generated by construction, upgrading and decommissioning would be well below the "*highly noise affected criterion*" of 75dB(A) in the ICNG. Where residences were predicted to experience noise levels above the "*noise affected criterion*" of 45 dB(A) in the ICNG (between 48-64dB(A)), it was identified that this would be short term, intermittent and limited to construction hours. Furthermore, this would only be experienced when activities associated with earthworks, road construction and panel framing are undertaken, and be limited to a three-week period.
107. In relation to cumulative noise impacts, the Department states "*consideration of cumulative noise impacts found that no additional receivers would experience exceedances of the noise affected criterion in the event that both the Jindera Solar Farm and Culcairn Solar Farm are approved and constructed concurrently*".
108. The AR identifies that as a result of amendments to the Project layout, there would be negligible noise during operation and the Project would not result in operational noise exceedances beyond 35 dB(A) for any non-associated residences.
109. The Department provided recommended conditions to minimise noise associated impacts, including conditions requiring activities to be undertaken in accordance with best practice noise mitigation work practices set out in the ICNG and restricted construction hours.

Commission's Findings

110. The Commission agrees with the Department's assessment of potential noise impacts, as well as the recommendation to impose conditions limiting construction to the standard hours in accordance with the ICNG, with amendments. Amendments made by the Commission include removing reference to activities generating "*inaudible noise*" being able to be undertaken outside of standard hours.
111. The Commission has also imposed a condition requiring the Applicant to appoint a neighbourhood liaison officer to liaise with receivers on construction noise levels and work schedules.

4.12 Dust

112. The AR assesses the potential impact of the Project in relation to dust during both construction and operation in Table 8. The AR also notes that 35 submissions received during exhibition were concerned that the Project would result in unacceptable dust in the event groundcover on site could not be sufficiently established due to overshadowing by solar panels.

113. The Department was satisfied that dust generated during construction of the Project could be suitably managed via the use of trucks and covering loads as well as daily visual monitoring during construction of the Project.
114. The Department have recommended a condition requiring the proponent to establish and maintain groundcover with appropriate perennial species as soon as practicable following construction.

Commission's Findings

115. The Commission agrees with the Department's assessment, as set out in paragraphs 112 – 114. The Commission has therefore imposed the Department's recommended conditions for dust minimisation.

4.13 Historic Heritage & Aboriginal Heritage

116. The AR assesses the potential impacts of the Project on Aboriginal heritage in Table 8. Surveys identified 28 Aboriginal heritage sites, including 15 isolated finds, 10 artefact scatters and three cultural sites. All items were assessed to be of low significance.
117. The Department recommended conditions requiring the Applicant to salvage and relocate Aboriginal items in consultation with Registered Aboriginal Parties (**RAPs**), to cease works and notify the NSW Police and OEH if human remains are identified over the life of the Project, and to prepare and implement a heritage management plan, including procedures for unexpected finds in consultations with RAPs.
118. The Department assesses the potential impacts of the Project on the historical heritage of the Project site at Table 8 of the AR. No heritage items listed on Commonwealth, National or State registers are located within or surrounding the site. The Department is satisfied that the Project would not have any adverse impacts on local or State heritage items in the local area.

Commission's Findings

119. The Commission agrees with the conclusions of the Department in relation to both Aboriginal cultural heritage and historic heritage, as set out in paragraphs 116 – 118 above, and imposes the Department's recommended conditions.

4.14 Hazards

120. The AR considers the potential impact of the Project in relation to bushfire in Table 8. The Department is satisfied that bushfire risks can be suitably controlled through the implementation of standard fire management procedures. The Department recommended conditions require asset protection zones to be established and maintained, and for an Emergency Plan to be implemented to the satisfaction of the Rural Fire Service (RFS) and Fire & Rescue NSW.
121. The AR considers risks associated with the battery storage facility at the site. Table 8 identifies that a range of hazard prevention and mitigation measures to manage potential risks associated with the battery storage facility including: asset protection zones around the battery storage facility; automated monitoring and control systems with alarm and shutdown capability; and appropriate separation between containers.
122. Subject to the recommended conditions being implemented, the Department is satisfied that risks associated with bushfire and the battery facility would be negligible.

Commission's Findings

123. The Commission agrees with the Department's assessment in relation to bushfire and the battery storage facility and has therefore imposed the Department's recommended conditions with minor amendments.

4.15 Water and Erosion

124. The AR considers the potential impacts of the Project on naturally occurring watercourses and water usage for construction and operation of the Project in Table 8.
125. The AR identifies that there are two ephemeral watercourses which traverse the western portion of the site, both of which are not defined channels and have little or no flow, with water only present after significant rainfall events.
126. The AR identifies that the Project has been designed to avoid the watercourses at the site except for crossings for internal tracks, electrical cables and security fencing. Furthermore, it notes that any wetlands at the site would be retained along with 12 farm dams.
127. The AR identifies that the Project would require around 30 megalitres of water during construction (mainly for dust suppression) and around 1.2 megalitres of water annually during operation (mainly for cleaning panels). A static water supply (two 20,000 litre tanks) would be established and maintained for fire protection. Water used on the site would be sourced from a Council-owned standpipe in Jindera, which has been agreed in principle with Council.
128. The Department recommends conditions requiring the Applicant to design, construct and maintain the Project to reduce impacts on surface water and flooding. Conditions requiring works to be in accordance with the Office of Environment and Heritage's *Managing Stormwater: Soils and Construction manual* and the National Resource Access Regulator's *Guidelines for Controlled Activities on Waterfront Land* have also been recommended.
129. The Department concludes that subject to the recommended conditions, the Project would not result in significant impacts on water resources.

Commission's Findings

130. The Commission agrees with the Department regarding impacts on water resources, as set out in paragraph 124 and 127 above and has therefore imposed the Department's recommended conditions.

4.16 Subdivision

131. The AR states at Table 8 that the Applicant's proposal will result in the creation of 6 newly created lots at the site, all of which are below the 200ha minimum lot size stipulated by the LEP. The proposed subdivision of the land is required in order to facilitate lease agreements with landowners, enable the continuation of agricultural practices, and to facilitate the siting of the TransGrid substation. Notwithstanding the departure from development standards with the LEP, under s 4.38(3) of the EP&A Act, development consent for the Project as a whole can be granted despite the subdivision component being prohibited.
132. The AR concludes that the subdivision should be approved as it is necessary for the operation of the substation, will not result in any additional dwelling entitlements and is consistent with the objectives of the RU1 zone.

Commission's Findings

133. The Commission agrees with the Department's assessment, as set out in paragraphs 131 and 132 and imposes the recommended conditions including the requirement for the Applicant to prepare and submit detailed subdivision plans to the Secretary for approval.

4.17 Decommissioning and rehabilitation

134. The Amendment Report dated 16 March 2020 states that the Applicant provides a commitment to the removal of all above and below ground infrastructure, including cabling (in agreement with the landowner) during the decommissioning of the Project following the cessation of use.
135. The AR considered community submissions concerning decommissioning and rehabilitation of the Project after its operational life. The Department recommended conditions which include clear decommissioning triggers and rehabilitation objectives such as restoring land capability to its pre-existing agricultural use. With the implementation of these measures, the Department considers that the solar farm would be suitably decommissioned at the end of the Project life, or within 18 months if operations cease unexpectedly, and that the Site would be appropriately rehabilitated.

Commission's Findings

136. The Commission acknowledges the number of submissions during exhibition and following the public meeting expressing concern about who would be responsible for the decommissioning and rehabilitation of the site. There were a number of submissions expressing the view that the decommission and rehabilitation of operations should be planned appropriately ahead of the cessation of operations and brought together into a consolidated Decommissioning and Rehabilitation Plan. For this reason, the Commission has imposed a requirement for the Applicant to prepare such a plan prior to the cessation of operations, all of which must be to the satisfaction of the Secretary. The Commission has imposed a condition to give effect to this requirement under Schedule 3. The Commission has also amended the conditions to specify that all solar farm infrastructure, including underground cabling, is to be removed following the cessation of operations.

4.18 Land Values

137. The AR assesses the potential impacts of the Project on the land values of neighbouring properties. The Department concluded that there is no clear evidence to suggest that solar farms in NSW are adversely affecting property values, the development is permissible under the SEPP and that visual impacts on surrounding residences and road users would not be significant. Accordingly, the Department considers the Project would not result in any significant or widespread reduction in land values in the areas surrounding the solar farm.

Commission's Findings

138. Although the Commission has not given significant weight to submissions regarding land values, it agrees with the Department's assessment in relation to the impact of solar farms on land values. The Commission agrees that there is no clear evidence to suggest that solar farms are adversely affecting property values.

4.19 Workforce Accommodation and Local Employment

139. The AR states “*JSF has committed to source workers from the local and regional community where possible and the Department is satisfied that there is sufficient accommodation in nearby towns, such as Jindera, Albury, Table Top and Culcairn*”.
140. The AR considers the potential for construction of the Project to overlap with other solar farms in the region. The AR states “*There is the potential for construction of the project to overlap with the construction of the proposed Walla Walla Solar Farm, Culcairn Solar Farm (if approved). Should this occur, up to 1,025 construction personnel may be required in the region and additional workers for the Glenellen Solar Farm. However, the Department considers that although possible, it is unlikely the entire construction periods of these three projects would overlap*”.
141. The Department has recommended the preparation of an Accommodation and Employment Strategy for the Project in consultation with Council, with consideration of the cumulative impacts associated with other SSD projects in the area, and consideration to prioritising the employment of local workers as a condition of consent.

Commission’s Findings

142. The Commission agrees with the Department and has imposed the Department’s recommended conditions under Schedule 3 requiring the Applicant to prepare an Accommodation and Employment Strategy for the Project in consultation with Council, with consideration to prioritising the employment of local workers.

4.20 Economic

143. In Table 8, the AR concludes that the Project would generate direct and indirect benefits to the local community, including up to 200 jobs during construction and 5 ongoing full-time jobs during operation. Benefits would also result from expenditure on accommodation and to businesses in the local economy by workers who would reside in Greater Hume LGA or the adjoining Albury LGA, and from the procurement of goods and services by the Applicant and associated contractors.
144. The AR identifies that the Applicant has an in principle agreement with Council to enter into a voluntary planning agreement (**VPA**), which includes a one-off payment of \$700,000 at completion of the Project, \$250,000 of staged payments during the first 6 years of operation and a further annual contributions of \$25,000 for the 30-year operation of the Project (adjusted to inflation). The total value of the VPA is \$1.7 million in contributions to Council for Community enhancement projects. This has been recommended as a condition of consent by the Department.

Commission’s Findings

145. The Commission agrees with the Department’s assessment that the Project would generate a range of benefits for the local community and has therefore imposed the Department’s recommended conditions of consent requiring the Applicant to enter into a VPA with Council under Schedule 2.

4.21 Objects of the EP&A Act & Public Interest

Applicant’s Consideration

146. Section 4.2.1 of the Applicant’s EIS states the following in relation to the objects of the Act:

The objects of the EP&A Act have been considered throughout this environmental assessment and natural resources and competing land uses have been considered. The proposal aims to promote the orderly and economic use of the

land through the provision of utility services (power generation). The proposal has been located and designed so that it would avoid native vegetation as much as possible and minimise the use of natural and artificial resources while considering the social and economic welfare of the local community. For these reasons it is considered that the proposal is consistent with the objects of the EP&A Act.

147. Section 2.2 of the EIS outlines the benefits of the Project and why it is in the public interest.

Department's Assessment

148. The Department has undertaken an assessment of the Application against the objects of the EP&A Act. These are set out in the AR at Appendix H.
149. ARP 7.1.13 states: "*On balance, the Department considers that the project is in the public interest and is approvable, subject to the recommended conditions of consent*".

Commission's Findings

150. The Commission acknowledges the Applicant's view outlined in paragraphs 146 and 147. The Commission also notes that the Applicant has made amendments to the Application to reduce and mitigate impacts as set out in section 2.1, in response to concerns raised by the community and Council.
151. The Commission agrees with the Department's Assessment in paragraphs 148 and 149 and is of the view that the Project is in accordance with the EP&A Act and is in the public interest.

5 CONCLUSION: THE COMMISSION'S FINDINGS AND DETERMINATION

152. The views of the community were expressed through public submissions and written comments (received as part of exhibition and as part of the Commission's determination process), as well as in oral presentations to the Commission at the public meeting on 27 November 2020. The Commission carefully considered all of these views as part of making its decision. The way in which these concerns were taken into account by the Commission is set out in section 4 above.
153. The Commission has carefully considered the Material before it.
154. For the reasons set out in this Statement of Reasons, the Commission has determined that the Application should be granted consent subject to conditions which have been designed to:
- prevent, minimise and/or offset adverse environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - outline how the land can be returned to its current use following decommissioning and rehabilitation of the site;
 - require regular monitoring and reporting; and
 - provide for the ongoing environmental management of the development.
155. The reasons for the Decision are given in this Statement of Reasons for Decision dated 22 December 2020.



Andrew Hutton (Chair)
Member of the Commission



Professor Zada Lipman
Member of the Commission