Preliminary Submission New England Solar Application No 19_9255

18 March 2019

the Uralla -Walcha Community for Responsible Solar/Wind Action Group

Dear Sir /Madam

Re New England Solar Application 18_9255

Purpose -As titled this is a Preliminary Submission of Objection to UPC application for the development of the New England Solar Farm at Uralla NSW. It's tabled by *Uralla -Walcha Community for Responsible Solar/Wind Action Group ("Action Group")* It is preliminary for the reasons set out in the Action Group's letter to the Department of Planning and Environment ("DPE") Director of Assessment dated 18 March 2019 requesting an extension of time to lodge final objections.

As a Preliminary Submission – it identifies some but not all of the key issues of objection the Action Group may seek to bring to the DPE for their assessment or for their recommendation as to any future Independent Planning Commission ("IPC") constituted pursuant to the provisions of the Environmental Planning and Assessment Act 1979. ("the Act")

Introduction - the Uralla -Walcha Community for Responsible Solar/Wind Action Group

Action Group is a constituted Special Interest Group of concerned members of the Uralla Community. As the name communicates the Action Group has been established to provide a community voice to ensure large scale wind and solar developments are **responsibly integrated** into Uralla -Walcha in the best interest of the overall community.

More broadly;

- The basis of Action Group's objections is that aspects of the UPC's proposed development the Southern Development ("SA") is **not responsible development** within the objectives of the Action Group's mandate. The SA is 200MW of the 720MW proposal. This part of the UPC development is the Group's objection.
- The SA as a development does meet the objectives of the Act and its Regulations nor the key policy provisions associated with this development,
- The SA doesn't promote for the Community a requisite balance within the economic, social and environmental objectives of the Region.

The Action Group supports the transition from fossil fuel to a new energy economy. It does so in acknowledgement that the project life of solar or wind farm is twenty-five - thirty years (25-30). Therefore, in the interests of the community, and the principles of ESD – particularly the precautionary principles and inter-generational equity there is a paramount need to ensure that there is a responsible planning assessment and scrutiny from which to promote balanced development envisaged pursuant to the Act.

The Action Group acknowledges from a resource and infrastructure perspective <u>the New</u> <u>England</u> will play an important role in this transition for NSW – it supports this outlook. All the Action Group seeks is that this transition is underpinned by **progressive integrated planning practices**. Practices that establish not only prudent modern planning practice but also robust assessment processes. It is not evident to the Action Group, as the Region embraces this tsunami of renewable energy interests **who is presiding over such practices**. This is alarming.

The Objections in Context;

As the DPE and IPC will note, from the arguments hereunder, it is proposed to frame this important request for support against the context of;

- a) The Ongoing discussions the Action Group has convened with the Developer UPC and its Environmental Consultant.
- b) The Action Group's meetings with the NSW State Member Hon Adam Marshall and his communications with the NSW Planning Minister the Hon Anthony Roberts. The Action Group's meeting with the Federal Member for New England the Hon Barnaby Joyce.
- c) The Action Group's meeting with the NSW DPE Projects' Assessment Branch.
- d) The Action Group's meeting with the Federal Wind (and now Large-Scale Solar) Commissioner
- e) The Action Group's research and understanding of the relevant Federal Legislation including the <u>Environment Protection</u>, <u>Biodiversity and Conservation Act</u>, ("EPBC Act") Animal Welfare legislation and Farm Biosecurity Programs.
- f) The Council's Community Action Plan, The New England North West Regional Plan and the Strategic Regional Land Use Plan New England and North West; and
- g) The Action Group's assessment of the UPC's Environmental Impact Statement ("EIS") against the NSW Environmental Planning and Assessment Act 1979 (State Significant Development) and related Legislation and core Policy including the NSW Electricity Infrastructure Strategy and Large-Scale Solar Development Guidelines.

The Environment Planning and Act 1979

Specifically, as to the core legislative objectives ¹-the Groups submits objections – as the development;

- (a) does not promote with requisite balance the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) does not assist in facilitation of ecologically sustainable development
- (c) does not promote the orderly and economic use and development of land,

¹ Section 1.3 of the Act

- (d) does not protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) does not promote the sustainable management of built and cultural heritage
- (g) does not provide for increased opportunity for community participation in environmental planning and assessment.

Essentially in The Group's opinion the Consent Authority must conclude on evaluation against the Developer UPC as to suitability of site and whether the broader public interest is served. In our respectful submission the SA as a large-scale solar site is poor site selection on UPC's behalf and is **demonstrably not in the public interest** for reasons set out in this preliminary and subsequent final submission.²

Major Concerns of the Action Group -

The Action Group has assessed the key aspects of the UPC Environmental Impact Statement in relation to the Project generally and more particularly in relation to the SA.

The project boundary consists of 8,380ha. (18,855 acres)-the development footprint consists of 2,787ha (6,271 acres) and 653ha (1469 acres) in the SA. The total project is forecast to deliver 2,000GwH per annum and the SA a forecast 555Gwh per annum or 27.8% of the total production.

- The Action Group in context of the SA objects as the Proponent's claim as to 'project need'. The SA as operational project presents as only 200 MW of renewable energy less than 28% of the total UPC development. It presents as only 0. 037% of the forecast New England RE Zone of 5,550MW³. In context the SA does not presents as a major erosion against the NSW Climate Change Policy 2016 or NSW Renewable Energy Action Plan. Nor any conflict with the Commonwealth Renewable Energy Policy nor the UNFCC Paris commitment as both targets have been largely achieved.
- The Action Group, in the absence of full disclosure, objects to the proposed development on the ESD grounds that it may not promote the economic welfare the Proponent proposes it may not promote the orderly economic use of the land as espoused. These questions are cornerstones to the Objectives of the Act⁴ -someone has to ask this important question, and nobody is accordingly the Action Group is left to seek clarification by way of objection.

Of particular concern to the Group, the Proponent offers very little insight into the commerciality of the project. The current environment for RE projects on the East Coast of Australia is economically fragile. Grid infrastructure upgrades can't keep up with development demands and EPC Construction contractors 'the meat in the sandwich" are affected with multiple delays, cost overruns, bankruptcies and general

² IBID S.4.15

³ The NSW Transmission Infrastructure Strategy Nov 2018

⁴ The EPP Act S1.3

connection delays. Add to this the recent negative impact on solar development revenue from the AEMO recent round of de-ratings or MLF considerations.

It is perfectly reasonable that these key commercial considerations are disclosed to the Community. On any interpretation it's in the 'welfare' therefore it's in the 'interest of the public' to ensure that support or opposition to a project is founded on whether the project proposition is bankable in the eyes of the investment community. If a project becomes unbankable after construction -the public and community are left to clean up a potentially very untidy situation. In trying to assess this outlook all that the Community is left to interpret is publicly available information such as the AEMO NSW REZ report card which suggests New England and NSW tablelands present with spare network capacity of 300MW. UPC are proposing 720 MW installed and some 2500 GwH per annum production.

The availability of such information is clearly consistent with the Objects of the Act in terms of economic considerations and the Evaluation provisions in terms of public interests. It is consistent with prudent merit-based assessment -not just impact on the environment but also that it is based on sound social and economic footings. It clearly in the Communities interest to know a project is bankable and verification of access to grid strikes at the very heart of public interest.

The Action Group – maintains the Project, primarily the SA, presents as poor site selection by the UPC – an obvious development overreach. It is obvious that it was selected mainly for its access to the 330kV electricity connection network -with a view to maximising available grid capacity. As such the SA has a number of fatal flaws which were overlooked. These in addition to the points raised above form the basis of the Action Group's core EIS objections.

 A reduction in highly productive quality agricultural land. Agricultural Production in the Region accounts for 17.5% of the state's agricultural production as highlighted by Fig 5.5 of Appendix 1 of the EIS most of the Southern Array footprint is classified as BSAL (Biophysical Strategic Agricultural Land) defined by the Strategic Agricultural Land Map. BSAL is defined as land with high quality soil and water resources capable of sustaining high levels of productivity.⁵

This outlook induces the compliance conflict with the NSW Government broader Strategic Regional Land Use Policy, the Strategic Regional Land Use Plan -New England North West and the New England North West Regional Plan. In regards this plan alone – expanding agribusiness/building agriculture productivity/protecting and enhancing productive agricultural lands. UPC offer no mitigation of this fatal flaw – the development proposition can only be condemned as a blatant disrespect for public interest. A clear conflict with the Regional ambitions as to agricultural production.

 $^{^5}$ UPC EIA Vol 1 P 133

The suggestion by the Developer that the land mapped as BSAL in the development represents approximately 0.02% of the total area mapped as BSAL in NSW – is not an acceptable rationale to tying up productive land for 25-30 Years. The suggestion that it will return to agricultural production at the conclusion of the project life is a flaccid interpretation of public interest in ensuring the importance balance between development and important food production. These suggestions certainly don't present as ecologically sustainable development and is certainly not evidence as to adherence to the principle of inter-generational equity.

The suggested theme from the Developer throughout the EIS is that agricultural production will continue in some harmonised state with pervasive solar production - is fanciful and ludicrous as to its practical application. The Group also addressees the unaddressed and unresearched potential animal welfare and OH&S perspective hereunder.

The Group acknowledges that strategic land use planning - BSAL Mapping is a useful and available lens crafted from the heat of the gas fracking battles. However, it the Group's view that science and agriculture could return to build a better and more dynamic evaluation methodology. One construed to determine in the current and ongoing drought conditions whether BSAL as an assessment criterion could be reengineered to accommodate rainfall any other more pertinent scientific considerations into the classifications.

A prudent mitigation might have been derived from the completion of an Agricultural Impact Statement – just as relevant for large scale solar deployment as it is for mining and exploration. None was forthcoming.

2. Visual Impact and the potential damage to tourism. The Action Group has the strongest objection to visual impact – on any assessment the SA induces a significant visual impact and intrusion– most profound for the Sunhill Dairy and the neighbouring landowners particularly those closest to Thunderbolt Way. Even using UPC's methodologies -the magnitude of change from a number of sites conveniently absent from UPC's EIS confirm a substantial change in a visual outlook which cannot absorb the development from any viewpoint.

Uralla, as with its sister locations in the New England, offers a rich tapestry of indigenous based, nature based, farm based and heritage-based tourism. Uralla and particularly the Thunderbolts Way are demonstrable of the public interest in maintaining the value of this asset.

The proposed development of the SA confirms that the Salisbury Plains as an iconic broadacre vista will, if developmentally approved, will convert to a silicon- solar panel presentation. A significant 'magnitude of visual change' from the Thunderbolts Way and neighbouring landowners. In particular the imprisoning imposition on the Sunhill Diary confirms a complete insensitivity to the personal and economic damage for the Family. The Group is appalled as to treatment of the Sunhill landowners

UPC offer on EIS assessment methodology which on application produces fallacy of convenient results. In this regard it would seem obvious to the Action Group that at least 5 additional view points on the adapted methodology should be included. These VP arise in between VP 12 and VP 13. These additional viewpoints will confirm a patently obvious inability by the prevailing landscape to absorb 200 solar MW of visual intrusion. This is obviously compounded by the potential cumulative impact highlighted hereunder. The mitigation offered by UPC in terms of potential vegetation screening is a nonsense to anyone who observes the impotency of the existing tree lines of varying relevant ages on adjacent to Salisbury Road and Salisbury Plains in general. Certainly, the proposed setbacks offered the Sunhill proprietors are manifestly inadequate.

In a legislative context we believe visual amenity is protected at Federal level pursuant to S 528 of the <u>Environment Protection and Biodiversity Act 1999</u>. Section 528 defines 'environment' broadly and could on interpretation consider 'visual impacts' as environmental matters. This observation by Federal Legislation is prudent support that the visual impact on the Salisbury Plains is indeed an environmental impact and there should be afforded the highest scrutiny from an ESD perspective.

- 3. Cumulative Impact and the Salisbury Plains becomes Silicon Valley. The fatality of the visual amenity flaw introduced immediately above becomes considerably more pronounced when consideration is given to the bigger picture on the Salisbury Solar development proposition. Whist details are not confirmed it is evident that developers Energy Estate and Mirus Wind in a proposed joint venture arrangement seek to further exploit Salisbury Plain in a separate ambitious solar development. On the Group's configuration⁶ this would present as a significant overdevelopment scenario. Inducing additional BSAL and visual amenity scenarios.
- 4. The Action Group objects to the Irreparable Interference with precious water resources on Salisbury Plain. At a time when our precious water resourcing is under even greater scrutiny- it is not in the public interest to show disregard to the contribution of the Salisbury Waters.

The group believes that the understating in the EIS of the extent of flooding along the flood plain could potentially present significant risk to the developer and investors. Significant risk is also presented to at least one adjoining property owner. That risk would be via damage to solar and fencing/stock yard infrastructure.

The SA development footprint embraces a number of watercourses – the UPC EIS attempts to downgrade their contribution on the basis they don't have discernible channels and are degraded by historical land use. With respect we disagree with UPC conclusions. In our submission;

⁶ Estimate only development based on preliminary information supplied

- a) The Salisbury Water is prone to periodic flooding at an intensity and frequency in excess of UPC's conclusions. This is enhanced by run off from surrounding paddocks -overbank runoffs and breakout events. The Group's counter conclusions come from landowners who have witnessed such flooding over family generations. The deployment of solar installations on flood prone land makes no development sense. The UPC modelling as 1:100year flooding is very questionable and subjective to their argument.
- b) In addition, the Group is concerned for surface water quality given the potential pollution of upper Macleay Catchment – from chemicals and other pollutants and would seem to conflict with the NSW Government Aquifer Inference Policy. The Group is concerned with potential contamination of solar panel and battery storage leakage in the water resource systems.

The Groups concerns confirm that at the very least a very precautionary principle approach should be adopted to the UPC's somewhat shallow water resource assessments.

The Group believes the preservation of upper catchment water resources is one of major resourcing and environmental issues confronting NSW Communities.

5. The Action Group objects to UPC's disregard for hazard management. Whilst we acknowledge UPC has offered tacit response to the State Environmental Planning Policy No 33 -we believe that public interest demands a beyond basic compliance approach. The development proposition promotes the interface of farm animals and humans in a significant development which introduces health and harm issues which will need compliance and potential signoff from Council, State Government and Developer perspectives. These health and harm issues involves exposure to electromagnetic fields and risk to electrocution and the range OH&S issues for say farm workers exposed to the Development. The Group doesn't accept UPC's designation of these as low risk issues.

The group is concerned that in the event of a major flood, damage to solar panels situated on the flood plain could result in contamination of adjoining grazing land and the Macleay Catchment. Potentially this could lead to meat and milk contamination with dire national economic impacts.

The Group does not accept that sufficient regard is offered on sheep health grazing in solar farms long term. There is documented evidence of detrimental effects of EMR on dairy cows. We don't believe that EMF research has been offered on sheep.

Consistent with these observations on hazard management - the Group is particularly concerned that EIS is well short of best practice on bushfire mitigation beyond the workforce accommodation The Group believes that the EIS should address in far more detail a robust control plan. In tabling these objections, the Action Group will be seeking appropriate signoff from the Developer and DPE that compliance with these potential hazards has been acknowledged and accepted.

- 6. **The Group objects to the disturbance to biodiversity** the Group is concerned about disturbance to the patterns of Migratory Birds on access to Dangar's Lagoon. In addition, the area of the Southern Array is part of an important trial on breeding wedge tail eagles.
- 7. The Group objects to the Proponent's conclusion as economic Impact Much of the detrimental impact of such developments have an economic impact – felt hardest by the broader Community – not just those landowners who are being compensated. As to be expected the right economic impact and one in the interests to the public is one that presents as sustainable in nature – i.e. long term. All developers are quick to report what a wonderful contribution they are making to local economies – whilst true in the short term -it's not in the long term.

Once construction is complete and band packs up – the pub and the cake shop have had their 'sugar fix' -the community are stuck with the development – minimal net growth in FTE jobs and the MwHs are being exported to the grid and potentially the profits offshore. In return the developers leave a token community fund and in this case about .0176% of annualised project profit? Grossly inadequate.

- 8. **The Group objects to the Proponent's conclusion as Social impact** the EIS reflects a feel good -technical approach to *Social Assessment based on Social Impact Assessment Guideline for SSD mining petroleum* etc. Interesting methodology if you are pursuing academic research. However, the reality of the situation demands more empathic consideration of the facts;
 - a) That over-development potentially leaves Uralla as am 'industrial waste land' 'Silicon Valley' cut off from increased economic gain from tourism and agricultural pursuit.
 - b) That over-development potential leads to social and demographic upheaval
 it denies upcoming generations with the opportunity to return to
 agricultural pursuit denies families the opportunity to succession plan; and
 - That over-development reduces the opportunity to attract potential sea change residents – new cottage industries; and
 - d) That over development potentially reduces the value of land.

All of impacts and more confirm that over-development doesn't from a social sense serve the public interest and the principles of inter-generational equity.

9. The Action Group objects to SA Development in the Context of the Community Action Plan ("CAP")

The Uralla Community Action Plan represents the Uralla Council's contract with its community. As Reported in Plan "...we will build economic strength, diversity and resilience throughout the shire and encourage innovation and creativity. We are blessed with a natural environment that is as diverse as it is beautiful and a pride in our heritage that is interwoven into our character and culture, so we will continue to champion sustainable living practices, record and promote our heritage and in doing so continue to improve the overall health and well-being of our community..."

It is the Group's respectful submission on the SA-based objections and concerns highlighted in the Preliminary Submission that;

- The Project and particular the SA potentially undermines aspects of Goal 2.1 of the CAP in that erodes one the Region's core economic assets – the protection of productive agricultural lands and agricultural productivity.
- 2. Further in terms of **Goal 2.1** of the CAP it potentially over time erodes Tourism visitation and expenditure. Yes, large vast arrays of solar will have an immediate curiosity but after that it is arguable that it will be a probable detraction to visitors.
- 3. Thirdly in terms of **Goal 2.2** of the CAP apart from construction it induces nil or minimal full-time employment and therefore new skills.
- 4. Fourthly in the light of the inequity and harshness of the Sunhill Farm situation -it doesn't support the Council's ambitions through **Goal 2.2.3** of the CAP support the attraction of new businesses.
- 5. Fourthly in terms of **Goals 3:1 and 3.2** of the CAP the project from a standalone or from a cumulative perspective **doesn't balance healthily with the environment;**
 - a) In conflict with Goal 3.1.1 its visual intrusion is of an unacceptable magnitude

 with little or no demonstrable capacity to absorbed into the visual environment.
 - b) It doesn't in keeping with **Goal 3.1.3** accommodate for the management of existing waterways and biodiversity.
 - c) It doesn't in keeping with **Goal 4.1.4** show a heighten awareness of biodiversity issues.

- d) It doesn't in keeping with Goal 2.2.3 support the attraction of new businesses
- 6. Finally, as disclosed in the conclusion was reached in Hazard Management above the Project potentially erodes the Council's **Goal 1.2.5** of the CAP on the provision of regulatory compliance and enforcement associated with the Project.

The Group further believes that in its interpretation of the proposed Southern Array Development there are on or around **eleven (11)** conflicts with the Council's **Community Strategic Plan 2017-2027** and there are clear inconsistences with the **DPE's New England North West Regional Plan.**

These conflicts and inconsistencies strike at the core of the protection of **public Interest**.

The Council's Submission to DPE

In conclusion the Action Group believes It has demonstrated that in its assessment the proposed development of the Southern Array on the Salisbury Plain is fatally floored -the result of poor site selection. We object to this part of the development and advocate that it should be removed from the Development Application. We further believe that potentially this situation could be exasperated by the Salisbury Solar interests. We look forward to updating DPE in our Final Submission on both.

Thank you for your time and interest

The Action Group – 17 March 2019

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