New South Wales Government
Independent Planning Commission

Springdale Solar Farm
SSD 8703

Statement of Reasons for Decision

Professor Zada Lipman (Chair)
Andrew Hutton

19 February 2021

Springdale Solar Farm SSD 8703 Final Report ©
State of New South Wales through the Independent Planning Commission 2021

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DEFINED TERMS

ABBREVIATION	DEFINITION
Applicant	RES Australia Pty Ltd
Application	Springdale Solar Farm SSD 8703
AR	Department's Assessment Report, dated November 2020
CIV	Capital Investment Value
Commission	Independent Planning Commission of NSW
Council	Yass Valley Council
Department	NSW Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	*Environmental Planning and Assessment Act 1979*
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
ICNG	*Interim Construction Noise Guideline 2009*
Infrastructure SEPP	*State Environment Planning Policy Infrastructure 2007*
Koala SEPP	*State Environmental Planning Policy (Koala Habitat Protection) 2020*
kV	Kilovolt
LEP	Local Environmental Plan
LGA	Local Government Area
Relevant Considerations	Relevant matters for consideration, as provided in section 4.15(1) of the EP&A Act
MW	Megawatts
Minister	Minister for Planning and Public Spaces
NEM	National Electricity Market
Noise Policy	*NSW Noise Policy for Industry 2017*
PP&RD SEPP	*State Environmental Planning Policy (Primary Production and Rural Development) 2019*
Project	Solar farm at Springdale, NSW
Regulations	*Environmental Planning and Assessment Regulations 2000*
Renewable Energy Action Plan	*NSW Renewable Energy Action Plan 2013*
REZ	*Renewable Energy Zones*
RFI	Request for Information
RTS	Response to Submissions
SEPP	State Environmental Planning Policy
SEPP 55	*State Environmental Planning Policy No. 55 – Remediation of Land*
Solar Energy Guideline	*Large Scale Solar Energy Guideline 2018*
SRD SEPP	*State Environmental Planning Policy (State and Regional Development) 2011*
Site	370 ha site at Springdale, in the South East and Tablelands region of NSW
SSD	State Significant Development
VPA	Voluntary Planning Agreement
Yass Valley LEP 2013	*Yass Valley Local Environmental Plan 2013*

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1 INTRODUCTION

1. On 25 November 2020, the NSW Independent Planning Commission (**Commission**) received from the NSW Department of Planning, Industry and Environment (**Department**) a State significant development application (SSD 8703) (**Application**) from RES Australia Pty Ltd (**Applicant**) seeking approval for the Springdale Solar Farm (**Project**) under section 4.36 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

2. On 29 May 2020, the Applicant sought an amendment to the Application under clause 55 of the *Environmental Planning and Assessment Regulation 2000* (**Regulations**). 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.

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* (**SRD SEPP**). This is because:

   - the Project constitutes State significant development (SSD) under section 4.36 of the EP&A Act; and
   - the Department received more than 50 unique submissions from the public objecting to the Application.

4. Professor Mary O'Kane AC, Chair of the Commission, nominated Professor Zada Lipman (Chair) and Mr Andrew Hutton to constitute the Commission Panel determining the Application.

2 THE APPLICATION

2.1 Site and Locality

5. The site is located within the South East and Tablelands region of NSW. Paragraph 1.1.1 of the Department's Assessment Report (**AR**), dated November 2020, states that the site is approximately 3.5 kilometres (km) north of the ACT border and 7 km north west of Sutton village, within the Yass Valley Local Government Area (**LGA**) (**Site**).

6. Paragraph 2.1.1 of the Department's AR describes the site as consisting predominantly of cleared pastureland, scattered paddock trees and planted windbreaks. The site is zoned *RU1 – Primary Production* under the *Yass Valley Local Environmental Plan 2013* (**Yass Valley LEP 2013**) and is currently used for grazing livestock.

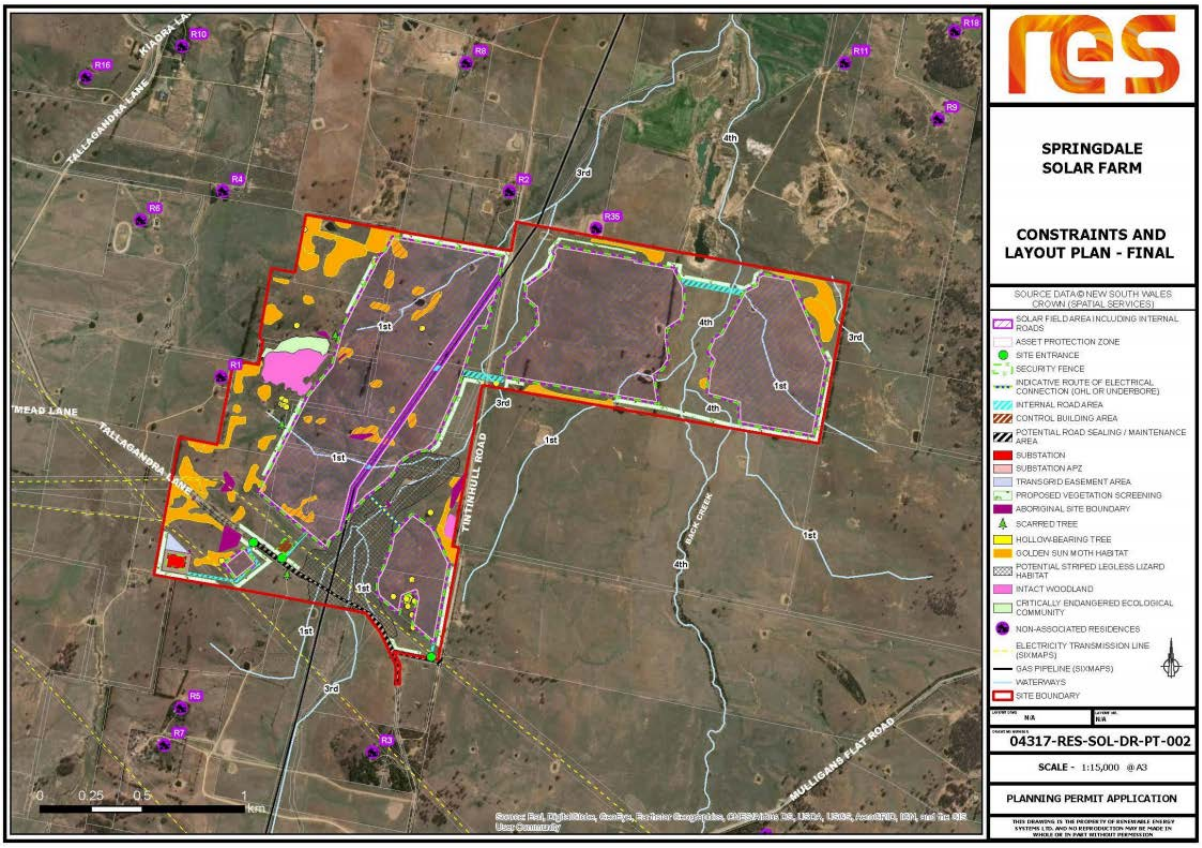
7. Paragraph 2.1.3 of the Department's AR notes that "land within site is gently undulating, with a gentle slope from west to east (average gradient of 2.5%). On-site elevation ranges between 600 m Australian Height Datum (AHD) on the creek flats of Back Creek and an unnamed waterway to 650 m (AHD) at a prominent north-south trending crest in the western portion of the site. Figure 7 of the AR provides the elevation profile of the site.

8. The Site is currently accessed via Tallagandra Lane.

9. The 'Site' for the purposes of this Statement of Reasons is illustrated in Figure 1.

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Figure 1 – Project Layout (Source: Department's Assessment Report)



2.2 Application

10. The Department's AR describes the Application at paragraph 1.1.2:

> *The project involves the construction of a new solar farm with a generating capacity of approximately 100 megawatts (MW). It also includes the upgrading and decommissioning of infrastructure and equipment over time.*

11. The main components of the Project are set out at Table 1 of the AR. The Project is also set out in Table 1 at **Appendix A** of this Statement of Reasons.

12. The AR describes that the Applicant made amendments to the Application following consideration of the submissions received after the public exhibition period (18 July 2018 to 29 August 2018). The Commission notes that the Application was amended by the Applicant in May 2020.

13. Paragraph 4.4.2 of the AR provides the following summary of the amendments made to the Application:

> *The amended application includes:*
>
> - *removing a 2.6 ha solar array proposed south of Tallagandra Lane;*
> - *reducing an additional 2.9 ha of the development footprint to avoid Striped Legless Lizard and Superb Parrot habitat;*
> - *increasing the setback of solar arrays from dwelling R35 from 30 to 50 m;*
> - *reorientating the site substation;*
> - *an additional access track crossing of the gas pipeline;*
> - *additional vegetation screening along the northern boundary of the site; and*
> - *extending the anticipated operational life of the development from 30 to 35 years.*

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14. Further to the amendments identified in paragraph 13 above, the Commission notes the following additional amendments have been made to the Application based on recommendations by the Department, and have been agreed to by the Applicant:

- a further setback to dwelling R35 to achieve a minimum distance of 90 m between R35 and the nearest solar panels (AR paragraphs 5.2.10 and 5.2.11);
- relocation of the onsite substation to approximately 250 m west of the original location to reduce the potential visual impacts on R5, which is elevated above the site and located approximately 690 m to the south of the substation (AR paragraph 5.2.12); and
- the following avoidance and mitigation measures to reduce the potential visual impacts on surrounding residences (AR paragraph 5.2.13):
    - *retention of a stand of mature vegetation within the western portion of the site… and;*
    - *adequate buffer areas of between 155 – 270 m for the watercourses and their floodplains, which provide substantial visual breaks between solar array areas; and*
    - *installing vegetation screening along specific parts of the site boundary, in order to screen views of the project from nearby residences. All proposed screening would consist of endemic species to a minimum depth of 20 m to reduce views from affected residences.*

15. AR paragraphs 4.4.3 and 4.4.4 state:

> *Despite the proposed changes, the generating capacity of the project would remain the same.*
>
> *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.*

16. The Application now before the Commission consists of the following, as summarised in Table 1 of the AR:

> *The project includes:*
> - *a generating capacity of approximately 100 MW;*
> - *approximately 260,000 single-axis tracking solar panels (up to 4 m high) and 22 inverter stations (up to 4 m high);*
> - *an onsite substation and electrical switchyard connecting to TransGrid's existing 132 kV transmission line;*
> - *a control building, including office and maintenance buildings (up to 3.5 m high), laydown areas, staff amenities and cark park;*
> - *vegetation screening and perimeter security fencing; and*
> - *subdivision of land within site for the substation.*

17. Table 1 of the AR provides that the Capital Investment Value (**CIV**) of the Project is $120 million and the Project is projected to generate up to 200 construction jobs during the 10 month construction period, and 5 ongoing operational jobs for the life of the Project, which is expected to be approximately 35 years.

2.3 Need and Strategic Context

18. The Applicant's Environmental Impact Statement (**EIS**), dated 29 June 2018, sets out the need for the Project and its strategic justification. Section 2.1 of the EIS states:

> *The objective of the project is to develop a viable, commercial-scale solar energy plant, which would deliver a low cost, low carbon, renewable energy source for the benefit of all energy users within the National Electricity Market (NEM).*

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The project aims to reduce the greenhouse gas (GHG) emissions arising from the NEM for the benefit of all Australian's and assist the NSW and Commonwealth governments to meet Australia's renewable energy targets and other national and international energy and climate change objectives.

19. The Applicant's EIS also notes that delivering economic benefits to the local region during construction and ongoing operation is also an objective for the project.

20. Paragraph 2.3.11 of the AR summarises the strategic justification for the Project in the context of the area:

The project would have direct access to the electricity grid at a location with available network capacity. With a capacity of 100 MW, the project would generate enough electricity to power over 37,000 homes and is therefore consistent with NSW's Climate Change Policy Framework and the Net Zero Plan Stage 1: 2020–2030.

21. Other proposed and approved energy projects within the region of the Site are described in paragraph 2.2.1 of the AR, which states:

Over the last 10 years, the South East and Tablelands region of NSW has attracted wind and solar developers given the abundant wind and solar resources, the presence of major electricity transmission lines and proximity to major load centres. There are three operational, one under construction, two approved and three proposed SSD energy projects within 50 km of the project, with the closest project located approximately 25 km east of the site.

22. The Commission heard from Yass Valley Council (**Council**) in its meeting with the Commission on 8 December 2020. Council commented that they are generally supportive of solar projects in the LGA and noted that this particular proposal is located well in terms of the existing electricity network infrastructure. Council commented that their objective is to ensure the rural landscape and environmental values of the area are protected and discussed the Site's inclusion within the *Yass Valley Settlement Strategy 2036*, which applies to the entire Yass Valley LGA. The Commission notes that Council does not object to the Project.

23. The Commission notes Council's earlier comments in their submission to the Department dated 30 July 2018, where Council identifies that under the *Yass Valley Settlement Strategy* 2036 (which was a draft version at the time) the Site is within the 'buffer' area around the ACT/NSW border. With regard to Council's submission, paragraph 4.5.1 of the AR states the following:

Yass Valley Council had concerns with the site being inside the Yass Valley Settlement Strategy 2036 buffer area around the ACT/NSW border. At the time of lodgement, Council proposed to rezone land within the buffer area to an RU6 transition zone to protect the open rural landscape and environmental values from urban development. Council was concerned a solar farm development was inconsistent with the Strategy's objectives but later conceded that the landscape mitigation measures proposed by the Applicant might assist in softening the visual impacts and requested that any landscaping include mature plantings. The Department also notes that the land rezoning did not proceed and was not adopted in the final Strategy (August 2019).

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3 COMMUNITY PARTICIPATION & PUBLIC SUBMISSIONS

3.1 The Department's Assessment

24. The Department's AR describes their engagement and consultation process with the community and relevant stakeholders in the Executive Summary, which states:

> *The Department exhibited the Environmental Impact Statement (EIS) for the project and received 230 submissions including 225 public submissions (110 objections, 114 supporting and one comment) and five from special interest groups (one objection, three supporting and one comment). Advice was received from 13 government agencies, utility providers and Yass Valley Council (Council). The Department also consulted Council and the relevant government agencies on key issues, inspected the site and met with surrounding landowners on 7 August 2018 and met with a community group on 26 June 2020.*

25. The Commission has given consideration to the submissions received by the Department, as published on their website.

3.2 Community Attendance at the Site Inspection

26. On 15 December 2020, the Commission conducted an inspection of the Project Site. The Commission invited adjoining property owners and representatives of local community groups to attend and observe at the Site Inspection. The Sutton District Community Association and Sutton Solar Action Group were represented at the Site Inspection. Site inspection notes were made available on the Commission's website on 18 December 2020.

3.3 Public Meeting

27. The Commission's Public Meeting was undertaken on 29 January 2021 and was held electronically. Eighteen speakers registered to present to the Commission at the Public Meeting. Fifteen of these speakers were representatives of community groups and members of the public. Presentations made at the Public Meeting have been considered by the Commission as submissions on the Application and are referenced below in Section 3.4.

3.4 Public Submissions

28. All persons were offered the opportunity to provide written submissions to the Commission up until 5 February 2021. The Commission received a total of 69 written public submissions. A breakdown of the submissions received by the Commission is provided below:

- 29 submissions in support of the Application;
- 35 objections to the Application; and
- 5 comments on the Application.

29. The Commission heard from speakers at the Public Meeting and received written comments. Key comments raised about the proposal related to:

- land use compatibility;
- visual impacts;
- biodiversity;
- traffic impacts;
- land values;
- economic impacts; and
- renewable energy.

Comments made by the public have been summarised below.

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Land Use Compatibility

30. The Commission heard concerns from speakers at the Public Meeting and received written comments raising concern about the use of the Site for a solar farm. Key concerns included:

- perceived inconsistency with the Yass Valley LEP 2013;
- perceived inconsistency with the *Yass Valley Settlement Strategy 2036*;
- concern that the Site is located outside of the NSW Government's three proposed Renewable Energy Zones (**REZ**); and
- loss of agricultural land.

31. At the Public Meeting, a member of the community commented on the adoption of the *Yass Valley Settlement Strategy 2036*, stating:

> *We have the reference in documents that tells you why they didn't include the five-kilometre zone, and it was because the Department actually said they believed the Strategy clearly outlined Council's intentions and it provides a significantly strong message to discourage inappropriate development. They didn't see a need to have a specific zoning: that may have unintended consequences.*

32. At the Public Meeting, a member of the community commented on the REZ, stating:

> *Electricity can be sent by the flick of the switch on the eastern seaboard, and the New South Wales Government has delivered renewable energy zones, putting the infrastructure in to allow the zones identified to be there for hundreds of years. The Sutton area is not one of these energy zones and is short-sighted.*

33. In a written submission, a member of the community stated *"the proposed solar farm is absolutely inappropriate for the area, which is prime farmland… the solar farm is completely out of keeping with the surrounding land use".*

34. Another written submission stated:

> *While I am not opposed to solar power and renewable energy, I do not believe that the Springdale Solar Development is located in an appropriate area. It is not the best use of the land. It is inconsistent with the Yass Valley Councils plans for the area and is not one of the preferred locations identified by the NSW Government for solar generation.*

35. Written submissions received in support of the Project noted that the Site could still be used for agricultural purposes during the operation of the Project. In a written submission, a member of the community stated:

> *The solar farm is using 470 acres of land on this farm, however nearly 50% of this land will still be used for agricultural purposes. The solar panels will also be elevated which means livestock such as sheep will still be able to graze under the panels. NSW is currently experiencing a devastating drought and needs to ease the pressure of grazing so that overgrazing doesn't occur and impact the environment negatively. It makes sense to reduce the grazing of livestock on this land so that the vegetation can revive quicker as it won't have the pressure of livestock overgrazing.*

Visual Impact

36. The Commission heard concerns from speakers at the Public Meeting and received written comments regarding impacts of the Project on visual amenity, especially from adjoining properties.

37. The Commission received marked-up photographs from an adjoining landowner showing the expected view from their property and the visual impact anticipated, which the landowner considered to be unacceptable.

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38. In a written submission, a member of the community stated:

> *My concern is that the current assessment report suggests lots* [of] *mitigation plans for key issues including flora and fauna/ fire/road/ noise/ visual impact minimisation that I feel will not necessarily be adhered* (sic) *to or are not going to minimise or lessen the impact of the issues raised.*

39. At the Public Meeting, members of the public commented that the proposed vegetation buffers would not successfully mitigate visual impacts, stating *"…it seems naïve and misleading for anyone to believe there would be any relief visually, within 10 years. An uninterrupted tree line could only be a dream*".

40. Another member of the community stated:

> *Well, I don't know if I have a word to say what I feel about the photomontages… You can't deny it. The white lines across the middle, that's where the vegetation barriers would be. The vegetation barriers aren't high, they're wide, and it slopes down gently away from their block. Now, 20 metre vegetation would hide nothing. That is quite clear.*

Biodiversity

41. The Commission heard concerns from speakers at the Public Meeting and received written comments raising concern about biodiversity impacts, including the Project's impact on threatened species habitat, biodiversity corridors and the impact of tree removal. In a written submission, a member of the community stated:

> *The proposed solar farm poses a threat to biodiversity and threatens species habitat and the loss of valuable grasslands. The site of the proposed development is in the flight path for many species that visit the Mulligans Flat Nature Reserve. The area is also subject to flooding, which in turn brings in many more species. The magnificent rural landscape would be irrevocably damaged… I'm not opposed to solar energy and solar farms, in the right environment, but these farms should not happen at the expense of our precious native fauna and flora.*

42. With regard to the Golden Sun Moth habitat, a community member made the following comment at the Public Meeting:

> *As for the Golden Sun Moth, you will see that there's an image there which is from the New South Wales government website that says the site is one of only two management areas in New South Wales, and that all conservation work is vital… You will note I have also quoted Alison Rowell in what she has done, the studies, and I have read her studies. Results clearly say they are not flourishing at all, so the mitigation measures aren't really working, and in most cases the mitigations were never implemented. So that sort of says that's not necessarily going to happen.*

43. With regard to the Superb Parrot habitat, a written submission received from a member of the community stated: *"The valley is an important native bird flyway, including access for the Superb parrot, a critically endangered species".*

44. A written submission made by a member of the community in support of the Project stated: *"The mitigation and management measures to be put in place will protect the native vegetation and biodiversity of the area and protect recorded threatened species".*

Traffic and Transport

45. The Commission heard concerns from speakers at the Public Meeting and received written comments raising concern about increased traffic impacts during the construction and operational phases of the Project. This included comments on the existing road that is proposed to be used with particular concerns raised by the community about impacts to Sutton Village, including amenity impacts and potential road safety impacts for residents, local businesses and Sutton Primary School caused by increase truck movements.

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46. At the Public Meeting, a member of the community stated:

> *The whole issue around traffic… was the number one issue raised by the local community, by a longshot… The biggest issue is the route through the village… There are four key things we say: the traffic counts relied on by the developers are outdated, they're calculated on misleading assumptions that are not reflective of the current traffic situation; the use of that route renders the village unsafe; heavy vehicle traffic along the proposed route will discourage visitors to Sutton and impact on the village atmosphere and commercial hub, and; the roads along the proposed route are chronically ill-equipped to deal with the traffic. So, our basic submission is that the development should not be approved. In fact, we believe it would be irresponsible to approve the development until such time as a Sutton village bypass has been completed or an alternate suitable route for development traffic can be identified and agreed upon.*

47. The Commission received written submissions raising concern about safety on local roads, including for cyclists. In a written submission, a member of the community stated:

> *I object to this development as we have had 3 deaths on Mulligans Flat Road alone in the past 2 years. Increased trucks will increase the risk. Bike riders use this road daily and trucks will end up killing a cyclist. Most cyclists are from Canberra and some are locals like me. It is a country road not made for heavy vehicles and increased traffic due to construction.*

48. Members of the community considered the Project to be inappropriate for the Site due to vehicle access constraints. In a written submission, a member of the community stated:

> *It should be not in a rural residential area… it should be adjacent to a major arterial – a major highway for heavy vehicle access…* [that] *doesn't involve a 10-kilometre haul through a village.*

49. Written submissions received in support of the Project commented that the Project would not generate large amounts of traffic during operation. In a written submission, a member of the community stated:

> *Whilst the community is saying that the proposed location is not the right location for the solar farm I have to disagree. The location of the Springdale Solar Farm is not accessed by large amounts of the public. The only people who would be needing to drive past the location of it is residents to the area, otherwise it's not located next to a highway where it is visible for thousands of people to see travelling every day.*

Land Values

50. The Commission heard from speakers at the Public Meeting and received written comments in relation to the potential loss of current and future land value. Members of the community considered that the Project would have a detrimental impact on their property values. Some members of the community stated that they would expect compensation to be paid to them as a result.

Economic Impacts

51. The Commission received written submissions raising concern that the economic benefits of the Project would not benefit the people of NSW. In a written submission, a member of the community stated: *"We believe the development being located so close to Canberra will ensure the projects benefits will flow to Canberra and not the rate payers of NSW".*

52. Members of the community in support of the Project commented on its positive economic impacts. In a written submission, a member of the community stated:

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This project is also providing benefits to the local community of the Yass Valley area. It's going to increase business for restaurants such as Eagle Hawk Pub and other food venues in the town of Gundaroo. There is also the opportunity for community members to invest in the solar farm and receive even more benefits from this project. Employment opportunities with the solar farm are also available for the community.

Renewable Energy

53. The Commission received written submissions from the community in support of the Project stating that it is for the purpose of renewable energy and will contribute to a reduction in greenhouse gas emissions. In a written submission, a member of the community stated:

> *Clean energy has many environmental benefits such as reducing greenhouse gas emissions… This project would also prevent 123,000 tonnes of CO_2 being released into the environment annually. CO_2 is extremely harmful to the environment as it is increasing global warming and the harmful effects of climate change.*

54. Another written submission stated:

> *The proposed Sutton solar plan is one that is necessary within the 21st century. Local communities must strive to make some form of effort to adhere to the Paris Climate Change agreement. The refuting opinions involving the visual aesthetics of the development are not necessarily valid within the big picture as visual pollution could never outweigh the true costs of pollution arising from the burning* [of] *fossil fuels for energy… the renewable energy created will result in energy prices decreasing in the long-run for surrounding areas. In summation it is a great opportunity for some much-needed positive change.*

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4 THE COMMISSION'S CONSIDERATION

4.1 The Department's Assessment Report

55. Under section 4.6 of the EP&A Act, certain functions of the Commission are to be exercised by the Planning Secretary on behalf of the Commission, including "*undertaking assessments of the proposed development and providing them to the Commission (but without limiting the assessments that the Commission may undertake*": section 4.6(b). The Planning Secretary's assessment of the Project is set out in the Department's AR.

56. Accordingly, the Commission considers that it is permitted to take into account the Department's AR, but that it should be weighed in the same manner as the other Material referred to below in section 4.8 of this Statement of Reasons. To the extent that any policy outside of the EP&A Act purports to require the Commission to give the Department's AR greater weight than the other Material, the Commission has not applied that policy.

4.2 The Commission's Meetings

57. As part of its determination process, the Commission met with various persons, as set out in Table 1 below. All meeting and site inspection notes were made available on the Commission's website.

Table 1 – Commission's Meetings

Meeting	Date of Meeting	Transcript/Notes Available on
Department	8 December 2020	11 December 2020
Applicant	8 December 2020	11 December 2020
Yass Valley Council	8 December 2020	11 December 2020
Site Inspection	15 December 2020	18 December 2020
Public Meeting	29 January 2021	2 February 2020

4.3 Material Considered by the Commission

58. In this determination, the Commission has carefully considered the following material (the **Material**) along with the other documents referred to in this Statement of Reasons:

- the Applicant's EIS, dated 29 June 2018, and its accompanying appendices;
- all submissions made to the Department in respect of the proposed Application during the public exhibition period, 18 July 2018 to 29 August 2018;
- the Applicant's Response to Submissions Report (**RTS**), dated 29 May 2020, and its accompanying appendices;
- the Applicant's Amendment Report, dated 29 May 2020;
- the Applicant's Additional Information, dated 1 October 2020;
- the Department's AR, dated November 2020, including appendices and material considered in that report;
- the Department's draft recommended Development Consent, received by the Commission on 25 November 2020;
- transcripts of the meetings identified in Table 1 and the Applicant's presentation material;
- all speaker comments made to the Commission at the Public Meeting held on 29 January 2021, as well as presentation material at that meeting;
- all written submissions received by the Commission until 5pm on Friday 5 February 2021;

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- correspondence received from the Applicant titled 'Request for Information (**RFI**) Report', dated 5 February 2021;
- annotated photographs received from the Department titled 'Views from R05', received on 16 February 2021; and
- matters for consideration specified by the EP&A Act.

4.4 Statutory Context

4.4.1 Permissibility

59. The Site is located within Yass Valley LGA and is located on land zoned RU1 Primary Production under the Yass Valley LEP 2013. The Commission notes that electricity generating works are not expressly listed as permitted with or without consent on RU1 land and is therefore a prohibited development under the LEP. Paragraph 3.3.1 of the Department's AR notes that "*the LEP expressly references the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) and acknowledges that electricity generating works are regulated by the Infrastructure SEPP, rather than the LEP*".

60. The Commission notes that clause 34(1)(b) of the Infrastructure SEPP states that "*Development for the purpose of electricity generating works may be carried out by any person with consent on … any land in a prescribed rural, industrial or special use zone"*. Clause 33 of the Infrastructure SEPP lists RU1 Primary Production as a 'prescribed rural zone, industrial or special use zone'.

61. The Commission therefore finds that the Project is permissible with development consent.

4.4.2 Integrated and other NSW Approvals

62. As per section 3.4 of the Departments AR, the Commission notes the Department has consulted with the relevant government authorities that are responsible for providing integrated and other approvals. The Commission acknowledges that the Applicant may also require other approvals which are not integrated into the SSD process.

4.4.3 Commonwealth Approval

63. The Commission notes that on 3 October 2018, a delegate for the Commonwealth Minister for the Environment and Energy determined the Project (EPBC 2018/8258) to be a 'controlled action' in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) on the basis that the Project is likely to have significant impacts to listed threatened species and communities as stated in paragraph 3.5.1 of the Department's AR.

64. Paragraph 3.5.2 of the Department's AR states:

> *The assessment process under the EP&A Act has been accredited under section 87 of the EPBC Act. Accordingly, the NSW Government has undertaken the assessment on behalf of the Commonwealth and has assessed matters of national environmental significance (MNES).*

65. The Commission agrees with the Department and adopts the Department's AR's analysis of matters under the EPBC Act. The Commission has given further consideration to Commonwealth biodiversity matters in section 4.8.4 of this report.

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4.5 Mandatory Considerations

66. In determining this application, the Commission is required by section 4.15(1) of the EP&A Act to take into consideration such of the following matters as are of relevance to the development the subject of the Application (**mandatory considerations**):

- the provisions of:
  - any environmental planning instrument;
  - any proposed instrument that is or has been the subject of public consultation under the EP&A Act and that has been notified to the Commission (unless the Planning Secretary has notified the Commission that the making of the proposed instrument has been deferred indefinitely or has not been approved);
  - any development control plan;
  - any planning agreement that has been entered into under s 7.4 of the EP&A Act, and any draft planning agreement that a developer has offered to enter into under s 7.4;
  - 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;

  that apply to the land to which the Application relates;
- 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 the development;
- submissions made in accordance with the EP&A Act and Regulations; and
- the public interest.

67. In accordance with section 4.15(1) of the EP&A Act, the Commission has considered the mandatory considerations. They are addressed in the following sections.

68. The mandatory considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Project. To the extent that any of the Material raises matters that do not fall within the mandatory considerations, the Commission has considered that Material where it is permitted to do so, having regard to the subject matter, scope and purpose of the EP&A Act.

4.5.1 Relevant Environmental Planning Instruments

69. The Commission has taken into consideration the following Environmental Planning Instruments (**EPIs**):

- Infrastructure SEPP;
- SRD SEPP;
- State Environmental Planning Policy (Primary Production and Rural Development) 2019 (**PP&RD SEPP**);
- State Environmental Planning Policy No. 55 – Remediation of Land (**SEPP 55**);
- State Environmental Planning Policy (Koala Habitat Protection) 2020 (**Koala SEPP**); and
- Yass Valley LEP 2013.

70. The Commission agrees with the Department's assessment of EPIs set out in Appendix H of the Department's AR. The Commission therefore adopts the Department's assessment.

4.5.2 Relevant Planning Agreements

71. The Commission notes that the Applicant has offered to enter into a 30 year Voluntary Planning Agreement (**VPA**) with Council. The Commission has given consideration to the VPA in section 4.8.11 – Socio-economics below.

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4.5.3 The Likely Impacts of the Development

72. The likely impacts of the Project have been considered in section 4.8 below.

4.5.4 The Suitability of the Site for the Development

73. The Commission has considered the suitability of the Site. The Commission finds that the Site is suitable for the purpose of a solar farm for the following reasons:

- the site is on land zoned RU1 and the Project is permissible with consent under the Infrastructure SEPP;
- the site is located in an area of abundant solar resources;
- the site has direct access to the electricity grid at a location with available network capacity, and in close proximity to the load centres of Canberra, Wollongong and Sydney;
- adverse impacts on surrounding receivers have been considered in the layout and would be further managed and mitigated by the imposed conditions of consent;
- the Site does not include any mapped Biophysical Strategic Agricultural Land (BSAL);
- impacts on biodiversity have been avoided and mitigated where possible and residual impacts would be offset in accordance with the Biodiversity Offsets Scheme of the *Biodiversity Conservation Act 2016* (**BC Act**);
- the Site is located on soils classified as Class 4 or 5 under the *Land and Soil Capability Mapping in NSW* (OEH, 2017), meaning that the land requires active management;
- 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;
- the Project does not preclude the use of the land for agriculture and managed grazing during the operation of the Project, except where specifically noted in the Biodiversity Development Assessment Report (prepared by Niche Environment and Heritage, dated June 2018);
- the development of the Site for the purpose of electricity generation (via solar methods) is an orderly and economic use and development of land; and
- the development of the of the Site for the purpose of electricity generation will allow the anticipated social and economic benefits to be realised.

4.6 Additional Considerations

74. In determining this Application, the Commission has also considered:

- Interim Construction Noise Guideline 2009 (**ICNG**);
- Large Scale Solar Energy Guideline 2018 (**Solar Energy Guideline**);
- NSW Noise Policy for Industry 2017 (**Noise Policy**);
- NSW Renewable Energy Action Plan 2013 (**Renewable Energy Action Plan**);
- Environment Protection and Biodiversity Conservation Act 1999 (**EPBC Act**);
- NSW Biodiversity Offset Scheme; and
- Yass Valley Settlement Strategy 2036.

4.7 Statutory Context

75. The Project's statutory context and permissibility is set out in Section 3 of the Department's AR. The Commission agrees with the Department's classification of the Project, as described in paragraphs 3.1.1 and 3.1.2 of the AR:

> *The project is classified as State significant development under section 4.36 of the Environmental Planning and Assessment Act 1979 (EP&A Act). This is because it triggers the criteria in Clause 20 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as it is development for the purpose of electricity generating works with a capital investment value of more than $30 million.*

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Under section 4.5(a) of the EP&A Act and clause 8A of the SRD SEPP, the Independent Planning Commission (the Commission) is the consent authority for the development as the project has received more than 50 unique public submissions by way of objection.

76. The Commission agrees with the Department's assessment of the Project's permissibility (set out at sections 3.3 and 5.1 of the AR). The Site is zoned RU1 Primary Production which is a prescribed rural zone under the Infrastructure SEPP and 'electricity generating works or solar energy systems', such as the Project, are permissible with development consent.

77. Section 3.2 of the Department's AR sets out the statutory context for the amended Application, as described at Section 1 above.

4.8 Key Issues

4.8.1 Compatibility of Proposed Land Use

78. The Commission acknowledges that the compatibility of the Project with existing land uses was a key concern raised by the community in submissions and in representations made during the Public Meeting, as described in paragraph 3.4 above.

79. The Commission notes that Council in its submission to the Department dated 30 July 2018, and addendum submission dated 29 August 2018, raised concerns about the compatibility of the proposed land use. At the time of the submissions, Council proposed to rezone the Site and surrounding area from RU1 Primary Production to RU6 Transition. In their submission, Council stated that the Project would be inconsistent with the objectives of the proposed RU6 Transition zone. However, as noted by the Department in AR paragraph 4.5.1, the land rezoning did not proceed and was not adopted in the final *Yass Valley Settlement Strategy 2036*. As such, the Site remains RU1 Primary Production, which permits the proposed land use with consent (see section 4.4.1).

80. During Council's meeting with the Commission on 8 December 2020, Council noted that through discussions with the Department their focus has shifted from objecting to the proposed land use to requesting that if approved, the Project incorporates appropriate mitigation measures to minimise any adverse impacts of the Project and protect the rural landscape values of the area.

81. The Commission notes that the Applicant is of the view that the Project is compatible with the existing adjacent land uses, such as rural residential development and grazing activities, as set out in the EIS and the RTS. The Commission agrees that retaining managed grazing activities during the operation of a solar farm is appropriate subject to conditions relating to biodiversity conservation.

82. The Commission notes the Department's assessment of the Project's compatibility with surrounding land uses. Paragraph 5.1.6 of the Department's AR summarises the Applicant's land use compatibility assessment:

RES undertook a Land Use Conflict Risk Assessment (LUCRA) for the project, which considers the project against the Council's goals and direction. The project design largely avoids areas of significant biodiversity value and involves implementing and maintaining vegetation plantings in accordance with a landscaping plan to be prepared in consultation with Council and visually impacted receivers.

83. The Commission agrees with the Department's view that the Site is suitable for the proposed land use given its proximity to the electricity network and local centres. Paragraphs 5.1.12 and 5.1.13 of the Department's AR state:

The proposed Springdale Solar Farm is located in an area with available network capacity, abundant solar resources, direct access to the electricity grid at a location with available network capacity, in close proximity to the load centres of Canberra, Wollongong and Sydney, on land that is zoned RU1 with solar development permissible with consent under the Infrastructure SEPP.

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The Department considers that the proposal has adequately addressed the site selection process and assessed site constraints in accordance with the NSW Government guidelines.

84. Additionally, the Commission is of the view that the proposed land use is appropriate for the Site for the reasons set out in section 4.5.4 above.

4.8.2 Agricultural Land

85. The Commission agrees with the Applicant's view set out in the EIS, which states: "*As the development would result in only low-level impacts upon the soil surface, the proposal is viewed as largely reversible upon decommissioning of the project*".

86. The Commission agrees with the Department's view, stated in the AR's executive summary, which states:

The Department considers that the project would not significantly reduce the overall agricultural productivity of the region and that the inherent agricultural capability of the site would not be affected, and is satisfied that the site could be returned to its full agricultural uses in the future following rehabilitation. The Department also notes that RES intends to allow sheep grazing on the remainder of the site during operation of the project.

87. To ensure the site will be restored to its full agricultural use, the Commission has imposed schedule 3, condition 36 requiring the Applicant to remove all solar infrastructure, above and below ground, including cabling.

88. The Commission is of the view that the agricultural capability of the land will not be affected in the long term and, in the short term, the Project does not preclude the ongoing use of the land for managed grazing (noting that the proposed conservation areas will have separate managed grazing regimes).

89. To ensure the agricultural capacity of the Site is maintained during the operation of the Project, the Commission agrees with the Department and therefore imposes schedule 3, condition 13, which requires the establishment of ground cover (within 3 months following completion of any construction or upgrading) with appropriate perennial species, weed management and maintaining grazing where possible.

4.8.3 Visual Impact

90. The Commission acknowledges that visual impact is a key concern for local residents, and in particular, for adjoining property owners. The Commission notes paragraph 5.2.1 of the Department's AR, which states:

Nearly half of the community submissions objecting to the project, including 22 residences within 2 km of the project, raised concerns about visual impacts, including impacts to the scenic quality and rural outlook of the area, completeness of the visual impact assessment, glint and glare from proposed infrastructure and its proximity to surrounding residences.

91. Table 4 of the AR summarises the anticipated visual impacts to surrounding residences, including the proposed setback distances of development to each residence, proposed mitigation measures and categorisation of the anticipated visual impact. Paragraph 5.2.32 of the Department's assessment finds:

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.

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92. Council, in its meeting with the Commission on 8 December 2020, commented that the Project would appear very different to the surrounding agricultural land uses and that vegetation screening would be important to mitigate visual impacts. Council also stated that the species of trees selected for any future vegetation screening would need to provide a visual buffer while also enhancing biodiversity values.

93. The Applicant's EIS describes their assessment of visual impacts as follows:

> *A total of fifteen visual receptor locations were identified to represent viewpoints for the assessment of potential impacts on views as a result of the Project. Of these, the significance of the visual impacts were assessed as high for one residence, high-moderate for two residences, moderate for three residences, moderate-low for two residences, low for three residences, and negligible for three residences. The visual impact to road users of Tallagandra Lane was assessed as moderate.*

94. The Applicant's EIS includes a Landscape and Visual Impact Assessment (LVIA), dated 23 April 2018, and the RTS includes an Addendum Report, dated 29 May 2020. The Addendum Report finds:

> *The early establishment, long term maintenance, and replacement of screen planting will maintain visual filtering, screen views where appropriate and assist in mitigating the level of residual visual impacts for the Project.*

95. The Commission agrees that the proposed amended layout, vegetation screening, associated setbacks and the implementation of the recommended conditions, will reduce the potential visual impacts on neighbouring residences. The Commission has therefore imposed schedule 2, condition 5 which requires the Applicant to ensure that the solar panels, substation and inverters within the Site are installed no closer that then specific offset distances set out for receivers R01, R02, R05, R08 and R35.

96. The Commission notes the Applicant's commitment to landscaping for the purpose of visual screening. The Commission agrees with the Department's recommended condition and therefore imposes schedule 3, condition 11, which requires the Applicant to establish and maintain a mature vegetation buffer (landscape screening) at specified locations to minimise the visual impacts of the development on nearby residents. Under this condition, the Application will be required to ensure that the landscape screening is properly maintained with a replanting programme being undertaken where the vegetation fails to establish. The Commission supports imposing schedule 3, condition 12 which requires the Applicant to prepare a detailed Landscaping Plan in consultation with Council and residences R01, R02, R05, R08 and R35, to the satisfaction of the Planning Secretary.

97. The Commission acknowledges paragraph 5.2.13 of the Department's AR which notes additional avoidance and mitigation measures proposed to reduce the potential visual impacts on surrounding residences. The Commission finds that this is appropriate in ensuring that visual impacts on nearby properties are adequately mitigated.

98. Additionally, the Commission supports imposing schedule 3, condition 21 which requires the Applicant to minimise the visual impacts of the development by reducing the potential for any glint, glare or reflection and to ensure the visual appearance of all ancillary infrastructure blends with the natural surroundings as far as possible.

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4.8.4 Biodiversity

99. The Commission acknowledges that the Project's potential impact on threatened species habitat, biodiversity corridors and the loss of vegetation was a key concern raised by the community in submissions and in representations made during the Public Meeting.

100. Paragraph 5.3.2 of the Department's AR states:

> *The project is located within a highly fragmented landscape comprised mostly of cleared agricultural land. While the site contains remnant stands of native woodland vegetation, scattered native paddock trees as well as areas of derived native grassland, the site does not overlap with a South East and Tablelands biodiversity corridor.*

101. The Commission agrees that the Applicant has designed the Project to avoid remnant stands of native vegetation, including threatened ecological communities (**TEC**) and medium quality Golden Sun Moth habitat as stated in paragraph 5.3.3 of the Department's AR. The Commission notes that the Applicant reduced the disturbance footprint to retain a 0.9 ha cluster of hollow-bearing trees on the south eastern corner of the Site which provides habitat for the Superb Parrot and has also revised the development footprint to avoid 1.7 ha of Striped Legless Lizard habitat (AR paragraphs 5.3.3 and 5.3.4).

102. The Commission notes that of the 185 ha disturbance footprint, the project would clear 5.38 ha of native vegetation and 33 paddock trees with the remaining areas being exotic vegetation. The Commission also notes that the native vegetation did not meet the condition thresholds to warrant protection under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) or create an offset liability under the BC Act.

103. The Project would disturb approximately 4.52 ha of Golden Sun Moth habitat and 0.95 ha of Superb Parrot habitat as set out in paragraph 5.3.6 of the Department's AR. The Commission acknowledges that the species credit liabilities under the *NSW Biodiversity Offset Scheme* and set out in Table 2, apply to the Project and would be retired in accordance with that scheme.

Table 2 – Threatened Species Liability (Source: Department's AR)

Species	BC Act status	EPBC Act Status	Direct Impacts (ha)	Species Credit Liability
Golden Sun Moth	Endangered	Critically Endangered	4.52	38
Superb Parrot	Vulnerable	Vulnerable	0.94	5

104. The Commission notes the Applicant's comments provided in their 'Request for Information (RFI) Report' (dated 5 February 2021) regarding the management measures proposed to protect the Golden Sun Moth habitat. Specifically, the establishment of a Golden Sun Moth habitat conservation zone of approximately 60 hectares at the western portion of the site, with management measures to be detailed within a Golden Sun Moth specific sub-plan of the Biodiversity Management Plan, including fencing of the site and the Golden Sun Moth conservation zone.

105. Additionally, the Commission agrees with the recommendations in paragraph 2.1.2 of the Biodiversity Development Assessment Report (prepared by Niche Environment and Heritage, dated June 2018) which sets out proposed management measures for the Golden Sun Moth habitat conservation zone. The Commission agrees that an internal fence should be installed around the Golden Sun Moth conservation area, in addition to an external fence, to prevent livestock entering the area and potentially damaging the conservation area through trampling and/or overgrazing.

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106. The Commission agrees with the recommendation to protect the habitat of the Superb Parrot, as set out in paragraph 2.1.2 of the Biodiversity Development Assessment Report (prepared by Niche Environment and Heritage, dated June 2018).

107. The Commission agrees with the recommendation to protect the habitat of the Striped Legless Lizard, in paragraph 2.1.2. of the Biodiversity Development Assessment Report (June 2018) and has imposed conditions to ensure the protection of the Striped Legless Lizard habitat.

108. The Commission agrees with paragraph 5.3.11 of the Department's AR and is of the view that the avoidance and mitigation measures proposed by the Applicant are feasible and appropriate.

109. The Commission notes that with the recommended mitigation measures, the Department's Biodiversity Conservation Division (BCD) and the Department consider that the Project is unlikely to result in a significant impact on the biodiversity values of the locality. The Commission agrees with BCD and the Department and has imposed specific conditions to ensure that impacts on biodiversity are minimised and mitigated as far as practicable.

110. The Commission supports imposing schedule 3, condition 14, as recommended by the Department, which states that the Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance area. The Commission also supports schedule 3, condition 15, which sets out specific biodiversity offset requirements for the Project.

111. The Commission imposes schedule 3, condition 16(b), which requires the Applicant to prepare and implement a Biodiversity Management Plan (**BMP**) to the satisfaction of the Planning Secretary. The BMP requires the Applicant to prepare and implement a management plan for the Golden Sun Moth conservation area and also a Striped Legless Lizard Management Plan which must include measures to be implemented for retention and protection of Striped Legless Lizard habitat. The Commission has also imposed conditions to protect the breeding habitat of the Superb Parrot in the south-east corner of the site, adjacent to Tintinhull Road.

4.8.5 Traffic and Transport

112. The Commission acknowledges that traffic impacts on local roads was a key concern raised by the community in submissions and in representations made at the Public Meeting. In particular, the proposed heavy vehicle route through Sutton Village was of concern to the community, as noted at paragraph 46.

113. The Commission agrees with the Department's finding that the increase in traffic volumes will largely be during the construction period, with a peak period of 5 months, during which there would be up to 38 heavy vehicle movements a day.

114. The Commission notes that alternative vehicle routes were considered by the Applicant, however, these were not considered appropriate as they required vehicles to use significantly longer portions of local road, as noted in Table 6 of the AR. The Commission accepts the Applicant's justification.

115. The Commission supports the Department's recommendation in schedule 3, condition 10, which requires the Applicant to prepare a Traffic Management Plan for the Project in consultation with TfNSW and Council, and to the satisfaction of the Planning Secretary, to minimise traffic conflicts and amenity impacts to the community during construction, upgrading or decommissioning works. The Commission has amended this condition to ensure that the Traffic Management Plan, when detailing the measures for minimising potential for conflict with school zones, includes measures to ensure that there is no movement of heavy vehicles between 8:00–9:30am and 2:30–4:00pm.

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116. The Commission has also imposed schedule 3, condition 5 which requires all vehicles associated with the development to enter and exit the site via approved site access points off Tallagandra Lane. Under this condition, Tintinhull Road must not be used for access, with the exception of one crossing point (as identified in the figure in Appendix 1 of the consent) to allow access between the eastern and western portions of the Site and one for access to the south eastern array on the corner of Tallagandra Lane and Tintinhull Road.

117. The Commission notes paragraph 4.5.2 of the Department's AR which states that Yass Valley Council asked that all road upgrades comply with Council's *Road Standards Policy*. The Commission has imposed schedule 3, condition 6, which requires the Applicant to implement all identified road upgrades to the satisfaction of the relevant roads authority, as set out at Appendix 5 of the conditions.

118. In order to further minimise traffic impacts during construction, upgrading or decommissioning works, the Commission has imposed schedule 3, condition 10(d), as recommended by the Department, which requires the Applicant to implement an employee shuttle bus service to be prepared to minimise traffic impacts during construction, upgrading or decommissioning works.

4.8.6 Noise

119. Table 6 of the Department's AR identifies that noise from proposed construction, upgrading and decommissioning activities would be well below the 'highly noise affected' criterion of 75 dB(A) in the EPA's ICNG. Five residences (R1, R2, R5, R8 and R35) are predicted to experience noise above the 'noise affected level' criterion of 45 dB(A) ranging from 46 to 56 dB(A) during standard daytime construction hours. The Commission finds that although the noise levels at these receivers are predicted to exceed the 'noise affected level' criterion, they are well below the 'highly noise affected' criterion ICNG and are capable of being minimised and mitigated in accordance with best practice requirements outlined in the ICNG, such as "*scheduling noisier activities during less noise sensitive period, selecting low noise equipment and liaising with affected residences and informing them when noisy work will occur and what is being done to minimise noise*". The Commission has imposed schedule 2, condition 13 which requires the preparation of a 'Community Communication Strategy' to facilitate communication between the Applicant and the community (including adjoining affected landowners) during construction.

120. The Commission has therefore imposed the Department's recommendation of schedule 3, condition 18 which states that the Applicant must minimise the noise generated by any construction, upgrading or decommissioning activities on site in accordance with the best practice requirements outlined in the ICNG. The Commission has also removed reference to activities generating "inaudible noise" being able to be undertaken outside of standard hours.

121. The Commission has also imposed schedule 2, condition 13 which states that the Applicant must prepare a Community Communication Strategy to provide mechanisms to facilitate communication between the Applicant and the community during construction. The Applicant must consult with R1, R2, R3, R5 and R35 regarding the construction schedule for the development and provide residents with a construction schedule for the development which sets out when noisier activities will occur. This will ensure residents are informed and enable them to plan ahead as necessary.

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4.8.7 Historic Heritage & Aboriginal Heritage

122. The Commission notes that the heritage surveys undertaken with the Registered Aboriginal Parties (**RAPs**) identified 15 Aboriginal heritages sites. These consist of four isolated artefacts, eight artefact scatters and three potentially culturally modified trees. The Commission notes that the Project avoids 12 of the 15 known Aboriginal heritage sites and that the Applicant has committed to salvage and relocate the three impacted items to suitable alternative locations (AR Table 6).

123. The Commission agrees with the Department and finds that the Project would not significantly impact the heritage values of the locality. The Commission therefore imposes the Department's recommendation of schedule 3 condition 24 which requires the Applicant to ensure that the Project does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Appendix 6, Table 1 of the consent or any Aboriginal heritage items located outside the approved development footprint.

124. The Commission also notes that the Applicant has committed to subsurface testing prior to construction in consultation with RAPS and Heritage NSW with details to be set out in a Heritage Management Plan (AR Table 6). The Commission has therefore imposed the Department's recommendation of schedule 3 condition 23 which requires the Applicant to undertake a test excavation program and to salvage and relocate any items identified in Appendix 6, Table 2 of the consent. The Commission has also imposed schedule 3, condition 24 which requires the preparation and implementation of a Heritage Management Plan in consultation with Heritage NSW and Aboriginal Stakeholders.

125. The Commission notes that surveys undertaken by the Applicant did not identify any historic heritage items on Site and therefore finds that there are no impacts to historic heritage.

4.8.8 Flooding

126. The Commission acknowledges that community submissions identified flood events have occurred over Tallagandra Lane.

127. Paragraph 4.5.5 of the Department's AR states: "*The Department's Water Group clarified that Back Creek and the unnamed central tributary on the project site are fourth and third order streams and noted the risk of impacts by flooding on and off the site are low".*

128. Paragraph 4.5.10 of the Department's AR states that the BCD had no concerns on the adequacy of the flooding assessment provided in the EIS.

129. The Commission agrees with the Department and acknowledges that BCD did not raise any concerns with the flooding assessment as stated above. The Commission considers flooding to be of low risk to the Project. However, in order to appropriately manage risk of a flood event, the Commission has imposed schedule 3, condition 10, which requires the Traffic Management Plan to respond to local climate conditions that may affect road safety, such as wet weather and flooding.

130. The Commission notes paragraph 5.2.13 of the AR which states that "*adequate buffer areas* [will be provided] *of between 155–270 m for the watercourses and their floodplains*". The Commission agrees that this is appropriate and considers that it will help to ameliorate any potential flood impacts.

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4.8.9 Water use

131. The Commission notes the Department's comments in Table 6 of the AR that the project would require:

> *…up to 2 megalitres (ML) of water during construction (mainly for dust suppression) and 1.6 ML per year during operation. A static water supply (20,000 litres) would also be established and maintained for fire protection. Water would initially be sourced from onsite farm dams in accordance with harvestable rights and from Council supplies. Subject to the recommended conditions, the Department and DPIE Water consider that the project would not result in any significant impacts on water resources.*

132. In their meeting with the Applicant on 8 December 2020, the Commission noted that the projected water usage during construction is similar to that during operations. The Commission questioned if the Applicant is confident that two megalitres of water would be sufficient for the Project. The Applicant, in their response to the Commission dated 8 February 2021, stated:

> *Water consumption during construction can vary substantially depending on the construction techniques utilised. The 2 ML volume provided in the EIS may increase somewhat to account for soil and climatic conditions (which affect the degree of dust suppression required), as well as for the inclusion of water for the establishment of vegetation. Based upon RES's updated estimates, including the need to account for watering of screening vegetation during the construction stage and for dust suppression on internal and external roads, the potential water consumption during construction may be closer to 5-6 ML. The number of additional water cart movements associated with this volume of water would be equivalent to less than one additional movement per day over a 12 month construction period. These additional movements would fit within the traffic numbers already presented in the EIS, being 75 heavy vehicles per day during construction.*

133. The Commission notes the Applicant's clarification.

134. The Commission agrees with the Department and DPIE Water and is of the view that subject to the recommended conditions, the Project would not result in any significant impacts on water resources. The Commission has therefore imposed the Department's recommendation of schedule 3, conditions 26 – 27 to ensure that water resources are appropriately managed for the Project. The Commission has also imposed schedule 3, condition 25 which requires the Applicant to ensure it has sufficient water for all stages of the development and if necessary, adjust the scale of the development to match its available water supply.

4.8.10 Hazards

135. The Commission notes that the Site is not mapped as bushfire prone land as stated by the Department in Table 6 of the AR. The Commission agrees with the Department and is of the view that bushfire risks can be appropriately controlled through standard fire management procedures and recommendations made by the NSW Rural Fire Service (**RFS**) and Fire and Rescue NSW (**FRNSW**). The Commission has therefore imposed schedule 3, condition 31 which set out specific Bush Fire Management requirements for the Project.

136. The Commission notes that the Safety Management Study (SMS) completed by RES in consultation with the APA Group (owner of the Dalton-Canberra transmission gas pipeline traversing the Site) confirmed the high-pressure gas pipeline can continue to comply with *AS 2885: Australian Standard for Pipelines - Gas and liquid petroleum*. The Commission has imposed the Department's recommendation of schedule 3, conditions 29 and 30 to ensure that appropriate consideration is given by the Applicant to the gas pipeline, including ancillary assets.

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137. Table 6 of the Department's AR stated that the Quantitative Risk Analysis (QRA) demonstrated the Project can comply with the land use safety criteria described in the Department's *Hazardous Industry Planning Advisory Papers No.4 and 10*, provided that all the recommendations are completed in a timely and appropriate manner. The Commission has therefore imposed the Department's recommendation of schedule 3, condition 30 which states that the Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with the requirements of all relevant Australian Standards the EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.

138. In order to ensure the hazards and risk described in paragraphs 135 – 137 above are appropriately managed, the Commission has imposed the Department's recommendation of schedule 3, condition 32 which requires the Applicant to develop and implement a comprehensive Emergency Plan and detailed emergency procedures for the development, to the satisfaction of FRNSW and the RFS.

4.8.11 Socio-economic impacts

139. The Commission notes the Department's assessment that the Project would create jobs during construction, operation and decommissioning. Table 6 of the Department's AR states:

> *The project would provide direct and indirect benefits to the local community, including:*
> - *up to 200 jobs during the 10-month construction period and 5 to 10 jobs during operation of the project;*
> - *expenditure on businesses in the local economy by workers who would reside in Yass Valley LGA, or in the ACT; and*
> - *the procurement of goods and services by RES and any associated contractors.*

140. As noted in paragraph 4.5.2 above, the Commission acknowledges that the Applicant has offered to enter into a 30-year VPA with Council to provide benefits to the local community. Table 6 of the Department's AR provides that the VPA with Council would total approximately $1,260,000, consisting of a one-off $100,000 payment at the commencement of construction of the Project, and an annual contribution of $40,000 for the 29 years beyond commencement of construction (to be adjusted for inflation). Table 6 of the AR provides:

> *Priority would be given use of the funding for projects within the immediate vicinity of the project as defined by the following three priorities:*
> - *first priorities: local projects within 10 km of the project site;*
> - *second priorities: local projects within 20 km of the project site should no suitable projects be identified within 10 km of project site; and*
> - *third priorities: local projects within the current Yass Valley Council boundary should no suitable projects be identified within 20 km of project site.*

141. The Commission imposes the Department's recommendation of schedule 2, condition 12 which requires the Applicant to enter into a VPA with Council in accordance with the terms of agreement between the Applicant and Yass Valley Council dated 20 October 2020, which are provided in Appendix 4 of the conditions. The VPA would provide that monetary contributions are to be used for the enhancement of the local area surrounding the Project Site.

142. The Commission finds that on balance the Project will have a positive socio-economic impact on the local area and region predominantly through the short term provision of jobs, expenditure on local business and via monetary contributions as set out in the VPA.

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4.8.12 Other Issues

Decommissioning and Rehabilitation

143. The Applicant's RTS dated 29 May 2020 states that the Applicant provides a commitment to remove all infrastructure from the Site during decommissioning of the Project following the cessation of use and rehabilitate the Site to a condition suitable for agricultural use.

144. The Commission notes the Department's recommendation at paragraph 5.1.17 of the AR that the Applicant be required to maintain the land capability of the Site (including groundcover and maintaining grazing within the development footprint) and to reinstate the land to agricultural use following decommissioning.

145. The Commission has therefore imposed conditions relating to rehabilitation under schedule 3, condition 34, which require the preparation of a Decommissioning and Rehabilitation Plan within three years of commencement of operation to the satisfaction of the Planning Secretary. The Applicant must decommission and rehabilitate the Site in accordance with the approved Decommissioning and Rehabilitation Plan. Schedule 3, condition 35 imposed by the Commission requires the Applicant to rehabilitate the Site to the satisfaction of the Planning Secretary within 18 months of the cessation of operations. 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.

Invasive species management

146. The Commission notes that the Department of Primary Industries' letter dated 14 August 2018 encourages grazing on the Site to maintain ground cover and control of weeds during operation. The Commission notes that the Department's AR states that the agricultural operations of adjoining landholders would not be impacted by the Project as weeds would be controlled through strict land management measures.

147. The Commission agrees with the Department and DPI above, and imposes the Department's recommendation of schedule 3, condition 13 which states that the Applicant must maintain the agricultural land capability of the Site including properly maintaining the ground cover with appropriate perennial species and weed management.

Land Values

148. The Department in Table 6 of the AR states:

- *property values are influenced by a number of factors;*
- *there is no clear evidence to suggest that solar farms in NSW are adversely affecting property values;*
- *the project is permissible with development consent under the Infrastructure SEPP;*
- *a detailed assessment of the merits of the project has found that the project is unlikely to generate significant economic, environmental or social impacts;*
- *the impacts of the project can be further minimised by imposing suitable conditions on the project, and requiring a range of standard mitigation measures, such as vegetation screening to be implemented.*

Accordingly, the Department considers the project would not result in any significant or widespread reduction in land values in the areas surrounding the solar project.

149. The Commission has heard concerns from members of the community about the potential impact of the Project on surrounding land values. While the Commission has not given determinative 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.

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Workforce Accommodation and Local Employment

150. Table 6 of the Department's AR states that the Project would provide up to 200 jobs during construction and 5 to 10 jobs during operation of the Project, with workers residing in the Yass Valley LGA or in the ACT. The Commission is of the view that this would have a positive contribution to local employment and economic activity.

4.8.13 Objects of the Act

151. In this determination, the Commission has carefully considered the Objects of the EP&A Act. The Commission agrees with the Department's assessment of the Application against the Objects of the EP&A Act provided at Appendix H of the AR (Statutory Considerations), which finds that the Application can be approved in a manner that is consistent with those Objects. The Commission adopts the Department's assessment and is of the view that the Application is in accordance with the Objects of the EP&A Act.

152. The Commission finds the Application has been assessed in accordance with relevant environmental planning instruments and is capable of complying with the required mitigation measures to achieve consistency with the Objects of the EP&A Act.

4.8.14 Public Interest

153. Paragraphs 7.1.12 and 7.1.13 of the Department's AR state:

> *The Department considers that the project achieves an appropriate balance between maximising 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.*
>
> *On balance, the Department considers that the project is in the public interest and is approvable, subject to the recommended conditions of consent.*

154. The Commission finds that on balance, and when weighed against the Objects of the EP&A Act, principles of ecologically sustainable development (ESD) and benefits, the impacts are acceptable and capable of being appropriately mitigated through the measures required under the conditions of consent imposed by the Commission. The Commission is of the view that the Project is in the public interest.

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5 CONCLUSION: THE COMMISSION'S FINDINGS AND DETERMINATION

155. The views of the community were expressed through public submissions and comments received (as part of the Department's exhibition process and as part of the Commission's determination process), as well as in oral presentations to the Commission at the Public Meeting. 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.

156. The Commission has carefully considered all the Material before it.

157. 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.

158. The reasons for the Decision are given in this Statement of Reasons for Decision dated 19 February 2021.



Professor Zada Lipman (Chair)
Member of the Commission



Andrew Hutton
Member of the Commission

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APPENDIX A

Main Components of the Project (Source: Department's AR, dated November 2020)

Aspect	Description
Project summary	The project includes: • a generating capacity of approximately 100 MW; • approximately 260,000 single-axis tracking solar panels (up to 4 m high) and 22 inverter stations (up to 4 m high); • an onsite substation and electrical switchyard connecting to TransGrid's existing 132 kV transmission line; • a control building, including office and maintenance buildings (up to 3.5 m high), laydown areas, staff amenities and cark park; • vegetation screening and perimeter security fencing; and • subdivision of land within site for the substation.
Project area	• Site: 370 ha • Development footprint: 185 ha
Access route	• All heavy vehicles would access the site via the Federal Highway, Sutton Road, East Tallagandra Lane, Mulligans Flat Road and Tallagandra Lane.
Site access points and road upgrades	• Access would be via three new site entry points on Tallagandra Lane: o one for access to the substation and array south of Tallagandra Lane; o one for access to the control building and arrays north of Tallagandra Lane; o one for access to the south eastern array on the corner of Tallagandra Lane and Tintinhull Road; • One crossing point along Tintinhull Road to allow access between the eastern and western portions of the site; and • Upgrades to Tallagandra Lane between the end of the sealed section to the furthest site access point and Tintinhull Road between Tallagandra Lane and the site access point.
Construction	• The construction period would last for about 10 months, including a peak period of up to five months. • Construction hours would be limited to Monday to Friday 7 am to 6 pm, and Saturday 8 am to 1 pm.
Operation	• The expected operational life is approximately 35 years. However, the project may involve infrastructure upgrades that could extend the operational life.
Decommissioning and rehabilitation	• The project also includes decommissioning at the end of the project life, which would involve removing all infrastructure.
Hours of operation	• Daily operations and maintenance would be undertaken Monday to Friday from 7 am to 6 pm, and on Saturday from 8 am to 1 pm.
Employment	• Up to 200 construction jobs and 5 ongoing operational jobs.
Capital investment summary	• $120 million