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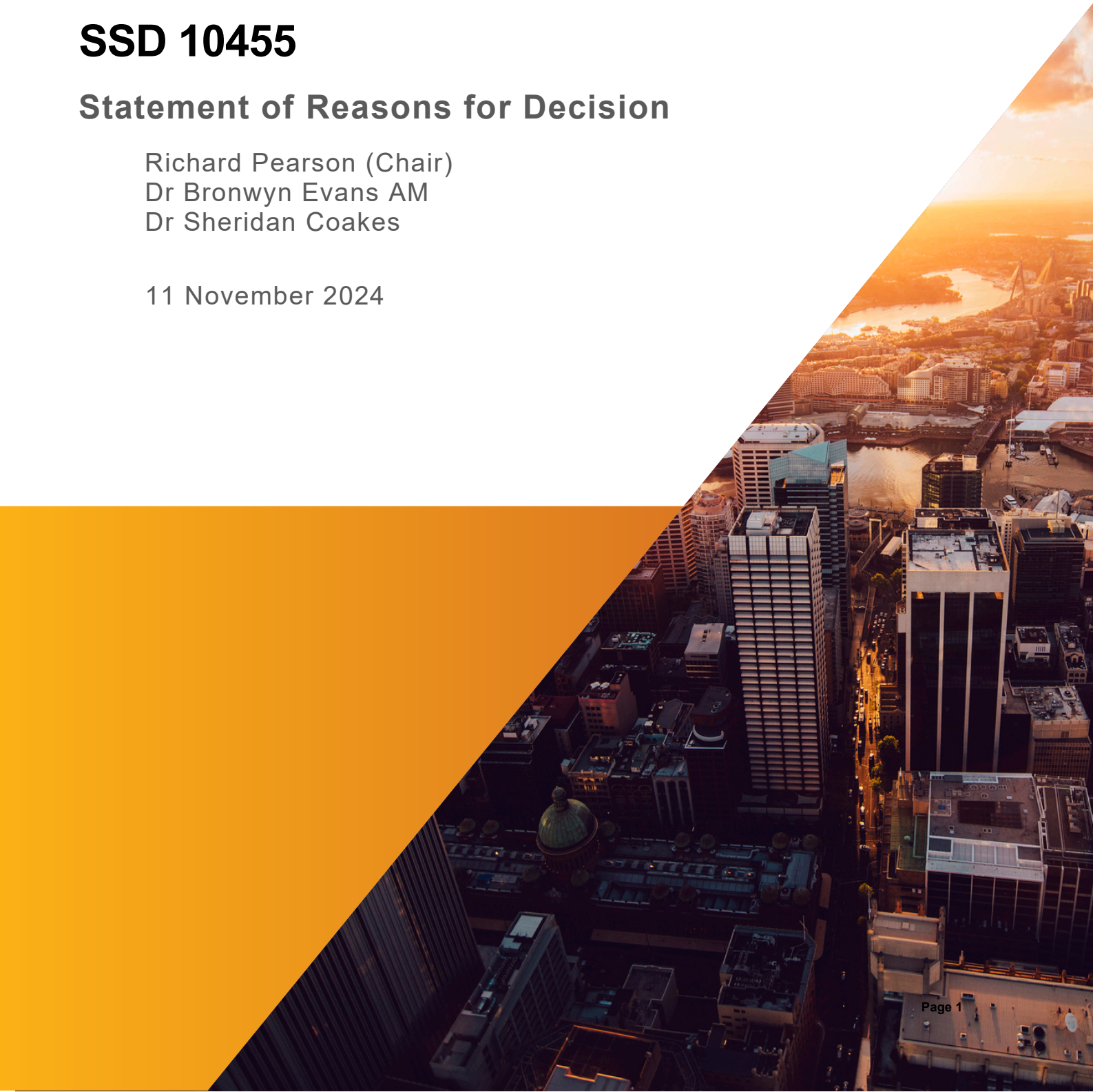
# Middlebrook Solar Farm

## SSD 10455

### Statement of Reasons for Decision

Richard Pearson (Chair)  
Dr Bronwyn Evans AM  
Dr Sheridan Coakes

11 November 2024



## Executive Summary

Middlebrook Solar Farm Pty Ltd has sought consent for the development of a 320-megawatt (MW) solar farm and associated 320 MW / 780 MW-hour (MWh) battery energy storage system (BESS), known as the Middlebrook Solar Farm (SSD-10455) (the Project). The site is located approximately 22 km south of Tamworth, within the Tamworth Regional local government area.

The Project represents an approximately \$856 million investment, generating up to 400 construction jobs and up to 15 operational jobs.

The NSW Independent Planning Commission (Commission) is the consent authority for the Project as more than 50 public objections were made to the Department of Planning, Housing and Infrastructure (Department).

Commissioners Richard Pearson (Panel Chair), Dr Bronwyn Evans AM and Dr Sheridan Coakes were appointed to constitute the Commission Panel in determining the Application. As part of its determination, the Commission met with representatives of the Applicant, the Department and Tamworth Regional Council. The Panel also undertook a site inspection and locality tour.

The Commission held a Public Meeting for the Project on 19 September 2024 which was livestreamed via the Commission's website. The Commission heard from the Department, the Applicant, various community group representatives and individual community members. In total, 22 speakers presented to the Commission during the Public Meeting, of which 9 speakers were residents from Loomberah or Goonoo Goonoo. The Commission also received 21 written submissions on the Project.

Key issues which are the subject of the findings in this Statement of Reasons relate to land use compatibility, visual impacts, transport and traffic, social impacts, and rehabilitation and decommissioning.

After consideration of the material, including additional information received from the Applicant and Council, and having considered the views of the community, the Commission has determined that development consent should be granted to the Application, subject to conditions. In approving the Project, the Commission has imposed conditions to strengthen the environmental management of the development and respond to concerns raised by the community and stakeholders during the Commission's consideration of the Project, including requiring:

- additional soil surveys and Land and Soil Capability mapping;
- vegetation screening of the BESS and substation and the option of vegetation screening on properties within 3km of the Project;
- the sealing of an additional portion of Middlebrook Road;
- more specific dust mitigation measures; and
- a Decommissioning and Rehabilitation Plan.

The Commission has imposed conditions which seek to prevent, minimise, mitigate and/or offset adverse impacts of the Project and ensure appropriate ongoing monitoring and management of residual impacts. The Applicant will be required to prepare a number of comprehensive management plans and strategies and report on mitigation and monitoring outcomes as well as demonstrate compliance with performance criteria on an ongoing basis.

The Commission finds that the site is suitable for renewable energy development given its location close to existing electricity transmission networks, topography, solar resources, avoidance of major environmental constraints, including better quality agricultural land, access to the State and regional road network and potential for continued use of the land for grazing. The Commission finds that the Project is consistent with the Government's strategic land use, planning and energy frameworks and relevant statutory requirements. The Commission is also satisfied that the Project is in accordance with the Objects of the EP&A Act and is in the public interest.

The Commission's reasons for approval of the Project are set out in this Statement of Reasons.

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## Defined Terms

ABBREVIATION	DEFINITION
<b>Applicant</b>	Middlebrook Solar Farm Pty Ltd
<b>Application</b>	Middlebrook Solar Farm (SSD 10455)
<b>AR para</b>	Paragraph of the Department's Assessment Report
<b>BCS</b>	DCCEEWS Biodiversity, Conservation and Science Division
<b>BESS</b>	Battery energy storage system
<b>BSAL</b>	Biophysical Strategic Agricultural Land
<b>Commission</b>	Independent Planning Commission of NSW
<b>Council</b>	Tamworth Regional Council
<b>DCCEEWS</b>	NSW Department of Climate Change, Energy, the Environment and Water
<b>Department</b>	Department of Planning, Housing and Infrastructure
<b>Department's AR</b>	Department's Assessment Report, dated 16 August 2024
<b>EII Act</b>	<i>Electricity Infrastructure Investment Act 2020</i>
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	NSW Environment Protection Agency
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>ICNG</b>	Interim Construction Noise Guideline 2009 (NSW Government)
<b>kV</b>	Kilovolt
<b>LGA</b>	Local Government Area
<b>Mandatory Considerations</b>	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
<b>Material</b>	The material set out in section 3.1
<b>Minister</b>	Minister for Planning and Public Spaces
<b>MW</b>	Megawatt
<b>MWh</b>	MW-hour
<b>Net Zero Implementation Plan</b>	Net Zero Plan Stage 1: 2020-2030 Implementation Plan (NSW Government)
<b>Net Zero Plan</b>	Net Zero Plan Stage 1: 2020-2030 (NSW Government)
<b>NPfI</b>	NSW Noise Policy for Industry
<b>Planning Systems SEPP</b>	<i>State Environmental Planning Policy (Planning Systems) 2021</i>
<b>Project</b>	Development of a new 320 MW solar farm and associated 320 MW / 780 MWh BESS, approximately 22 km south of Tamworth, known as the Middlebrook Solar Farm.
<b>Regulations</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>Resilience and Hazards SEPP</b>	<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>
<b>REZ</b>	Renewable Energy Zone
<b>RtS</b>	Response to Submissions
<b>Site</b>	The Middlebrook Solar Farm site, as described in section 2.1 of this report
<b>Solar Energy Guideline</b>	Large-Scale Solar Energy Guideline, 2022 (NSW Government)
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW
<b>TLEP</b>	<i>Tamworth Local Environmental Plan 2010</i>
<b>Transport and Infrastructure SEPP</b>	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>
<b>VPA</b>	Voluntary Planning Agreement

# 1. Introduction

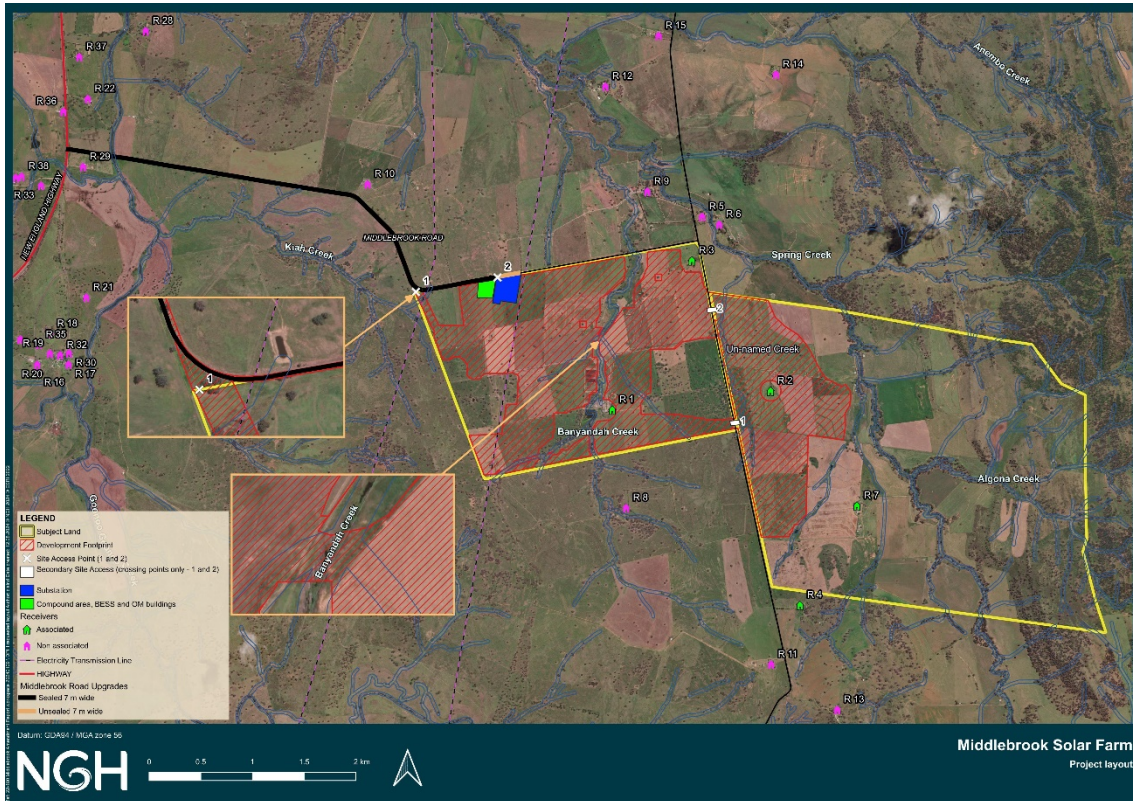
1. On 16 August 2024, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) Application SSD-10455 (**Application**) by Middlebrook Solar Farm Pty Ltd (**Applicant**), to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval for the Middlebrook Solar Farm (the **Project**) located in the Tamworth Regional local government area (**LGA**) pursuant to section 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
3. The Application constitutes SSD under section 4.36 of the EP&A Act and section 20 of Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**) as it is development for the purpose of electricity generating works with a capital investment value of more than \$300 million.
4. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of the Planning Systems SEPP, the Commission is the consent authority as more than 50 public submissions have been made by way of objection.
5. Andrew Mills, Chair of the Commission, determined that Richard Pearson (Chair), Dr Bronwyn Evans AM and Dr Sheridan Coakes would constitute the Commission for the purpose of exercising its functions with respect to the Application.
6. The Department concluded in its Assessment Report (**AR**) that the site is suitable to accommodate the development and that the Project would not result in any significant impacts on the local community or the environment. The Department's AR also concluded that the Project would result in benefits to the State of NSW and the local community and is therefore in the public interest and approvable subject to its recommended conditions.

## 2. The Application

### 2.1 Site and Locality

7. The Project site (the **Site**) is defined as being within the Project boundary illustrated in Figure 1 below. The Site is located 22 km south of Tamworth and approximately 27km west of the New England Renewable Energy Zone (**REZ**).
8. The Site and surrounds consist of largely cleared grazing and cropping land zoned RU1 Primary Production (RU1 Zone) under the *Tamworth Local Environmental Plan 2010* (**TLEP**) (AR para 3).
9. Access to the Site would be primarily via an existing access point off Middlebrook Road at the north-western corner of the Site (proposed to be upgraded) and a secondary access point located on Middlebrook Road 800m east of the primary access point (AR para 4). Traversing the western portion of the Site are two 330kV transmission lines operated by Transgrid (AR para 5). Spring Creek and two of its tributaries, Alonga Creek and Banyandah Creek, also traverse the Site (AR para 7).

Figure 1 – The Project Site (Source: Department’s Correspondence dated 7 November 2024)



## 2.2 The Project

10. The Applicant is seeking approval for a 320-megawatt (**MW**) solar farm and associated 320MW / 780MW-hour (MWh) battery energy storage system (**BESS**) and associated infrastructure.
11. The Project would comprise approximately 750,000 photovoltaic (PV) modules and associated mounting infrastructure, an on-site substation, connection to Transgrid’s existing 330 kV transmission line and ancillary infrastructure. The Project will have a generating capacity of 320 MW – enough electricity to power approximately 122,200 homes (AR para 51).
12. The Site is 1398.25 ha in size and the proposed development footprint is 515.41 ha.
13. Further detail about the main aspects of the Project is set out in Table 1 of the Department’s AR.

## 3. The Commission’s Consideration

### 3.1 Material Considered by the Commission

14. The Commission has considered the following material (**Material**) in its determination:
  - the Planning Secretary’s Environmental Assessment Requirements dated 29 May 2020 and Addendum dated 15 February 2023;

- the following information provided by the Applicant:
  - the Environmental Impact Statement (**EIS**), dated 24 June 2023 and its accompanying appendices;
  - the Response to Submissions Report (**RtS**) dated 28 March 2024 and its accompanying appendices;
  - the Amendment Report dated 28 March 2024 and its accompanying appendices;
  - additional information dated 24 June 2024, 10 July 2024, 19 July 2024, 26 July 2024 and 13 August 2024;
- all public submissions on the EIS made to the Department during public exhibition;
- all Government Agency advice to the Department;
- the Department’s AR, dated August 2024;
- the Department’s recommended conditions of consent, dated August 2024;
- comments and presentation material from meetings with the Department, Applicant and Tamworth Regional Council, as referenced in Table 4 below.
- the Applicant’s correspondence to the Commission, dated 13 September 2024, 26 September 2024, 4 October 2024 and 10 October 2024;
- all written comments and material presented at the Public Meeting;
- all written comments received by the Commission up until 5pm, 26 September 2024;
- the Department’s advice dated 18 October 2024 and 25 October 2024 (including updated figures provided on 29 October 2024 and 7 November 2024) on the feasibility and workability of proposed conditions.

### 3.2 Strategic Context

15. The Commission has considered the strategic planning framework, policies and guidelines relevant to the Site and Project. The Commission finds that the Project is consistent with both the Commonwealth and NSW State Government’s strategic planning framework, policies and guidelines (see Table 1 below).
16. The Project would generate up to 320MW of renewable energy and will assist in Australia’s transition to lower emissions energy generation. In addition, the Project would generate direct and indirect benefits to the local community, including up to 400 construction jobs and 15 operational jobs, power approximately 122,200 homes per year, and provide flow on benefits to the local economy through expenditure and procurement of goods and services.

*Table 1 - Strategic planning framework, policies and guidelines*

Strategic Context	Discussion
<b>Australia’s Long Term Emissions Reduction Plan 2021</b>	The Commonwealth Government’s Long-Term Emissions Reduction Plan 2021 states that “an increased share of renewables will be the foundation for a near zero emission grid by 2050” (page 45), that “energy storage technologies are essential for Australia to shift to lower emission electricity systems” and that “the challenge is to ensure our electricity system remains secure, reliable and affordable as the share of variable renewables grows” (pages 45 and 52).

Strategic Context	Discussion
<b>Annual Climate Change Statement 2023</b>	The Australian Government's Annual Climate Change Statement 2023 makes commitments on achieving net zero by 2050, noting that the <i>"Climate Change Act 2022 legislated our emissions reduction targets of 43% below 2005 levels by 2030 and net zero by 2050"</i> (page 5). As the largest emissions source in the Australian economy, <i>"decarbonising the electricity sector will be vital to meeting our emissions reduction targets"</i> (page 22).
<b>Australian Energy Market Operator's 2024 Integrated System Plan</b>	The Integrated System Plan <i>"is a plan for investment in the NEM (National Energy Market) to ensure a reliable and secure power system, through Australia's transition to a net zero economy"</i> (page 3). The Plan states that: <i>"As coal-fired power stations retire, renewable energy connected with transmission and distribution, firmed with storage, and backed up by gas-powered generation is the lowest-cost way to supply electricity to homes and businesses through Australia's transition to a net zero economy."</i> (page 3).
<b>NSW Climate Change Policy Framework 2016</b>	The NSW Climate Change Policy Framework 2016 describes the NSW Government's objective to achieve net zero emissions by 2050 and aim to <i>"maximise the economic, social and environmental wellbeing of NSW in the context of a changing climate and current and emerging international and national policy settings and actions to address climate change"</i> (page 1).
<b>NSW Net Zero Plan Stage 1: 2020-2030 and Implementation update 2022</b>	The Net Zero Plan Stage 1: 2020-2030 outlines the NSW Government's objective <i>"to achieve net zero emissions by 2050"</i> (page 4). The 2022 implementation update on the Plan provides details of the NSW Government's policies, programs and progress in achieving the Plan's priorities.
<b>NSW Electricity Infrastructure Roadmap 2020</b>	In November 2020, the NSW Government released the NSW Electricity Infrastructure Roadmap, which is NSW's 20-year plan to transform the electricity system by coordinating investment in transmission, generation, storage and upgrading infrastructure as NSW's ageing coal-fired power plants are retired.
<b>Electricity Strategy 2019</b>	Released by the NSW Government in 2019, the NSW Electricity Strategy (ES) notes that renewable energy is <i>"now the most economic form of new generation, with a mix of wind and solar firmed with gas, batteries and pumped hydro expected to be the most economic form of reliable electricity"</i> (page 11). The ES also seeks to prioritise renewable energy zones to diversify the State's energy mix and provide affordable electricity supply (page 20).
<b>NSW Solar Energy Guideline</b>	The Department's Large-Scale Solar Energy Guideline (2022) <i>"provides the community, industry, applicants and regulators with guidance on the planning framework for the assessment of large-scale solar energy projects"</i> (page 6). The Department's AR (para 17) provides that <i>"the Guideline recognises that large-scale solar projects could help to reduce reliance on fossil fuels, thereby contributing to reduction in air pollution and greenhouse gas emissions, while also supporting regional NSW through job creation and investment in communities that may not have similar opportunities from other industries"</i> .  The Department's AR (para 16) outlines that the Large-Scale Solar Guideline (2022) applies to the assessment as it was in force at the time of the development application.



<b>Strategic Context</b>	<b>Discussion</b>
<b>Regional and Local Plans</b>	<p>In determining the Application, the Commission has also considered the following regional and local plans:</p> <ul style="list-style-type: none"> <li>• New England North West Regional Plan 2041; and</li> <li>• Tamworth Regional Blueprint 100 Strategy.</li> </ul> <p>The Commission considers that the Project is generally in accordance with the above regional and local plans.</p>

### 3.2.1 Other energy projects in the area

17. The Commission notes that there are currently eight SSD renewable energy projects anticipated within 50km of the Site as set out in Table 2 of the Department's AR. Of these projects, three have been approved: Calala BESS, Hills of Gold Wind Farm and Tamworth Solar Farm. Five of these projects are proposed: Lambruk Solar Farm, Tamworth BESS, Kingswood BESS, Nottingham Park Solar Farm and Bendemeer Solar Farm.

## 3.3 Statutory Context

18. The Commission has given consideration to the statutory context in Table 2 below.

*Table 2 – Statutory context*

<b>Statutory Context</b>	<b>Commission's Comments</b>
<b>Objects of the EP&amp;A Act</b>	In this determination, the Commission has carefully considered the Objects of the EP&A Act and is satisfied that the Application is consistent with those Objects.
<b>State Significant Development</b>	The Application is SSD under section 4.36 of the EP&A Act because it is development for the purpose of electricity generating works with a capital investment value of more than \$30 million as per section 20 of Schedule 1 of the Planning Systems SEPP.
<b>Permissibility</b>	The Site is located within the RU1 zone pursuant to the TLEP. Electricity generating works are permitted with consent on any prescribed rural, industrial or special use zone, including the RU1 zone, pursuant to section 2.36 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)</i> .
<b>Amended Application</b>	<p>In accordance with clause 37 of the <i>Environmental Planning and Assessment Regulation 2021 (EP&amp;A Regulation)</i>, a development application can be amended, with the agreement of the consent authority, at any time before the application is determined. The Applicant sought to amend the application to centralise the BESS, increase the development footprint by 5.19 ha to include the road upgrades, add one site access point and one east-west crossing, include sealing of a portion of Middlebrook Road, and make other minor amendments. The amendment was agreed to by the Department in its capacity as delegate of the Commission.</p> <p>Table 6 of the Department's AR provides a detailed comparison of the original and amended Application.</p>

<b>Statutory Context</b>	<b>Commission's Comments</b>
<b><i>Integrated and other NSW Approvals</i></b>	Pursuant to section 4.41 of the EP&A Act, several approvals are integrated into the SSD process, and therefore are not required to be separately obtained for the Project (AR para 23). Pursuant to section 4.42 of the EP&A Act, several further approvals are required, but must be substantially consistent with any development consent for the Project (AR para 23).

### 3.4 Mandatory Considerations

19. In determining this Application, the Commission is required to take into consideration the matters listed in section 4.15(1) of the EP&A Act (to the extent they are relevant to the development the subject of the Application) (**Mandatory Considerations**). The mandatory considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that any of the Material does 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.

*Table 3 – Mandatory considerations*

<b>Mandatory Considerations</b>	<b>Commission's Comments</b>
<b>Relevant EPIs</b>	<p>The Department's AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include:</p> <ul style="list-style-type: none"> <li>• <i>Planning Systems SEPP</i>;</li> <li>• <i>Transport and Infrastructure SEPP</i>;</li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)</i>; and</li> <li>• <i>TLEP 2010</i>.</li> </ul> <p>The Commission agrees with the Department's assessment of EPIs throughout the AR. In consideration of the Department's AR and the EIS, the Commission adopts the Department's assessment.</p>
<b>Relevant DCPs</b>	<p>Section 2.10 of the Planning Systems SEPP states that development control plans do not apply to SSD. The Commission does not consider any development control plans to be relevant to the determination of the Application.</p>
<b>Any planning agreement or draft planning agreement</b>	<p>The Applicant's offer to Council is comprised of annual payments of \$32,000 for the operational life of the Project into the community benefit fund and annual payments (escalating at CPI) of \$82,070 for the operational life of the Project to Council. The offer also includes sealing the surface of Middlebrook Road to the approximate value of \$321,550.</p> <p>The Commission notes that the Applicant and Council have not reached an agreement on this offer and the Department has recommended a condition of consent that, in the case that the voluntary planning agreement is not entered into prior to the commencement of construction, the Applicant would instead be required to make annual payments equivalent to \$300 per MW per annum (CPI adjusted) for the life of the Project.</p>
<b>Likely Impacts of the Development</b>	<p>The likely impacts of the Application have been considered in section 5 of this Statement of Reasons.</p>

<b>Suitability of the Site for Development</b>	<p>The Commission has considered the suitability of the Site and finds that the Site is suitable for the following reasons:</p> <ul style="list-style-type: none"> <li>• the Application is permissible with consent;</li> <li>• the Site has suitable access to solar resources;</li> <li>• the use of the Site for the purpose of electricity generation is an orderly and economic use and development of the land;</li> <li>• the Site is located close to existing electricity transmission networks;</li> <li>• the Site can be accessed from the State and regional road network;</li> <li>• the development footprint avoids the higher-value agricultural land on the Site;</li> <li>• the Project does not preclude the use of the land for agriculture (grazing) during operation;</li> <li>• adverse impacts on surrounding receivers and local biodiversity have been minimised as far as practicable and would be further managed and mitigated by the imposed conditions of consent;</li> <li>• the development of the Site for the purpose of electricity generation will facilitate social and economic benefits for the community and for the State of NSW; and</li> <li>• the development of the Site will assist in meeting Australia's and NSW's target of net zero emissions by 2050.</li> </ul>
<b>Ecologically Sustainable Development</b>	<p>The Commission finds that the Project is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.</p>
<b>The Public Interest</b>	<p>The Commission has considered whether the grant of consent to the Application is in the public interest. In doing so, the Commission has weighed the predicted benefits of the Application against its predicted negative impacts.</p> <p>The Commission's consideration of the public interest has also been informed by consideration of the principles of ESD.</p> <p>The Commission finds that, on balance, the likely benefits of the Project warrant the conclusion that an appropriately conditioned approval is in the public interest.</p>

### 3.5 Additional Considerations

20. In determining the Application, the Commission has also considered:

- *NSW Noise Policy for Industry (NPfI)*;
- *Interim Construction Noise Guideline (ICNG)*;
- *NSW Road Noise Policy*;
- *NSW Biodiversity Offsets Policy for Major Projects (Biodiversity Offsets Scheme)*;
- *Technical Supplement – Landscape and Visual Impact Assessment (Technical Supplement)*;
- draft *Energy Policy Framework* (Department of Planning, Housing and Infrastructure); and
- *Social Impact Assessment Guideline for State Significant Projects (NSW Government, 2021) (SIA Guideline)*.

### 3.6 The Commission's Meetings

21. As part of the determination process, the Commission met with various persons as set out in Table 4. All meeting and site inspection notes were made available on the Commission's website.

*Table 4 – Commission's Meetings*

Meeting	Date	Transcript/Notes Available on
Department	2 September 2024	16 September 2024
Applicant	2 September 2024	16 September 2024
Council	18 September 2024	24 September 2024
Public Meeting	19 September 2024	24 September 2024
Site Inspection and locality tour	18 September 2024	26 September 2024
Department	18 October 2024	11 November 2024

## 4. Community Participation & Public Submissions

### 4.1 Site Inspection and Locality Tour

22. On 18 September 2024, the Commission undertook a site inspection and locality tour. As part of the locality tour the Commission visited the properties of four neighbouring landowners (residences identified as R5, R9, R15 and R24).

### 4.2 Public Meeting

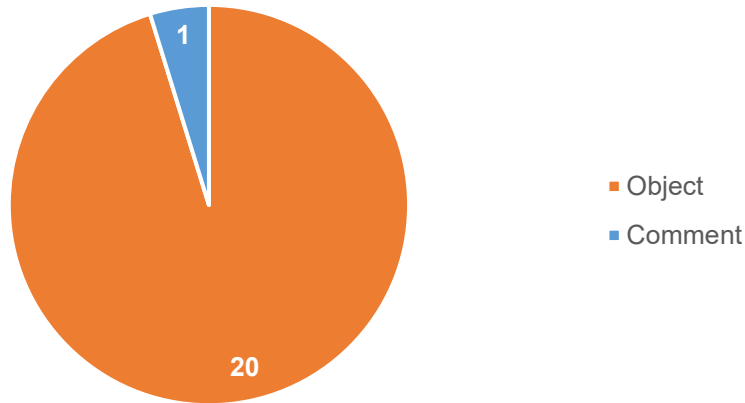
23. The Commission conducted a Public Meeting on 19 September 2024. The Public Meeting was held in-person at Tamworth Jockey Club with registered speakers presenting to the Commission Panel in-person or via telephone. The Public Meeting was streamed live on the Commission's website.
24. The Commission heard from the Department, the Applicant, various community group representatives and individual community members. In total, 22 speakers presented to the Commission during the Public Meeting. Presentations made at the Public Meeting have been considered by the Commission as submissions and are referenced below in section 4.3 below.

### 4.3 Public Submissions

25. Section 4.3.2 of this report sets out the matters raised in the submissions made to, and considered by, the Commission. Consideration has been given to these submissions in the Commission's assessment of the Project as set out in the Key Issues section of this report (see section 35 below). As part of the Commission's consideration of the Project, all persons were offered the opportunity to make written submissions to the Commission until 5 pm AEST, 26 September 2024. The Commission received a total of 21 written submissions on the Application which comprised of 20 objections and one (1) comment.

26. For the reasons set out in this Statement of Reasons, the Commission considers that the matters raised in submissions do not preclude the grant of development consent and that the matters can be satisfactorily addressed by the conditions of consent imposed by the Commission.

Figure 2 – Submissions received by the Commission



**4.3.1 Geographic Distribution**

27. Approximately half of the submissions received by the Commission were from various locations within the immediate region, with six being submitted by residents of Loomberah or Goonoo Goonoo. A number of submissions were also received from elsewhere in NSW, including from the Greater Sydney, Northern Rivers, Central West, Southern Tablelands and Riverina regions. Four submissions were received from interstate.

**4.3.2 Issues Raised in Submissions**

28. Submissions to the Commission raised a number of issues, which are outlined below. The Commission notes that the submissions referred to below are not an exhaustive report of the submissions considered by the Commission, they are reflective and illustrative of what the Commission regards as the primary issues that emerged from those submissions.

*Land use compatibility*

29. Submissions raised concerns about the Project not being located within a Renewable Energy Zone. Submissions raised concerns regarding the loss of agricultural land as a result of the Project, the impacts on soil capability and the classification of soil class. Submissions also raised concerns with the Project impacting the rural character of the area surrounding the Site.

*Visual impacts*

30. Some submissions raised concerns with the visual impacts of the Project, including the assessment classing visual impacts as being low at neighbouring or proximal properties and the lack of proposed vegetation screening along Middlebrook Road.

### *Traffic and transport*

31. Submissions raised concerns with the potential traffic impacts of the Project. Specific concerns were raised regarding the volume of proposed traffic, the use of Middlebrook Road and the capacity of the Goonoo Goonoo Bridge to accommodate heavy vehicles.
32. Submissions raised social amenity concerns regarding the generation of dust as a result of Project-related traffic, specifically with the use of the proposed unsealed section of Middlebrook Road and the Applicant not sealing Middlebrook Road up to access point two. Some submissions also raised concerns with the potential use of Marsden Park Road by Project-related vehicles due to its connection to Tamworth.

### *Social and economic impacts*

33. Some submissions raised concerns with the Applicant's engagement with the community and the neighbour benefit initiatives. Submissions argued that the Project would have a negative impact on property values and raised concerns with public liability insurance.
34. Some submissions also raised concerns with the Project potentially impacting on access to accommodation for large events in the region, including in the context of the cumulative impact of development in the region.

### *Waste, decommissioning and rehabilitation*

35. Submissions raised concerns with the responsibility and funding arrangements for decommissioning and rehabilitation. Submissions also raised concerns with the practicality of recycling Project components at the end of their operational lives and the requirement for infrastructure to be removed to a depth of 500mm not being considered adequate.

### *Other issues*

#### *Water*

36. Some submissions raised concerns with the potential contamination of Goonoo Goonoo Creek and bore water used by local properties, including from run off in the event of bushfires or flooding.

#### *Supply chain and logistics*

37. Some submissions raised concerns about the ethical sourcing of materials and the potential use of slavery in supply chains for solar project infrastructure.

#### *Biodiversity*

38. Some submissions raised concerns with the impacts of the Project on biodiversity including on habitat for threatened or vulnerable species.

#### *Energy transition*

39. Submissions raised concerns with the reliability and efficiency of solar energy, including of the proposed technologies, and the cost effectiveness of renewable energy.

#### *Hazards and risks*

40. Some submissions raised concerns with fire risks associated with the Project, including the potential fire risk of batteries and the toxicity risks associated with a fire on the Site (i.e. fumes, chemicals etc). Submissions also raised concerns with contamination resulting from leaching of chemicals from batteries and from runoff from fire extinguishing activities.

### Noise and Vibration

41. Submissions received raised concerns about noise and vibration impacts associated with the development, including construction activities, traffic and operational noise.

## 5. Key Issues

### 5.1 Land Use Compatibility

42. The Applicant's response to the Department, dated 19 July 2024 states the Project has a development footprint of 515.41 ha and consists of 462.9 ha of Class 4 land and 52.39 ha of Class 5 land under *Land and Soil Capability Mapping for NSW (2017)*. According to the Applicant's Amendment Report, Class 3 land coincides with Biophysical Strategic Agricultural Land (**BSAL**) on the Site, and 225 ha of BSAL occurs within the Site and has been excluded from the development footprint with the exception of 0.12 ha of Class 3 land associated with road upgrades near Goonoo Goonoo Creek.

#### *Commission's findings*

43. The Commission acknowledges the concerns raised at the Public Meeting and in submissions that the Project would result in a loss of agricultural land. However, the Commission agrees with the Department and finds that the siting of the Project has avoided higher productivity agricultural land, consistent with the *Large-Scale Solar Energy Guideline's* focus on avoiding BSAL and land capability classes 1, 2 and 3 – with the exception of 0.12 ha of Class 3 land disturbed as part of road reserve upgrades (AR para 61).
44. The Applicant stated that grazing is likely to continue within the operational areas for the life of the Project. The Commission supports the continued agricultural use of the Site by grazing stock where appropriate. The Commission is satisfied the Project would not affect the agricultural capability of the land and its existing agricultural capability can be reinstated at the end of the Project's life. The Commission has therefore imposed condition B11 which states that the Applicant must maintain the agricultural land capability of the Site, including maintaining as much grazing capacity within the development footprint as can practicably co-exist with the development, unless the owner of the land (other than the Applicant) has agreed otherwise. The Applicant has also committed to prepare a Grazing Management Plan and will be required to prepare this Plan under condition A2(c).
45. In the Amendment Report, the Applicant committed to undertake additional soil surveys and land and soil capability mapping to inform remediation treatments during construction and operational management of the Project. Specifically, it will verify the transition zone between BSAL and/or Class 3 and Class 4 land, and remediation treatments for soil management during construction and operation of the Project. DPI Agriculture in its advice dated 7 May 2024 supported the additional soil surveys referenced above. The Commission has imposed condition B12 which requires the Applicant to undertake soil surveys and land and soil capability mapping to verify the transition zone between Biophysical Strategic Agricultural Land (BSAL) and/or Class 3 land and Class 4 land on the Site. The Commission notes the surveys and mapping will inform remediation treatments during construction and operational management of the Project and should be used to verify the location of BSAL and Class 3 land to facilitate the avoidance of this land within the development footprint, as outlined in the EIS.

46. The Commission acknowledges the concerns raised in submissions that the Project is not located in a REZ. Development for the purposes of renewable energy generation is nonetheless a permissible use within the zoning of the Site and as set out in Table 3 above, the Commission finds that the Site is suitable for the development. The Commission is of the view that Project is consistent with the Solar Energy Guidelines which state: “...a large portion (approximately 70%) of existing solar development is currently located outside REZs and continued development outside of the REZs will be required to support a transition to renewable energy”.
47. The Commission agrees with the Department that the cumulative impacts of the Project combined with the other proposed, approved and operational SSD solar farms and BESS projects within the Tamworth LGA (understood to be Tamworth Solar Farm and Calala BESS), as per the Department’s *Cumulative Impact Assessment Guidelines for State Significant Projects 2021*, will impact a total of 674.81 ha of agricultural land, and that this would result in a negligible reduction in the overall productivity of the LGA and region, representing an approximately 0.09% reduction of agricultural land within the Tamworth LGA (AR para 63).
48. The Commission also notes that several SSD solar farms and BESS projects within the Tamworth LGA are at various stages of the SSD assessment process, including Tamworth BESS, Kingswood BESS and Bendemeer Solar Farm which may, if approved in their current forms, impact up to a further approximately 506.57 ha of agricultural land, (based on the currently available documentation for these projects). The Commission considers the cumulative impacts of the Project combined with the approved projects referred to above in para 47, and these additional proposed projects, if approved, could impact a total of 1181.38 ha of agricultural land, and that this would still result in a negligible reduction in the overall productivity of the LGA and region, representing an approximately 0.16% reduction of agricultural land within the Tamworth LGA.

## 5.2 Visual Impacts

49. The Applicant provided a Landscape and Visual Impact Assessment (LVIA) as part of the SSD application, and a supplementary visual assessment as part of the RtS of visual impacts at Goonoo Goonoo Station, glint and glare impacts on Middlebrook Road, as well as additional information regarding the visual impact rating of Viewpoint 06 (Middlebrook Road) dated 10 July 2024. The Department assessed the Project against the Solar Energy Guidelines and accompanying Technical Supplement (AR para 113).
50. The Project includes the use of single portrait panel arrays with minimum resting angle restrictions for specific panel arrays to reduce potential glare along Middlebrook Road, use of non-reflective materials and paint, minimisation of unnecessary night time lighting and use of lower intensity lighting as visual mitigation measures (AR para 117).
51. A total of 34 non-associated residences that required detailed assessment are located within 4 km of the Site, with the closest non-associated residence located 360 m north of the Site. The LVIA assessed the visual impact on all of these residences to be low or very low due to separation distances, topography and intervening vegetation (AR para 124). The Commission notes that residence R4 has since reached a neighbour agreement and is now associated with the Project (Applicant’s additional information provided to the Department dated 19 July 2024).

### *Commission’s findings*

52. The Commission is satisfied with the Applicant’s LVIA methodology (accompanied by the supplementary visual assessment) and resulting visual impact ratings.



53. The Commission acknowledges the concerns raised in submissions and at the Public Meeting regarding the visual impacts of the Project. The Commission acknowledges that the panel arrays, BESS and substation will be visible from surrounding residential properties, however, due to separation distance, topography and intervening vegetation, the Commission is satisfied that the Project, and specifically the panel arrays, would not result in significant visual impacts on nearby residences or Goonoo Goonoo Station. However, the Commission also acknowledges the visibility of the arrays, BESS and substation may result in a change in sense of place for surrounding landowners. Further, submissions to the Commission outlined that the location of the hardstand areas may have been better suited to be behind the knoll located further south on the Site where the intervening topography may have mitigated visual impacts of the hardstand areas and therefore the Commission has imposed the conditions outlined below in para 54 and para 55 to alleviate residual visual impacts for surrounding landowners.
54. The Applicant in its response to the Commission dated 26 September 2024 advised that they would consider vegetation screening on neighbouring landowners' properties within 3 km of the Site where appropriate. The Commission considers this an appropriate measure in alleviating residual visual impacts of the Project for surrounding landowners. The Commission has therefore imposed condition B24 which states that at the request of the owner of any non-associated residence within 3km of the development footprint, the Applicant must implement mitigation measures such as landscaping and vegetation screening to reduce the visibility of the solar panels and ancillary infrastructure from the residence and its curtilage.
55. The Commission acknowledges the particular concerns raised in submissions regarding the visual impact of the BESS and substation area. The Commission considers screening of the BESS and substation area to be appropriate to reduce visual impacts along Middlebrook Road. The Commission has imposed condition B23 which requires the Applicant to establish and maintain a vegetation buffer on the Site where practicable, that screens the BESS and substation areas from Middlebrook Road, which must be planted within 9 months of the commencement of construction. Additionally, to ensure visual impacts from ancillary infrastructure are minimised, the Commission has imposed condition B22(c) which states that the Applicant must ensure the visual appearance of any ancillary infrastructure (including paint colours) blends in as much as possible with the surrounding landscape.
56. The LVIA assessed the visual impact of the development at public viewpoints to be low or very low due to topography, existing vegetation and adequate setback distances (AR para 120). The Commission recognises that the Project would result in a change to the local landscape however finds that these impacts are acceptable and can be suitably managed. The Commission considers that visual impacts on public viewpoints will be low, subject to the proposed mitigation measures. The Commission is also of the view that, after the cessation of operations, the Site is capable of being rehabilitated and returned to its pre-development condition and character.
57. The Commission acknowledges that Project components have the potential to generate glare or reflection. The Commission notes the Applicant has proposed to restrict minimum resting angles in certain areas of the panel array to 22 degrees to eliminate glare along Middlebrook Road (AR para 126). The Commission agrees with the Department and is satisfied that with these operational controls, glint and glare would be acceptably managed. The Commission has therefore imposed condition B22 to restrict these panel resting angles and require the Applicant to minimise the potential for any glare or reflection.

## 5.3 Transport and Traffic

58. Heavy vehicles up to 26 m in length would access the Site from the Port of Newcastle via Selwyn Street, George Street, Industrial Drive, Maitland Road, New England Highway, John Renshaw Drive, Hunter Expressway, New England Highway and Middlebrook Road. Heavy vehicles requiring escort would be required to obtain relevant permits under the *Heavy Vehicle National Law (NSW)* for the use of the road network (AR para 97). Workers would travel to Site via light vehicle and shuttle buses. Light and heavy vehicles would access the Site via access point 1 (75%) and access point 2 (25%). Access between the eastern and western portions of the Site would be via two crossing points. The crossing points would not be used to access Middlebrook Road (AR paras 98, 99 and 100).
59. Over the 21-30 month construction period, the estimated daily vehicle movements would be up to 158 heavy vehicles (including two 40-seater buses) and 123 light vehicle movements (including four 12-seater buses). There would also be a total of six movements of heavy vehicles requiring escort during the construction phase (AR para 10). Traffic during operation is anticipated to be approximately 10 light vehicle movements per day (AR para 104).
60. Concerns were raised at the Public Meeting regarding the capacity of the Goonoo Goonoo Bridge to cater for Project traffic. The Applicant provided a structural adequacy statement, dated 10 October 2024 which concluded that the “*major structural components of the bridge are in sound condition and capable of safely supporting the proposed vehicle loads*”. Council, on 16 October 2024 advised that the structural adequacy statement was a reasonable assessment and outcome and recommended a level 3 assessment should be undertaken in conjunction with any National Heavy Vehicle Register (NHVR) application to ascertain the current structural capacity of the bridge.

### *Commission’s findings*

61. The Commission is satisfied the proposed traffic route has sufficient capacity for the predicted traffic generation. The Commission finds that, subject to the conditions of consent, the Project would not result in significant impacts to road network capacity, efficiency or safety. The Commission is of the view that the Applicant should repair and make good any Project-related damage to the road network.
62. The Commission has imposed conditions which require the Applicant to:
- restrict heavy vehicles to 158 movements per day and 6 movements per day for heavy vehicles requiring escort during the construction phase (condition B1);
  - ensure all heavy vehicles travel to and from the Site via the identified access route and avoid the use of Marsden Park Road (condition B3);
  - ensure that all light and heavy vehicles enter and exit the Site via access points 1 and 2 only (condition B4 and B5);
  - complete road upgrades prior to commencing construction (condition B6);
  - obtain and implement all relevant approvals for heavy vehicles requiring escort (condition B7);
  - undertake dilapidation surveys to assess the condition of Middlebrook Road and repair and make good any Project-related damage (condition B8);
  - prepare and implement a Traffic Management Plan (TMP) in consultation with TfNSW, EnergyCo and Council (condition B10).

63. As part of the TMP, the Applicant must detail measures to minimise the potential for conflict with key tourism, cultural, sporting and entertainment related events in the LGA (e.g. music festivals) as far as practicable. The TMP must also include details of the employee shuttle bus service and measures to maximise employee use of the service. The TMP must also include the 'load and speed controls' for the use of Goonoo Goonoo Bridge as recommended in the structural adequacy statement, as updated by the level 3 assessment referenced in paragraph 60. Further, the Commission has imposed condition B7 requiring the Applicant to undertake a level 3 assessment of Goonoo Goonoo Bridge to confirm the bridge's current structural capacity.
64. The Commission acknowledges the concerns raised at the Public Meeting regarding the potential social amenity impacts of dust generated by Project-related traffic, specifically along the proposed unsealed section of Middlebrook Road. The Commission is of the view that in addition to the proposed sealing of Middlebrook Road from the New England Highway to access point 1, the section of Middlebrook Road between access points 1 and 2 used by Project related traffic should be sealed to minimise dust impacts. Condition A2(d) imposed by the Commission requires the Applicant to undertake the development in accordance with the layout in Appendix 1 of the consent, which includes the sealing of Middlebrook Road as described above.
65. In addition, the Commission has also imposed condition B21 which requires the Applicant to ensure:
- activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust within the site;
  - all trucks entering or leaving the Site have their loads covered;
  - trucks associated with the development do not track dirt onto the public road network; and
  - the use of water tankers to spray the surface of unsealed roads when practicable.

## 5.4 Socio-economic

### 5.4.1 Accommodation and workforce

66. Up to 400 workers would be required during the peak construction period of 18 months. The Applicant concluded there is sufficient accommodation in Tamworth and the surrounding region for the Project's workforce (AR pg 34).
- Commission's findings*
67. The Commission agrees with the Department and is satisfied that there is currently sufficient accommodation in Tamworth LGA.
68. The Commission has imposed condition B39 which requires the Applicant to prepare an Accommodation and Employment Strategy. To manage potential cumulative impacts associated with other projects in the region and local labour availability, this Strategy must be prepared in consultation with Council and be informed by consultation with local accommodation and employment service providers, EnergyCo and other applicants of State significant developments in the area. This Strategy must propose measures to ensure there is sufficient accommodation for the workforce associated with the development, including but not limited to consideration of potential conflicts with key tourism, cultural, sporting and entertainment-related events in the LGA, as far as practicable.

### 5.4.2 Social impact and community benefit

69. A number of submissions to the Commission raised concern regarding the extent and quality of consultation undertaken by the Applicant, the proposed neighbour benefit initiatives and the actual benefits of the proposal to the local community.
70. The Commission notes that in addition to its contribution to energy transition, the Project would generate direct and indirect benefits to the local community, including (AR pg. 36):
- jobs for construction workers over the 21-30 month construction period, including up to 400 construction workers during the 18 month peak construction period;
  - expenditure on accommodation and business in the local economy by workers who would reside in the area; and
  - the procurement of goods and services by the Applicant and associate contractors.
71. The Applicant has made an offer to Council to enter into a VPA consisting of an annual payment of \$82,070 (CPI adjusted) to be paid to Council from commencement of operations for the operational life of the Project, an annual payment of \$32,000 to be paid into a community benefit fund from commencement of operations for the operational life of the Project, and the sealing of Middlebrook Road in accordance with the Applicant's letter of offer. The Commission notes the Applicant and Council have not reached final agreement on the terms offered by the Applicant, and that Council indicated that the sealing of Middlebrook Road should not be included as part of the VPA as it is covered elsewhere in the consent requirements. The Commission notes that the sealing of Middlebrook Road, whilst included in the VPA condition in accordance with the letter of offer, does not impact the requirements for the Applicant to complete the sealing of Middlebrook Road in accordance with the other conditions of consent.

#### *Commission's findings*

72. The Commission has imposed condition A15 which states that the Applicant must enter into a VPA with Council in accordance with the terms described above, or other such terms that may be offered by the Applicant and agreed to by Council.
73. The Commission has also imposed condition A16 which requires the Applicant to make a Section 7.12 contribution to Council in the event that a VPA or other agreement under condition A15 is not entered into with Council.
74. Noting the submissions that raised community consultation as a concern, the Commission has imposed condition C1 which requires the Environmental Management Strategy to include procedures to keep the local community and relevant agencies informed about the operation and environmental performance of the development. Additionally, the Commission has also imposed condition C14 which requires the Applicant to keep the community informed by publishing construction progress updates, including the identification of any substantial delays, on its website.
75. Subject to the imposed conditions, the Commission is satisfied with the Project's capacity to provide an overall benefit to the community.

### 5.4.3 Property values and insurance

76. The Commission received a number of submissions that raised concerns regarding the potential impacts of the Project on property values and insurance premiums.
77. The Department considers that the Project would not result in any significant or widespread reduction in land values in areas surrounding the Project (Table 11).

*Commission's findings*

78. The Commission agrees with the Department's assessment of potential property value impacts and, to the extent the assessment of individual property value impacts is a relevant consideration for the Commission, the Commission does not consider that any impacts on property values would outweigh the public interest in granting development consent to the Project.
79. In relation to issues raised around liability and insurance for adjoining landowners, this is a matter for the Applicant and relevant landowners and is not a relevant consideration for the determination of this Project.

## 5.5 Rehabilitation and Decommissioning

80. The Commission heard concerns at the Public Meeting and received written submissions regarding the decommissioning and rehabilitation of the Project. Specific concerns were raised regarding who would be responsible for, and fund, the decommissioning and rehabilitation of the Project.
81. The Solar Energy Guideline identifies the following four key decommissioning and rehabilitation principles (page 31):
- the land on which a large-scale solar energy project and supporting infrastructure is developed must be returned to pre-existing use if the project is decommissioned;
  - if operations cease, infrastructure (including underground infrastructure) should be removed unless there is significant justification for retaining it;
  - land must be rehabilitated and restored to pre-existing use, including the pre-existing LSC class, if previously used for agricultural purposes; and
  - the owner or operator of a solar energy project should be responsible for decommissioning and rehabilitation, and this should be reflected in an agreement with the host landholder.

*Commission's findings*

82. The Commission has imposed condition B40, which requires the Applicant to prepare a Decommissioning and Rehabilitation Plan within 3 years of the commencement of operation, and for this to be reviewed at year 15 of the operation of the Project, as well as at 2 years prior to the Project's decommissioning. A key reason for requiring the early preparation of the Plan and its periodic review as required by condition B40, is to ensure the Plan is prepared with the most up to date information regarding recycling technology and waste management initiatives, whilst also enabling updates to reflect any rehabilitation that may have occurred over the life of the Project.
83. Additionally, the Commission has imposed condition B41 which sets out specific rehabilitation objectives that the Applicant must meet within 18 months of the cessation of operation. This includes restoring land capability to the pre-existing land and soil condition and requiring all infrastructure above and below ground to be decommissioned and removed, unless the Planning Secretary agrees otherwise.
84. The Commission is satisfied that with the implementation of these objective-based conditions and monitoring requirements, the Project is capable of being decommissioned and the Site appropriately rehabilitated.

85. In its deliberations, the Commission considered a suggestion from the Council that a condition should be imposed requiring the registration of an interest on the title of the Site binding the Applicant to its rehabilitation commitments. Due to complexities in the articulation and enforcement of such a property interest, and the availability of sufficient and appropriate conditions of consent to achieve the relevant rehabilitation outcomes, the Commission has declined to impose a condition requiring the registration of an interest on title and instead relies upon condition B41 as imposed.

## 5.6 Other Issues

### 5.6.1 Waste

86. The Commission received submissions raising concerns about the Project's waste generation and recycling. Council raised concern regarding the capacity of Council waste facilities to cater for the Project's waste and the need for consultation with Council on waste related matters.
87. The Applicant provided a response to concerns raised at the Public Meeting, dated 26 September 2024. In this response the Applicant committed to recycling any spent batteries at B-Cycle, an accredited, EPA permitted and licensed recycler of Li-Ion batteries. The Applicant also committed to preparing a Waste Management Plan (WMP) which would outline recycling objectives and how waste streams would be managed. The Commission also notes the Applicant's commitments made in the Mitigation Measures table (measures R4 and R5) that outline the Applicant's commitments to recycling solar panel arrays at a facility with the capacity to recover 100% of the end-of-life solar photovoltaic modules and associated materials, the appropriate storage, management and transportation of lithium-ion batteries, and the recycling of spent batteries as outlined above.

#### *Commission's findings*

88. The Commission acknowledges these commitments and has imposed condition B38 which requires the Applicant to prepare a WMP in consultation with Council. This condition requires the Applicant to minimise waste generated by the development, not dispose of any waste on Site and remove all waste from the Site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.
89. The Commission has also imposed condition B41 which requires the Applicant to prepare a Decommissioning and Rehabilitation Plan as described in paragraph 82 above. As part of this Plan the Applicant must set out measures to be implemented to ensure best practice is employed in respect of utilising available recycling technologies.

### 5.6.2 Surface water

90. The Commission is satisfied the Project has been designed to avoid watercourses within the Site. The Commission notes that construction has the potential to alter surface water drainage patterns and soil disturbance may lead to sediment being present in runoff. Submissions to the Commission also raised concerns with water runoff being contaminated. The Commission agrees with the Department that any potential for adverse water quality impacts would be managed through a Soil and Water Management Plan (SWMP), including erosion and sediment control measures (AR pg 31). The Commission has therefore imposed condition B31 which requires the Applicant to prepare and implement a SWMP in consultation with DCCEE Water Group.

91. Council, in its meeting with the Commission, raised concerns regarding water run-off and contamination as a result of fire extinguishing activities. The Commission acknowledges these concerns and has imposed a requirement for the Applicant to ensure water runoff from fire fighting activities after an on-site fire event is adequately managed under the Soil and Water Management Plan required by condition B31.

### 5.6.3 Supply chain and logistics

92. The Commission acknowledges submissions received raising concerns about ethical supply chains and the potential for modern slavery practices to be associated with the manufacture of solar infrastructure for the Project. The Commission notes that, separate to the development consent being granted, the requirements of the *Modern Slavery Act 2018* (Cth) and the *Modern Slavery Act 2018* (NSW) may apply.
93. The Commission is satisfied with the legislative requirements regarding modern slavery in the construction and operation of the Project. The Commission is of the view that this is an issue that is addressed through specific legislation that is outside of the Commission's remit in determining the Project.

### 5.6.4 All other issues

94. The Commission agrees with the Department's assessment of all other issues (energy transition; biodiversity; heritage; flooding; groundwater, water supply, hazards and risks; erosion and sediment control; noise and subdivision) at section 5 of the Department's AR. Subject to the imposed conditions relevant to each of these issues, the Commission is satisfied that the Project's impacts are minor and capable of being managed, subject to conditions of consent.

## 6. The Commission's Findings and Determination

95. The views of the community were expressed through public submissions and comments received (as part of exhibition 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.
96. The Commission has carefully considered the Material before it as set out in section 3.1 of this report. Based on its consideration of the Material, the Commission finds that the Project should be approved subject to conditions of consent for the following reasons:
- the Project is consistent with the existing strategic planning and energy framework as it will deliver a renewable energy development which will increase the share of renewables within the electricity grid;
  - the Site is suitable for renewable energy development given its topography, solar resources, existing land capability class, avoidance of major environmental constraints and better quality agricultural land on the Site, access to the regional road network and access to the existing transmission network;
  - the Project would not affect the agricultural capability of the land and with the implementation of rehabilitative based objectives and the preparation of a Decommissioning and Rehabilitation Management Plan, the Project is capable of being decommissioned and the Site rehabilitated;
  - impacts on visual amenity and landscape character would be low and are mitigated by separation distance, topography, retained vegetation and vegetation screening of the BESS and substation;

- there is likely to be sufficient workforce accommodation for the Project;
- the Project would generate direct and indirect economic benefits to the local community, including through the proposed VPA and other initiatives;
- the Project would not result in significant impacts on water resources, Aboriginal or historic heritage values of the locality;
- erosion and sedimentation, bush fire and other fire risks can be effectively managed;
- the Commission has made a number of changes to the project to strengthen the environmental management of the development and respond to concerns raised by the community and stakeholders during the Commission's consideration of the Project including requiring:
  - additional soil surveys and mapping;
  - vegetation screening;
  - the sealing of an additional portion of Middlebrook Road;
  - more specific dust mitigation measures; and
  - a Decommissioning and Rehabilitation Plan; and
- the Project is consistent with the ESD principles, is in accordance with the Objects of the EP&A Act and is in the public interest.

97. For the reasons set out above, the Commission has determined that the Application should be approved subject to conditions. These conditions are designed to:

- prevent, minimise and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance
- require regular monitoring and reporting; and
- provide for the on-going environmental management of the development.

98. The reasons for the decision are given in the Statement of Reasons for Decision dated 11 November 2024.



Mr Richard Pearson (Chair)  
Member of the Commission



Dr Sheridan Coakes  
Member of the Commission



Dr Bronwyn Evans AM  
Member of the Commission





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Independent Planning Commission

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