

## **Submission by Gwen Scheffer**

### **Advocate for Small Farming and Sustainable Practices in South Gippsland, Victoria.**

#### **This Submission in Context – Introduction.**

The Purpose of this Submission is to alert the NSW Department of Planning and Environment (“DPE”) as to the issues raised and actions proposed by UPC to develop the New England Solar Farm. As the DPE will note, from the arguments hereunder, it is proposed to frame this important request for revised planning in the context of:

- (a) The ongoing discussions the Uralla-Walcha Community Responsible Solar/Wind Action Group (“Action Group”) has convened with the Developer UPC and its planning Consultant EMM.
- (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 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.
- (f) The Action Group’s research and understanding of the relevant Federal Legislation including the Environment Protection, Biodiversity and Conservation Act, Animal Welfare legislation and Farm Biosecurity Programs.
- (g) 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.

#### **The Objective of this Submission**

My interest in making my submission is based on my experience as a tourist and long-standing regular visitor to Uralla and environs. I do so as a member of the small farmer Gippsland Community using solar power off-grid sustainable practices. I also draw on my knowledge of small business growth imperatives, and my former role as a small business advisor at Victorian Employers Chamber of Commerce and Industry (VECCI). I am particularly concerned with the plight faced by the family business at Sunhill Farm, as the UPC Plan has placed them in a particularly invidious position from which it is difficult to propose a viable solution save to look at the fully environmental impact of the UPC Plan and analyse the circumstances that have brought them into the UPC Plan at all.

I have read the submission lodged by the Action Group and fully support the general propositions it makes. My submission draws on a strong personal belief in the importance of sustainable development based on a need for careful considered approach to the Southern Array –or the UPC Salisbury Plains development being 653ha (1469 acres).

I have read the UPC Environmental Impact Statement (EIS). In my submission, the UPC EIS albeit a large and technical document has failed to present a considered and balanced analysis of each proposed array having regard to significant differences between those arrays as to community relevance, commercial benefit and agricultural use of land.

I have no issue with the Central and Northern Arrays which offer 520MW of solar development.

My aim below is to outline the support for the urgent moratorium of the project to ensure that the best way forward is found for the whole Uralla Community.

My key points are these:

1. The UPC Environmental Impact Statement albeit a large and technical document has failed to present, indeed obfuscates in its assemblage of documentation in that it fails to treat certain areas within its scope with appropriate sensitivity and objectivity. In particular, the Southern Array –or the UPC Salisbury Plains development fails to consider the sheer beauty of the landscape, its awe-inspiring vistas, its unique ambience of feeling “on top of the world” a feeling of closeness to sky and horizon. The proposed development of the Southern Array confirms that the Salisbury Plains as an iconic broadacre vista will convert such to a silicon-solar panel presentation which will cause a significant ‘magnitude of visual change’ to the Thunderbolts Way vista. In particular, the imprisoning imposition on the Sunhill Dairy confirms a complete insensitivity to the personal and future economic damage for Richard, Corinne and their family and their farming business “Sunhill Dairy Farm”. These visual elements are not present in other areas of the Central and Northern Arrays. In addition are the unsightly pads for each solar array substation which will be in the order of approximately 2-3 ha each array creating a further blot on the landscape not adequately depicted in the documentation presented by UPS.
2. It is understood that Federal and State governments are keen to lock in certain projects that will deliver clean energy to the communities in order to reduce reliance on coal fired and other ‘dirty pollutant’ energy manufacturing entities. Such is the imperative on Federal and State governments that I am witnessing an approach to embrace any new project that offers clean energy solutions as though in a state of panic. This Southern Array – or the UPC Salisbury Plains development is one such project which has failed to identify alternative areas of development that would be far better suited to large scale solar arrays. NSW government must consider a halt to rapid decision-making in order to assess what will offer the best outcome in terms of the use of land being identified for such developments.
3. There should be a considered approach to review alternative areas for the Southern Array – or the UPC Salisbury Plains in NSW that offer flat, large scale areas that are relatively barren land, and which will not impact on the visual and infrastructure amenities of neighbouring properties. Agricultural Production in the Region accounts for

17.5% of the state's agricultural production as highlighted by **UPC's Map (see their document Appendix 1)**. 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. It is a travesty to cover such BSAL classified land with solar panels and permit the consequent loss of agricultural production to the Uralla Community. The Development under consideration by UPC is arrogant and does not offer the Uralla Community **any mitigation** - the development proposition shows a blatant disrespect for the Uralla Community, and should the Council not follow through in insisting for a reconsideration of the development of Southern Array – or the UPC Salisbury Plains - it will have lost a significant current and future agricultural amenity to its community forever.

4. The thrust of my submission is to ensure that in the public interest the Southern Array – or the UPC Salisbury Plains development be subject to further and more robust scrutiny in order to fully understand the implications of this development on the broader imperatives of Uralla and surrounds natural beauty, the interests of the community in relation to the agricultural productivity and reputation as a source of agricultural excellence in primary industry produce.
5. The inclusion of the Southern Array – or the UPC Salisbury Plains Development is due to its closeness to the 330kV electricity connection network. This aspect has interfered in the UPC developers' vision to the extent that it cannot see any alternatives. It has coerced the UPC developers to ignore the significance of the Southern Array - the UPC Salisbury Plains Development, and it has included that area in its grab-bag of land acquisition. NO attempt has been made to construct alternative access to the 330kV electricity connection network – whether connecting to networks from alternative areas or using underground options.
6. The Council is bound by the various planning documents of the NSW Government – such as the broader Strategic Regional Land Use Policy, the Strategic Regional Land Use Plan - --New England North West and the New England North West Regional Plans. A close look at these Plans each identify the significant aspects that the NSW Government consider fundamental to the State as it continues to grow and develop its communities and its commercial imperatives. Such Government Plans are not presented as either/or visions. It is possible to develop the commercial activities without impacting on the cultural and agricultural amenities. However, the fact that UPC should be suggesting that agricultural development can continue in the same space as its Array development is duplicitous, arrogant, and shows that their prevailing approach is one of ruthlessness and carelessness – hell-bent on achieving its targets in a crash or crash-through approach. Key supporters of the UPC Developments are those who have been promised money by the UPC Developers.

7. There has been no attempt by UPC to produce an Agricultural Impact Statement, and my submission urges the DPE to require such on behalf of the Uralla / New England Communities. The structures that UPC propose to erect to provide security for its solar array have been overlooked by many when considering UPC Development. The high security fences will travel for many kilometres and will have an isolating, harsh and perpetually ugly impact on the whole community. The fencing infrastructure will make the area feel like a very large maximum-security prison. It will turn beautiful broad-acre scenery into a ghastly seemingly endless curtailment of visual amenity, visually cutting up the areas into blocks of land seen as permanent and hostile exclusion.
8. In examining the UPC Development EIS there should be at least **5 additional** view points on the adapted methodology which have not been, but should be, included. (See **Appendix 3 of the submission to Uralla Council by Action Group**). Again, the arrogance and lack of plausible mitigation outlined in the UPC statements are obvious when looking at the suggestions for vegetative screening to manage the impact of 200 solar MW of visual intrusion. The species of trees offered for areas in high-wind locations and the total misrepresentation of lead times for growth of the trees selected are just two examples of how UPC has failed to understand what mitigation is meant to address. Other issues identified by their lack of proper mitigation has been observed in their method of consultation with affected landholders. No proper research or effort to provide helpful mitigating ideas to deal with the visual impact have been put forward by UPC. Rather, UPC has asked what might be done, leaving the burden on the affected families to undertake research to provide mitigation for their own potential significant and commercial losses. A complete lack of regard for the community is evident. Throwing money at the landholders appears to be UPC's only real strategy. The effect on the community who do not wish to be bought off by UPC has been devastating, cruel and rough-handed in the extreme.
9. My submission also identifies other entities seeking to capitalise on UPC Developments and Energy Estate and Mirus Wind have presented a joint venture arrangement to further exploit Salisbury Plain in ambitious land grab. On the Action Group's configuration, this would present as a significant overdevelopment scenario.
10. The Action Group believes the preservation of upper catchment water resources is one of major resourcing and environmental issues confronting NSW Communities. Yet what has been identified in the UPC Development EIS is a disregard for the Salisbury Watercourses:
  - a. The Salisbury Water system 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 Action 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 in a 100-year flooding is questionable, subjectively argued and has no basis in fact.

b) In addition, the Action Group is concerned for surface water quality given the potential pollution of the Upper Macleay Catchment – from chemicals and other pollutants and would seem to conflict with the NSW Government Aquifer Inference Policy. The Action Group is concerned with potential contamination of solar panel and battery storage leakage into the water resource systems. The Action Group's concerns confirm that at the very least a very precautionary approach should be adopted to the UPC's unqualified and unfounded water resource assessments.

11. State Environmental Planning Policy No 33 **requires more than a** basic compliance approach. The development proposition promotes the interface of farm animals and humans in a significant development which introduces health and harm issues. These have not been adequately or appropriately addressed in this significant primary production area. The risks include exposure to electromagnetic radiation/fields (EMR) and risk to electrocution and the range OH&S issues for, say, farm workers exposed to the UPC Development. Issues relating to animal fertility and milk production and general physiology of dairy cows, dairy goats and sheep has not been addressed by UPS. Mitigation has not been addressed in relation to these factors.
12. The presence of a high barrier fencing system does not prevent break-ins, damage and theft. The evidence gathered from other solar arrays shows that risk of criminal activity is likely to be high as compared with similar developments in very remote areas of Australia.
13. Consistent with these observations on hazard management: the Action 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 provide a detailed and robust control plan. In the event of fire, a hazard containment plan is necessary as well as a comprehensive plan to manage the removal of fire damaged debris, harmful chemical and pollutant and non-pollutant waste (glass, metal) and a structured plan in accordance with its visible and comprehensive issued insurance policies to cover and manage issues such as spread of pollutant smoke and gas fire emissions and compensation to neighbouring communities affected by same. While the area is noted by UPC in its EIS as being minimal bush fire risk terrain, the climate changes witnessed confirm that grass fires in this area remain very possible and are likely to continue as an all present risk particularly given the UPC Plan.
14. I support the Group's issues raised against the UPS plans in relation to Disturbance to Biodiversity. The project size will affect the patterns of Migratory Birds on access to Dangar's Lagoon. The Southern Array is sited within an existing and significant trial on breeding wedge tailed eagles. There are likely to be a range of flora and fauna yet to be

properly identified by the NSW Government, New England community, the Uralla Council and its constituency.

15. The project size will affect the Uralla Community detrimentally very much in both the shorter and longer terms. It is stated that a total of 15 FTE will be engaged to manage the UPC built system, but these are not likely to provide any significant benefit to the community as a whole. Weighted against the so-called benefit of 15 FTE is the issue of permanent and long-term loss of amenity to the Uralla Community in terms of its natural beauty. Weighted also against is that power generated will not be benefitting the Uralla Community but will be exported to meet the needs of those who can pay for it. There is no case made by the UPS Plans for the benefits to return to the local community or indeed the Australian community in terms of cheaper power. Their stated token fund amounts to 0.0176% of annualised projected profit (which in itself has not been properly calculated, based as it is on predictions from overseas third world environments which are not relevant here).
16. A logical approach is required when reading the EIS as it describes issues pertaining to Social Impact. The overall assessment guidelines are drawn from the SSD for Mining & Petroleum and are not relevant when considering that this UPC Plan is based in magnificent primary production land in an extraordinarily beautiful 'food bowl' and tourism area of NSW. Social impact will be along the lines of reduced tourism, loss of quality of primary production, loss of actual productivity, potential water management destabilisation and increase in overall crime and risk factors. Such elements will reduce the overall value of the area of New England.

### **Turning to the Uralla Community Plan and its Goals.**

I support the Uralla Council submission to the DPE on the UPC development and associated EIS through linkage to the Uralla Community Plan. Without vigorous submissions, the community of Uralla, and broader community in New England, will not have a voice to insist on elucidation of best-case principles of "public interest" on behalf of the Community.

It is noted that the "Goal 3.2 Maintain a healthy balance between development and the environment" places fairly and squarely on Council's shoulders to:

***"... resolve to make submission/s to the Department of Planning and Environment in relation to the proposed New England Solar Farm stating that Council endorses sustainable development within the Shire, and expects the Development Application to be considered in the context of our Community Strategic Plan, particularly the following stated goals:***

- ***To preserve, protect and renew our beautiful natural environment.***
- ***Maintain a healthy balance between development and the environment.***
- ***An attractive environment for business, tourism and industry.***
- ***Growing and diversified employment, education and tourism opportunities."***

As I have stated, the UPC Project – and particularly the Southern Array - potentially **undermines aspects of Goal 2.1** in that erodes one the Region's core economic assets by failing to give

protection to productive agricultural lands and agricultural productivity and Tourism visitation. **Goal 2.2** is not supported in the long-term as the 15 FTE is cited by UPC as the maximum figure.

The UPC project particularly rides rough-shod over the new business attraction mandate of Goal 2.2.3 and considering the proposed treatment being meted out to the Sunhill Farm, i.e. entirely surrounding the farm with solar panels and high barrier fences, shows scant respect for these goals. The UPC Project directly opposes the maintenance and attraction of new business as stated in **Goal 2.2.3**.

UPC Project is in direct competition with **Goal 3.1.1** in that its visual intrusion is of an unacceptable magnitude as a long lasting and permanent eye-sore.

The UPC Project has the potential to seriously damage the existing waterways and biodiversity and flouts **Goals 3.1.3** and **Goal 4.1.4**.

The UPC Project has failed to address adequately the various mandates on it in terms of Hazard Management as per **Goal 1.2.5** on the provision of regulatory compliance and enforcement.

**I provide my submission to DPE conjointly with the Action Group Submission to Council and to support the statements made by the Action Group:**

- It has demonstrated that in its assessment the proposed development of the Southern Array on the Salisbury Plain is fatally flawed and reflects an inappropriate and deleterious site selection. The Southern Array must be removed from the Development Application.
- We further believe that potentially this situation could be exacerbated by the Salisbury Solar interests.
- The cumulative impact on the Salisbury Plains will be untenable given this resultant over-development.
- The UPS Southern Array Development presents **eleven (11)** conflicts with the Council's **Community Strategic Plan 2017---2027**.
- The UPS Southern Array Development poses significant inconsistencies with the **DPE's New England North West Regional Plan**.

**Gwen Scheffer**

**Barrister and Solicitor.**

**Advocate for Small Business interests (former Business Development Manager, VECCI).  
Sustainable Farming, Gippsland, Victoria (using Solar Power in Rural Off-Grid Applications).**