

Our ref: 22162

9th December 2022

Ms Nicole Brewer
Director – Energy Assessments
Development Assessment
NSW Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Madam,

RE: Glanmire Solar Farm – Application Number SSD-21208499

In regard to the Exhibition of State Significant Development Application for the Glanmire Solar Farm proposed at 4823 Great Western Highway, Glanmire - Application Number SSD-21208499.

Newton Rural Pty Ltd is the landowner of 'The Oaks' 4985 Great Western Highway, Glanmire immediately adjacent to the site of the proposed Glanmire Solar Farm. The property is highlighted as Yellow in Figure 6-33 (page 172) of the EIS. The company has engaged Voerman & Ratsep to prepare a submission on its behalf that highlights concerns about planning issues, operational risk and environmental risk of being located and running an agricultural enterprise next to a solar farm.

The landowners of Newton Rural Pty Ltd are against the proposed Glanmire Solar Farm.

Planning Issues

The proposed Solar Plant is incongruous with its location. For the next 40 years it will place limitations on the flexibility of the NSW State Government and Bathurst Regional Council to best utilise the billions of dollars of Federal and State Government infrastructure funding that is currently being directed for development of the Central West. The Solar Farm project could potentially limit a suitable realignment corridor for highspeed rail, future expansion of the Bathurst City and future expansion of Bathurst Airport.

This is supported by *Section 2.42 of the State Environmental Planning Policy (Transport and Infrastructure) 2021*. It expressly points out the direct conflict that solar and wind generating works have on certain land identified as Regional Cities. Bathurst is identified as a Regional City and the State Environmental Planning Policy (Infrastructure) 2007 Regional Cities Map as marked up and attached to this submission shows that the proposed solar farm is located within the identified city limits.

As the *Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities - Explanation of Intended Affect* (a document informing Section 2.42 of the SEPP) also states:

Directors:

- Andrew Burge
Registered Surveyor
- David Ortiger
Registered Surveyor

Associates:

- Adam Ortiger
Registered Surveyor

Affiliations:

- Member of the Association of Consulting Surveyors NSW Inc.
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Given that there is some flexibility in the location and layout of solar and wind farms, land immediately surrounding regional cities should be afforded additional protections in the planning process.

The proposed amendments to the Infrastructure SEPP would ensure that:

- consent authorities consider land use conflicts in the assessment and decision-making process that may be caused by utility-scale solar and wind farm development near regional cities.
- land identified for future uses in Regional Plans and Local Strategic Planning Statements is protected from long term use and land use conflicts from utility-scale solar and wind development.
- regional cities can continue to grow to support ongoing growth and development needs including housing, industrial uses, and infrastructure and services.

These amendments would apply to land within 10 kilometres of the commercial centre and 5 kilometres from residential land. This would preserve land on the fringe of regional cities for future residential expansion and would provide a buffer to limit any land use conflicts with other important land uses in the commercial centre of the regional cities.

Put simply, the proposed Glanmire Solar Farm site is located within the mapped Bathurst Regional City Area and is within 5 kilometres of Residential Land and contravenes the SEPP (Transport and Infrastructure) 2021 and supporting documentation development standards.

If the Department of Planning considers that the proposal warrants deviating from their own development standard and the proposed site will continue to be assessed, then the following considerations should be made in the public interest.

Development Setbacks

The EIS Indicative site layout plan shows that solar farm infrastructure is to be erected only 10 metres from the external boundary.

Even though the proposed development is being assessed as a State Significant Development Application, development standards outlined in the local environmental planning instruments must also be considered. In this instance, *Bathurst Regional Development Control Plan 2014 Section 6 Rural and Rural Lifestyle Development* and in particular *Section 6.2.3 Setbacks – Zones RU1 – Primary Production, RU2 – Rural Landscape and RU4 – Primary Production Small Lots* refers to a development standard that Council (or in this case the assessing authority) must only grant consent to development listed in the table below where front, side and rear setbacks comply with the standards outlined in table below.

Development Type	Front, Side and Rear Setback
Dwellings Tourist and Visitor Accommodation Caravan Parks <u>Farm buildings</u>	<ul style="list-style-type: none"> • 20m for lots less than 20ha or <u>50m for lots greater than 20ha</u>, or • 150 metres to adjoining land that contains an existing extractive industry, sawmills, road transport facility, an existing forestry operation or land owned by Forests NSW, or • 250m to adjoining land that contains an existing intensive animal husbandry activity, an abattoir or stock and sale yards, or • 250m to adjoining land that contains an existing mine.
<u>Rural Industry</u>	<ul style="list-style-type: none"> • <u>50m</u>
Extractive industries Sawmills	<ul style="list-style-type: none"> • 150m

Road Transport Facility Forestry (excluding existing plantations authorised under the Plantations and Reafforestation Act 1999 or activities carried out under the Forestry Act 1916)	
Intensive Animal Husbandry Stock and Sale Yards Abattoirs Mines	<ul style="list-style-type: none"> • 250m

The solar farm infrastructure should be classified as either Farm Buildings or Rural Industry and a setback from the front, side and rear boundaries of at least 50 metres must be applied.

Operational risk

The EIS supporting the State Significant Development Application included a bushfire risk assessment. The commentary only discussed the bushfire risk emanating on and from the subject site. It made no mention of the bushfire risk to the solar farm infrastructure emanating from adjoining agricultural land.

The landowners of Newton Rural Pty Ltd are highly concerned about the risk of undertaking their agricultural operations to an adjoining solar farm. The replacement value of the solar farm infrastructure and the risk of bushfire damage emanating from their property potentially extinguishes the ability to operate an agricultural enterprise. Given the maximum Public Liability Insurance on the market is \$20 million, this amount is well below the replacement value of the solar farm infrastructure and supply loss obligations to its customers.

The EIS only considered the minimum 10m Asset Protection Zone (APZ) around the solar farm infrastructure in accordance with *NSW RFS Planning for Bushfire Protection 2019 - Part 8.3.5 Wind and Solar Farms*. This setback distance is hopelessly inadequate to mitigate a fast moving cured grassland or crop fire. Rather, in accordance with *NSW RFS Planning for Bushfire Protection 2019 - Part A1.3 Grassland Assessment*, where no Bushfire Safety Authority is issued or required, an APZ of at least 50 metres must be provided around the perimeter of the infrastructure.

It would be in the public interest that adjoining landowners be indemnified from damage to the solar farm infrastructure caused by bushfire or other natural hazard emanating from their properties, and the proponent maintains an APZ of at least 50 metres around the boundary perimeter to mitigate that risk in accordance with the appropriate guidelines.

Environmental Risk

The EIS supporting the State Significant Development Application included a commentary on hydrology, erosion and water resources. It discussed the impact the proposed solar farm had on existing site conditions including the increase in water flows and water quality during construction, operation and decommissioning of the solar farm. The conclusion was that the increased risk to local hydrology, erosion and water quality is considered low

The landowners of Newton Rural Pty Ltd find this conclusion unacceptable. As the downstream property, the increased water flows, although small, will have an impact on their existing infrastructure. Dams and waterways have been designed for pre-development upstream flows and any increased flows will lead to increased erosion and bank instability.

It would be in the public interest that the proponent contains all increased water flow on their own property by retention before it outflows onto adjoining land downstream.

Please have your staff consider the matters raised in this letter when undertaking an assessment of the State Significant Development for the Glanmire Solar Farm.

Yours faithfully,
VOERMAN & RATSEP




Andrew Burge
Registered Land Surveyor/Director


**State Environmental Planning
Policy (Infrastructure) 2007
Regional Cities Map - Bathurst**

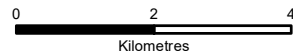
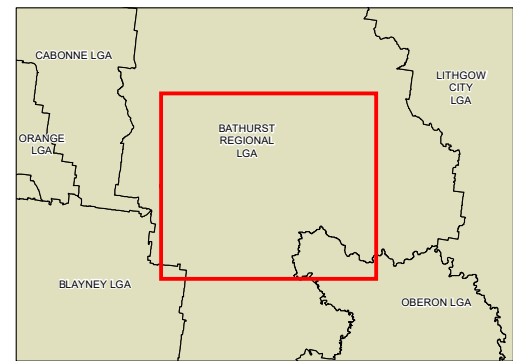
Sheet REC_003

Renewables Zone

 Subject Land

Cadastre

 Cadastre 04/11/2021 © Spatial Services



Projection: GDA 1994
MGA Zone 56

Map Identification Number: SEPP_ISEPP_REC_003_20211104

