



Murrumbidgee COUNCIL

Darlington Point Office
21 Carrington Street
PO Box 5
DARLINGTON POINT NSW 2706

Telephone: 02 6960 5500

Coleambally Office
39 Brolga Place
COLEAMBALLY NSW 2707

Telephone: 02 6954 4060

Jerilderie Office
35 Jerilderie Street
PO Box 96
JERILDERIE NSW 2716

Telephone 03 5886 1200

SC212

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Department of Planning & Environment
DUBBO NSW 2830

Via email: westernregion@planning.nsw.gov.au

Dear Sir/Madam

SUBMISSION YARRABEE SOLAR FARM – PROPOSED MODIFICATION SSD—9237-Mod-1

This is a submission in respect to the proposed modification of the Yarrabee Solar Farm at Narrandera, currently on public exhibition.

The submission is an objection and the grounds of the objection are:

1. The proposal is not in keeping with the objects of the Environmental Planning and Assessment Act, 1979 (the Act);
2. The proposal is not substantially the same development as was originally approved and cannot be assessed or determined under s4.55 of the Act;
3. The impacts of the development as modified;
4. The public interest.

These reasons are clarified below.

Background and Context

DA 9237 a 900MW electricity generating photovoltaic facility was approved on 20/12/2018.

The development site is located within the Narrandera local government area and the footprint is approximately 2600 Ha. Fully developed, the Yarrabee Solar

Project is expected to generate just over 2,000 GWh of electricity per year, which is equivalent to the electricity consumption of approximately 335,000 homes

The capital investment value of the project is \$956,910,000.

The project will require 3 million solar panels mounted on 36,000 single axis tracking systems, with 222 inverter stations. The proposal will require the construction of a new high voltage substation with connection to a new transmission line.

A description of the development, its assessed impacts, proposed mitigation measures and commitments were described within the Environmental Impact Statement (EIS) originally submitted for the proposal.

Of the assessed impacts, traffic was a significant issue, particularly in relation to construction and operational traffic routes, the adequacy of the existing road network and the operational and management measures for road upgrading and maintenance. The services and facilities required to support workers, contractors and families was also a significant issue, given the increased population as a result of the development.

A Voluntary Planning Agreement (VPA) was negotiated with Narrandera Shire Council, given the location of the development site in that Shire and the EIS conclusions that the additional population resulting from the development (operational and contractual staff and families) were likely to come from the east.

At the time of the proposal, development contact was made with Murrumbidgee Council's Engineer, who apparently felt that Murrumbidgee would not be materially affected given the information and conclusions contained in the EIS. Soon after, Council's engineer did not continue in his position, and the Council remained unaware of the development.

Reasons for Objection

Objects of the Act

The proposal is not in keeping with the objects of the Act because:

- The proposal does not facilitate ecologically sustainable development. This is because the associated economic, social and environmental impacts of the modified proposal adversely affect the Murrumbidgee Council area. These impacts have not been adequately considered, identified, assessed or mitigated;
- The development will result in an increased population from the workers, contractors and families required to support the solar farm. The delivery and maintenance of affordable housing likely to be required in the Murrumbidgee Council area to serve this population has not been properly provided for. The EIS confirms that construction and operational movements will come from the west - north from Griffith and south from Melbourne, directly impacting the Murrumbidgee Council area;

- The modified proposal does not propose mitigation measures to preserve the amenity of the residents of Murrumbidgee Council area who are likely to be adversely affected. The likely impacts to these residents have not been properly considered, addressed or mitigated;
- The health and safety of pedestrians and road users have not been properly considered, given the change in traffic routes and the impacts of increased traffic, including heavy vehicles, on the Council's towns and rural communities;
- The proposal and process does not allow for shared responsibility for assessment and determination of this proposal;
- There has been little opportunity for community participation in environmental planning and assessment of this proposal, given the changed impacts and demands imposed on the communities of the Murrumbidgee Council area. It is unreasonable that the community will need to bear the costs of the infrastructure, services and facilities that will be needed as a direct result of the development.

When is a modification not a modification?

The nature of the proposal and the magnitude of its impacts means that it cannot be lawfully assessed and determined under the provisions of Section 4.55 of the Act.

Section 4.55 allows consents to be modified where:

- There is a minor error, misdescription or miscalculation – Section 4.55(1);
- There are minimal environmental impacts - Section 4.55(1A);
- The consent authority is satisfied that the development is substantially the same development for which consent was originally granted and it has notified the proposal and considered submissions - Section 4.55(2).

Council believes that the Department (Planning Ministerial Corporation) cannot be satisfied that the development is substantially the same development as originally approved. This is because of the extent of change, the magnitude of the impacts resulting and the different environment, people and communities affected by those impacts.

It is reasonable that in forming its opinion, the Department should consider the principles of equity and natural justice. The changes in the development have a material impact, the impacts are in a different location, affecting different communities, compromising the planning, development and sustainability of another Council area and generate a demand for additional infrastructure, services and facilities in that area that should not be borne by those residents without adequate contributions or offsets.

The Courts have found that to determine whether a proposal is a modification, there is a need to consider the before and after situation. The qualitative and quantitative parameters of the impacts are not the same and the conditions to be modified affect different communities, roads and Councils. While the built environment of the Yarrabee solar farm will not substantially change the logistics

that support it will. These logistics are a significant and intrinsic part of the solar farm development and cannot be considered to be the same or substantially the same as that originally approved.

Impacts of the development

The impacts of the modified development are traffic, noise, vibration, dust, lights and social, economic and environmental impacts on the Murrumbidgee community and on the sustainable planning and development of our Council area. Some of the impacts are cumulative impacts.

The thrust of the proposed modification that Council is concerned about relates to impacts on the community associated with the change in traffic routes. The main issue is that the modified development proposes that the operational and construction transport routes shift from the east to the west, north from Griffith and south from Melbourne. The communities affected are Jerilderie, Coleambally and Darlington Point. Although the project is located in the Narrandera Shire, there are significant impacts in the Murrumbidgee Council area.

Local Council roads, particularly Eulo, Main Canal and Old Morundah, are directly affected by the proposal. If the modification is approved, these roads will require some reconstruction, upgrading and maintenance. Eulo Road has recently been upgraded at the community's cost and the Council is concerned to ensure that the current life of the road will not change on the completion of the construction of the solar farm. All impacted roads are required to be safe and there should be a contractual arrangement so that the Council can ensure that affected roads are properly constructed and maintained at the proponents cost for the life of the development. The roads on the traffic routes need to have the capacity to safely cater for both heavy and light vehicles, including B doubles and over dimensioned vehicles. Part of Old Morundah Road will be required to be reclassified to take heavy vehicle traffic, and all roads will need to be approved by the National Heavy Vehicle Regulator (NHVR) to take over dimensioned heavy vehicles. Such changes will require the support of Murrumbidgee Council.

Residents living near or using these roads will be inconvenienced and the proposal will adversely affect their amenity and their quality of life. The increased traffic will result in longer trips for locals and dust, noise and vibrational impacts not only caused by traffic movement but also from braking, particularly near irrigation bridges, where there are load and passing restrictions. There are also speed restrictions on some of the affected roads. Should the proposal be approved, Council has indicated that traffic counters will be installed to measure the number of vehicle movements. Darlington Point is a community that will be particularly disadvantaged by the modified development from the cumulative impacts associated with increased heavy vehicle movements on the main road traversing the centre of town. The difference in bridge pavement levels already cause intrusive noise and vibration, which will be exacerbated by the increased movements.

The location of the bend in the business area is already a safety issue for pedestrians and vehicles.

Heavy vehicles cross over the bridge and have to navigate the bend, which presents safety issues. There has been at least one heavy vehicle rollover at this location, which has led to the relocation of the town clock. The viability of the dissected business precinct is a concern, and increases in cumulative traffic movements exacerbate the risk to pedestrians and limits access opportunities. The modified development will pressure Council's likely need to plan for a relocated business expansion area because traffic impacts from increased movements will add to safety risks and limit business expansion opportunities. As well, additional traffic will reduce safe pedestrian connectivity opportunities to the river, which is a valuable ecological and recreational asset to the town. The proposal will contribute to reduced residential amenity for the Darlington Point community.

It is relevant that Council is in the middle of preparing a Land Use Study and a new Local Environmental Plan. Already the Council's plan to beautify and revitalize the community, including creation of an alfresco area for outdoor dining, increased and improved pedestrian connectivity strategies and town development to support and encourage economic activity, will be compromised by this proposal.

The modified proposal will lead to an increase in population in the Council areas. This is likely as a result of the increased employment opportunities for solar farm workers, contractors and their families.

Darlington Point is one of the closest settlements to the development site, and with all traffic coming from the west the Council is most likely to be impacted by the need for additional services and facilities to support the increased population. Already the Council has had a number of enquiries from people who wish to take advantage of the solar farm explosion and build some worker and visitor accommodation. This proposal, in conjunction with other solar farms in the region, currently, and into the future, is generating a demand for infrastructure and facilities, including affordable accommodation. It is reasonable that the proponent contribute towards the funding of the required infrastructure, facilities and services.

Workers on a 2500 ha solar farm with 3 million solar panels should have adequate community facilities, such as recreational facilities, to improve their quality of life and promote their health and well-being. Murrumbidgee Council is optimally placed to support the increased population and provide these facilities, but they should be at the proponent's cost and not be borne by our community.

It is unreasonable and not in accordance with fairness and equity to approve a development where the impacts have not been adequately or properly mitigated and the required facilities to support the development have not been adequately assessed or investigated.

The public interest

The public interest is not adequately served by the modified development because the communities of Murrumbidgee are likely to be adversely affected and there has been no mitigation of local community impacts.

It is likely that there will be a demand for facilities to cater for the increased population because of the development, and that should not be funded by the community.

The proposal will compromise the planning and development of the Murrumbidgee Council area for the benefit of the community. It will adversely affect Council's plans to rejuvenate and revitalize our communities and facilitate community enjoyment. It will affect residential, business and streetscape public amenity, and it will therefore affect the social capital and the economic growth and investment of our communities.

The project will directly, indirectly and cumulatively affect the sustainability of the Murrumbidgee Council area, including potential community death by a thousand cuts!

The Murrumbidgee Council communities are currently experiencing the impacts of drought and reduced access to water. The sustainability and resilience of our communities are under extreme pressure. Adverse development impacts without adequate mitigation have the potential to magnify issues for the community and reduce personal health and community well - being.

Conclusion

The proposal:

- 1 Is not in keeping with the objects of the Act. The proposal adversely and cumulatively impacts on the sustainability of the Murrumbidgee Council area. It is highly likely to create adverse impacts to the community from reduced amenity and the adverse impacts of increased traffic resulting in noise, vibration, emissions, dust and reduced safety and inconvenience to pedestrians and road users. These impacts have not been satisfactorily mitigated;
- 2 Is not a modification in terms of the Act. The entire project warrants a new separate Development Approval. The modified proposal is not substantially the same development as originally proposed and approved. This is because of the significant and intrinsic change to logistics associated with the solar farm development, the location and magnitude of change presented by the changed traffic arrangements including the impacts on those directly and indirectly affected;
- 3 The proposal will create an additional demand for infrastructure services and facilities that have not been adequately planned for;

- 4 Will compromise Council's future planning opportunities to build vibrant and healthy communities with improved livability and enjoyment opportunities. The proposal will particularly adversely impact on the future development and growth of Darlington Point.

Yours faithfully

A handwritten signature in black ink, appearing to read 'John Scarce', written in a cursive style.

Per

John Scarce

GENERAL MANAGER