



New South Wales Government
Independent Planning Commission

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Birriwa Solar Farm

SSD-29508870

Statement of Reasons for Decision

Janett Milligan (Chair)
Suellen Fitzgerald
Duncan Marshall AM

16 August 2024

Executive Summary

ACEN Australia (the Applicant) has sought consent for the development of a 600-megawatt (MW) solar farm, 600 MW/1200MW-hour (MWh) battery energy storage system (BESS) and an on-site accommodation camp, known as the Birriwa Solar Farm (SSD-29508870) (the Project). The site is located within the Central-West Orana Renewable Energy Zone (CWO REZ), approximately 15km south-east of Dunedoo, within the Mid-Western Regional and Warrumbungle Shire local government areas (the Site).

The Project represents a \$1 billion investment, generating up to 500 construction related jobs and 20 operation jobs within the area.

The Application is State significant development (SSD) pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and clause 20 of Schedule 1 to *State Environmental Planning Policy (Planning Systems) 2021* (SEPP Planning Systems). The NSW Independent Planning Commission (the Commission) is the consent authority for the Project as more than 50 public submissions and Warrumbungle Shire Council objected to the proposal.

Commissioners Janett Milligan, Suellen Fitzgerald and Duncan Marshall AM were appointed to constitute the Commission Panel in determining the Application. As part of its determination, the Panel met with representatives of the Applicant, the Department, Mid-Western Regional Council and Warrumbungle Shire Council. The Panel also undertook a site inspection and neighbouring property inspections.

The Commission held a Public Meeting for the Project on 5 June 2024 which was livestreamed via the Commission's website. The Commission also received written submissions on the Project.

Key issues which are the subject of findings in this Statement of Reasons for Decision relate to social and economic impacts (including social amenity), land use compatibility, visual impacts, rural landscape amenity, traffic and transport, biodiversity, fire and bush fire risks, as well as soil, erosion and water impacts. Considering the Project's key issues and submissions received, the Commission sought additional information from the Applicant and the Department.

After careful consideration, the Commission has determined that development consent should be granted to the SSD application.

The Commission has imposed conditions of consent which seek to prevent, minimise and/or offset potential adverse impacts of the Project. Ongoing monitoring and environmental management requirements also form part of the Commission's imposed conditions. Conditions include, but are not limited to:

- restricting development vehicles from using specific sections of the surrounding road network;
- preparation of a traffic management plan in conjunction with relevant road authorities;
- the planting of vegetation for visual screening, including a mix of maturities, timing requirement for the plantings to take place and ongoing maintenance;
- limiting the removal of isolated paddock trees;
- the retirement of biodiversity credits and preparation of a biodiversity management plan;
- preparation of a soil and water management plan, including monitoring requirements;
- ensuring bush fire and fire safety matters are addressed and implemented in the Project;
- preparation of an emergency plan;
- setting solar arrays back a minimum 30m from the Site boundaries;
- requiring the proposed built form of the BESS and accommodation camp to be of muted tones, modulated, articulated and comprise of materials that are complementary to the rural landscape;
- ensuring the Applicant communicates any construction delays to the community; and

- preparation of an environmental management plan which includes ongoing community consultation requirements.

The Commission finds that the Project is consistent with the 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,

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

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Defined Terms

ABBREVIATION	DEFINITION
AIP	NSW Aquifer Interference Policy
Applicant	ACEN Australia
Application	Birriwa Solar Farm Project (SSD-29508870)
Approved Methods	Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016)
AR Executive Summary	Executive Summary of the Department's Assessment Report
AR para	Paragraph of the Department's Assessment Report
Associated Residence	Includes: <ul style="list-style-type: none"> a residence where the owner has not reached an agreement with the Applicant regarding the development; or a residence on privately-owned land where the owner has reached an agreement with the Applicant regarding the development, but the agreement does not cover the relevant impact, or the impact has exceeded the performance measure outlined in that agreement.
BC Act	Biodiversity Conservation Act 2016
BCS	Biodiversity Conservation Science Group within DCCEEW
BESS	Battery Energy Storage System
CCPF	NSW Climate Change Policy Framework
Commission	Independent Planning Commission of NSW
Council	Mid-Western Regional Council and Warrumbungle Shire Council
CWO REZ	Central-West Orana Renewable Energy Zone
DCCEEW	Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning and Environment
Department's AR	Department's Assessment Report, dated 17 May 2024
EII	<i>Electricity Infrastructure Investment Act 2020</i>
EIS	The Environmental Impact Statement for Birriwa Solar Farm dated September 2022, Response to Submissions Report dated September 2023, Amendment Report dated September 2023, Amendment Submissions Report dated December 2023 including updated BDAR dated 7 December 2023, and additional information dated 22 January 2024, 13 February 2024, 21 March 2024 and 11 April 2024.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Guideline FAQ	Large-Scale Solar Energy Guideline, Frequently Asked Questions
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
Mandatory Considerations	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
Material	The material set out in section 3.1 of this report
Minister	NSW Minister for Planning and Public Spaces
Non-associated Residence	An existing or approved dwelling which is not an <i>Associated Residence</i> .
NPfi	NSW Noise Policy for Industry
PBP	Planning for Bush Fire Protection 2019

Planning Systems SEPP	<i>State Environmental Planning Policy (Planning Systems) 2021</i>
Project	Birriwa Solar Farm
Regional Plan	Central West Orana Regional Plan 2041
Regulations	<i>Environmental Planning and Assessment Regulation 2021</i>
RFS	NSW Rural Fire Service
RtS	Response to Submissions
Site	As described in section 2.1 of this report
SSD	State Significant Development
SWMP	Soil and Water Management Plan
VPA	Voluntary Planning Agreement

1. Introduction

1. On 17 May 2024, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) application SSD-29508870 (**Application**) from ACEN Australia (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval for the Birriwa Solar Farm (the **Project**) located in the Mid-Western Regional Council Local Government Area (**LGA**) and the Warrumbungle Shire Council LGA under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
3. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of the *State Environmental Planning Policy (Planning Systems) 2021* (**SEPP Planning Systems**), the Commission is the consent authority as more than 50 public submissions have been made by way of objection and Warrumbungle Shire Council objected to the proposal.
4. Andrew Mills, Chair of the Commission, determined that Janett Milligan (Chair), Suellen Fitzgerald and Duncan Marshall AM would constitute the Commission for the purpose of exercising its functions with respect to the Application.
5. The Department provided its Assessment Report (**AR**) and recommended conditions of consent to the Commission on 17 May 2024. The Department's AR concluded that the site is suitable for a solar farm and that the Project would result in benefits to the local community and the State of NSW. The Department's AR further concludes that the Project is in the public interest and is approvable subject to its recommended conditions of consent.

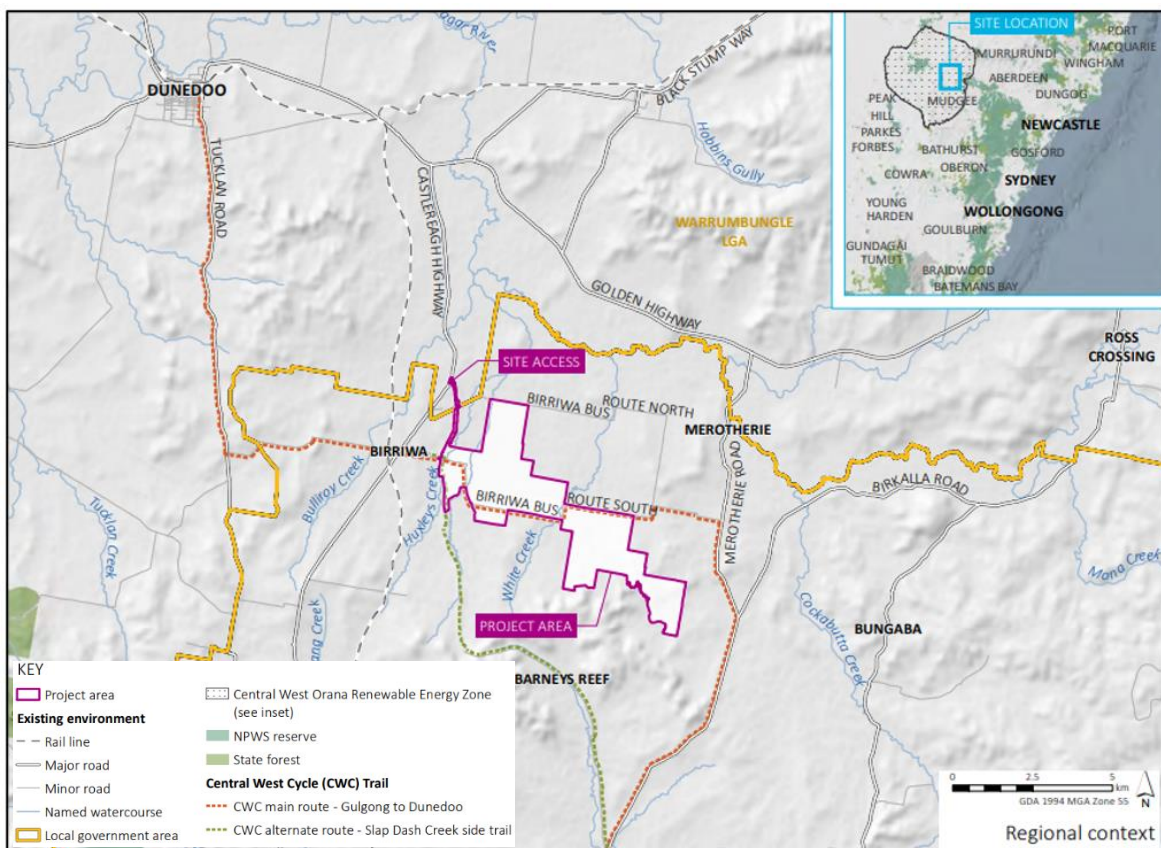
2. The Application

2.1 Site and Locality

6. The Project site (the **Site**) comprises the land shown in Figure 1, located within the localities of Birriwa and Merotherie. The Site is located approximately 15 kilometres (**km**) to the south-west of Dunedoo and 27km to the north of Gulgong. The Department's AR provides that the Site is:
 - largely cleared agricultural land zoned RU1 Primary Production (**RU1 zone**) pursuant to the *Mid-Western Regional Local Environmental Plan 2012* (**MRLEP 2012**) and the *Warrumbungle Local Environmental Plan 2013* (**WLEP 2013**) (AR para 5);
 - currently used for sheep and cattle grazing, as well as low intensity dry land cropping. Surrounding land is also predominantly zoned RU1, with the exception of a section of 'Barneys Reef' hills adjoining the south of the Site, which is zoned C3 Environmental Management (**C3 Zone**) (AR para 5).
7. Access to the Site would be via the Castlereagh Highway/Barneys Reef Road intersection to the west of the development footprint which would be upgraded as part of the proposed development (AR para 6). The Castlereagh Highway is zoned SP2 Infrastructure (Classified Road), (**SP2 zone**) pursuant to the WLEP 2013.

8. There are four associated and 22 non-associated residences within 2km of the development site, 10 of which are in the settlement of Birriwa. The closest non-associated residence to the development footprint is located 250m to the south. The closest non-associated residence to the development footprint of the proposed accommodation camp is located approximately 2.3 km to the east (AR para 9).
9. The Site is within the Central-West Orana Renewable Energy Zone (**CWO REZ**) (discussed further at section 3.3.6), to the west of the proposed Merotherie Energy Hub substation site which the Department's AR (para 2) notes is being developed by the Energy Corporation of NSW (**EnergyCo**). The majority of the Site is located within the Mid-Western Regional Council LGA, with a small portion of the Site (part of the proposed site access), located within the Warrumbungle Shire Council LGA (refer Figure 1).
10. The Site is flat to gently undulating in terms of topography, can generally be described as largely cleared agricultural land, and is currently used for livestock grazing (AR para 5 and 7). Several watercourses pass through the site, generally flowing towards the NNE (AR para 8).

Figure 1 – the Site in its regional context (source: Department's AR)



2.1.1 Other energy projects in the area

11. The Department's AR identifies that there are 16 State significant renewable energy projects within 25 km of the Site (para 11). Two are approved (Stubbo Solar Farm and Dunedoo Solar Farm), with Stubbo Solar Farm having commenced construction. Fourteen are in various stages of the SSD assessment process (AR para 12). Table 2 of the Department's AR details the nearby renewable energy projects.

2.2 The Project

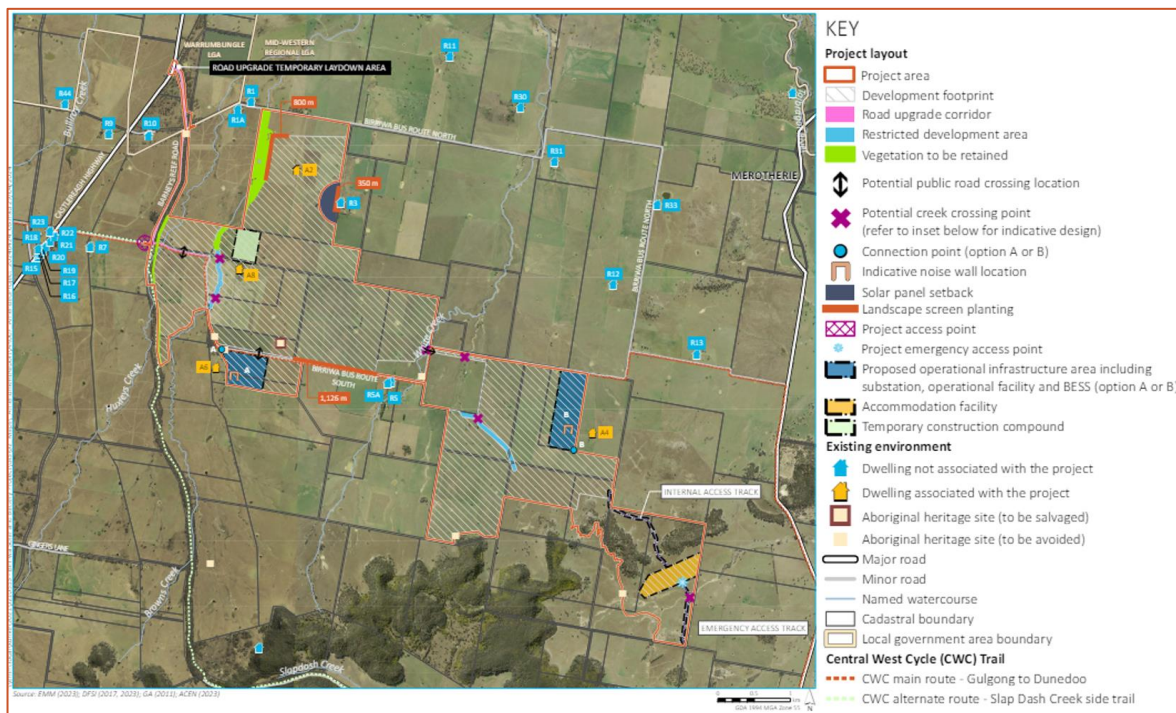
12. The Applicant is seeking approval for the development of a 600-megawatt (**MW**) solar farm and 600 MW/1200MW-hour (MWh) battery energy storage system (**BESS**) within the CWO REZ, approximately 15km south-east of Dunedoo, within the Mid-Western Regional and Warrumbungle Shire local government areas (AR para 1 and 2). The Project also includes an on-site accommodation camp, the upgrading and decommissioning of equipment over time, and would connect to the Merotherie Energy Hub substation (para 2). Details of the main aspects of the Project are provided below in Table 1.

Table 1 – Main aspects of the project, as amended (Source: Department’s AR)

Aspect	Description
Project summary	<p>The project includes:</p> <ul style="list-style-type: none"> • approximately 1.2 to 1.4 million solar panels and associated mounting infrastructure (up to 4.7m high) • a BESS with a capacity of up to 600 MW and a storage duration of up to 2 hours (1,200 MWh) • electrical collection and conversion systems, including inverter and transformer units, switchyard and control room • an on-site substation with a connection voltage of up to 500 kilovolts • underground and aboveground cables • an operational infrastructure area, including demountable offices, amenities, noise wall and equipment sheds • parking and internal access roads • a temporary construction compound (during construction and decommissioning only) • a temporary accommodation camp with a capacity of up to 500 construction staff during the construction phase of the project.
Project area	<ul style="list-style-type: none"> • Total site area: 1,535 hectares (ha) • Development footprint: 1,197ha • Solar and BESS area: 1,159ha • Accommodation camp area: 38ha
Site entry and access route	<ul style="list-style-type: none"> • The proposed access route is Castlereagh Highway, Barneys Reef Road and Birriwa Bus Route South. • An internal access track, suitable for emergency vehicles, would be constructed south of the accommodation camp.
Road upgrades	<p>Road upgrades proposed:</p> <ul style="list-style-type: none"> • upgrade of Castlereagh Highway/Barneys Reef Road to include Auxiliary left turn (AUL) and Channelised right turn (CHR) intersection treatment

	<ul style="list-style-type: none"> • upgrade of Barneys Reef Road • upgrade of Barneys Reef Road/Birriwa Bus Route South to include BAR intersection treatment • upgrade of Birriwa Bus Route South.
Construction	<ul style="list-style-type: none"> • The construction period would be approximately 28 months including a construction period of 3 to 7 months for the accommodation camp. • The peak construction period is set to commence from mid-2027 for a duration of six months. • Construction hours would be limited to Monday to Friday 7 am to 6 pm, and Saturday 8 am to 1 pm.
Operation	<ul style="list-style-type: none"> • The expected operational life of the infrastructure is approximately 30 years. However, the project may involve infrastructure upgrades that may extend the operational life. • The solar farm and BESS would operate 24 hours a day, seven days a week.
Decommissioning and rehabilitation	The project includes decommissioning at the end of the project life, which would involve removing all infrastructure.
Subdivision	Subdivision would be required to facilitate connection to the transmission network, for the on-site substation, for the BESS, and to enable the existing landowner to retain the residual land.
Employment	Up to 500 construction jobs and 20 operational jobs.
Capital Investment Value	\$1 billion

Figure 2 – Amended Project Site (Source: Department’s AR)



3. The Commission’s Consideration

3.1 Material Considered by the Commission

13. In this determination, the Commission has considered the following material (**Material**):
 - the Planning Secretary’s Environmental Assessment Requirements (SEARs)
 - the Applicant’s EIS and supplementary information including:
 - Amendment Report, dated 28 September 2023; and
 - Response to Submissions (RtS), dated 28 September 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 May 2024;
 - the Department’s recommended conditions of consent, dated May 2024;
 - comments and presentation material at meetings with the Department, Applicant, Mid-Western Regional Council and Warrumbungle Shire Council, as referenced in Table 3 below;
 - the Applicant’s responses to the Commission, 19 June 2024 and 2 July 2024;
 - the Department’s response to the Commission, dated 7 June 2024, 27 June 2024 and 12 August 2024;
 - all written comments made to the Commission and material presented at the Public Meeting;
 - all written comments received by the Commission up until 5pm, 14 June 2024;
 - the Department’s comments (dated 26 July 2024, received 29 July 2024) on the feasibility and workability of draft conditions proposed and/or amended by the Commission.

3.2 Strategic Context

14. 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 (see Section 3.2.1 below). The Project would generate up to 600 MW of renewable energy, enough to power over 229,000 homes, contributing to the transition to low emission electricity generation and achievement of net zero emission targets. Direct and indirect benefits to the local community and more broadly across the region will be generated by the Project, including up to 500 jobs generated during construction, 20 operational jobs, the procurement of goods and services from local and regional businesses, and economic stimulation through workforce expenditure at local businesses.

3.2.1 Energy Context

Australia's Long Term Emissions Reduction Plan 2021

15. According to the Australian Government's *Long Term Emissions Reduction Plan 2021*, solar, wind and other renewable technologies are projected to provide over half of Australia's total electricity generation by 2030. The Plan 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).

Annual Climate Change Statement 2023

16. The Australian Government's Annual Climate Change Statement 2023 (**ACCS**) makes commitments about achieving net zero by 2050, noting that the "*Climate Change Act 2022 legislated our emissions reduction targets of 43% below 2005 levels by 2030 and net zero by 2050*" (page 5). The ACCS states "*emissions need to decrease at a faster rate than they have historically to reach Australia's 2030 target*" and that "*work has continued to ensure we meet our commitment to ensuring reliability, affordability and emissions reduction by achieving 82% renewables in Australia's electricity grids*" (page 5). As the largest emissions source in the Australian economy, "*decarbonising the electricity sector will be vital to meeting our emissions reduction targets*" (page 22).

Australian Energy Market Operator's 2024 Integrated System Plan

17. The Australian Energy Market Operator's 2024 *Integrated System Plan (ISP)* is a comprehensive road map for the National Electricity Market (**NEM**). The ISP "is a plan for investment in the NEM to ensure a reliable and secure power system through Australia's transition to a net zero economy" (page 3). The ISP states that:

"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. Investment is needed urgently. New generation, storage and firming must be in place before coal power stations retire, and to meet Australia's growing demand for electricity" (page 3).

NSW Climate Change Policy Framework 2016

18. With an objective to achieve net zero emissions by 2050 (page 1), the *NSW Climate Change Policy Framework* aims to “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” (page 1).

Transmission Infrastructure Strategy 2018

19. The NSW Government’s Transmission Infrastructure Strategy (**TIS**) “forms part of the government’s broader plan to make energy more affordable, secure investment in new power stations and network infrastructure; and ensure new technologies deliver benefits for consumers” (page 5). The TIS notes that the State has a substantial investment in new wind, solar, gas and generator upgrade projects and that “these new projects will provide the cheapest available new energy to run our households, businesses, schools and essential services” (page 6).

Electricity Strategy 2019

20. Released by the NSW Government in 2019, the *NSW Electricity Strategy* (**ES**) is a “plan for a reliable, affordable and sustainable electricity future that supports a growing economy” (page 1). The ES notes that renewable energy is “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” (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).

Electricity Infrastructure Roadmap 2020

21. In November 2020, the NSW Government released the *NSW Electricity Infrastructure Roadmap* (**Roadmap**), which is a 20-year plan to transform the State’s electricity system through coordinating investment in transmission, generation, storage and upgrading infrastructure as NSW’s ageing coal-fired power stations are retired. The Roadmap is enabled by the *Electricity Infrastructure Investment Act 2020*.

Net Zero Plan Stage 1: 2020–2030 and Implementation Update 2022

22. The *Net Zero Plan Stage 1: 2020-2030* (**NZP**) outlines the NSW Government’s objective “to achieve net zero emissions by 2050” (page 4). The 2022 implementation update on the NZP provides details of the State Government’s policies, programs and progress of achieving the NZP priorities.

Large-Scale Solar Energy Guideline 2018 and 2022

23. The Department’s Large-Scale Solar Energy Guideline (**LSEG**) “provides the community, industry, applicants and regulators with guidance on the planning framework for the assessment of large-scale solar energy projects” (page 6). The Department’s AR (para 18) provides that the LSEG was released in 2018 and subsequently revised in 2022 “following extensive consultation, to ensure the assessment of large-scale solar energy projects continues to be transparent, consistent and supported by the best available information”. The Commission notes that the revised LSEG does not strictly apply to the Project as the Application was lodged prior to the revised LSEG transition period ending. However, the Commission also notes that the Project has been found by the Department to be broadly consistent with the principles in the revised LSEG (AR, para 19).

3.2.2 Renewable Energy Zone

24. The NSW Government has declared five ‘renewable energy zones’ (REZs) across the State to help expand energy transmission and generation capabilities in strategic areas. The Department’s AR Executive Summary provides that the CWO REZ was declared in 2022 under section 24(1) of the *Electricity Infrastructure Investment Act 2020 (EII Act)* and that this is “.....aimed at encouraging investment in electricity infrastructure and unlocking additional generation capacity in order to ensure secure and reliable energy in NSW”.

3.2.3 Regional and Local Plans

25. In determining the Application, the Commission has considered the following regional and local plans:
- Central West and Orana Regional Plan 2036 and 2041 (**CWOR Plan**);
 - Mid-Western Regional Council Local Strategic Planning Statement 2040;
 - Warrumbungle Shire Council Local Strategic Planning Statement;
 - Mid-Western Regional Community Plan: Towards 2040; and
 - Warrumbungle Shire Council Community Strategic Plan 2022/2037.
26. The Commission considers the Project to be generally consistent with relevant aspects the above regional and local plans.
27. Of particular note, at the time of lodgement of the Application with the Department, the CWOR Plan 2036 was in place. The Project is consistent with ‘Direction 9: Increase renewable energy generation’ of the CWOR Plan 2036. The Project also aligns with Objective 2 of the CWOR Plan 2041 which is to ‘Support the State’s transition to Net Zero by 2050 and deliver the Central-West Orana Renewable Energy Zone’. Further, the Project is noted by the Commission to align with the Warrumbungle Shire Council Community Strategic Plan stated strategy to realise the area’s potential as a location for the production of renewable energy.

3.3 Statutory Context

3.3.1 State Significant Development

28. The Application is SSD pursuant to section 4.36 of the EP&A Act and clause 20 of Schedule 1 to SEPP Planning Systems. The Commission is the consent authority as specified in paragraph 3 above.

3.3.2 Amended Application

29. With the agreement of the consent authority (or its delegate), a development application can be amended at any time before the application is determined (AR, para 23).
30. The Department, as the Commission’s delegate, agreed to the Applicant amending the Application to include a temporary on-site accommodation facility (workers accommodation camp), including an expansion of the Project’s development footprint to include the land for the accommodation facility. The amendment was in response to the Applicant’s consideration of submissions made to the Department during the public exhibition of the Project (AR, para 54). Submissions raised concerns about potential adverse impacts arising from the Project’s construction workforce on local tourist accommodation availability, local housing availability and subsequent local housing affordability.

31. Table 6 of the Department's AR (page 15) provides a detailed comparison of the original and amended Applications.

3.3.3 Permissibility

32. The Site is located within the RU1 zone pursuant to the MRLEP 2012 and WLEP 2013. A small portion of the Site is located within the SP2 zone pursuant to the WLEP 2013, being the Castlereagh Highway. *Electricity generating works* are permitted with consent within the RU1 zone of the MRLEP 2021. In the SP2 zone of the WLEP 2013, development for the purpose shown on the land use zoning map (i.e. 'classified road'), including any development that is ordinarily incidental or ancillary to development for that purpose, is permitted with consent. As such, proposed road works within the SP2 zone are permitted with consent.
33. *Electricity generating works* are a prohibited land use within the RU1 zone of the WLEP 2013. However, *State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Transport and Infrastructure)* permits *electricity generating works* within 'prescribed zones'. For the purposes of SEPP Transport and Infrastructure, prescribed zones include land zoned RU1 and SP2.

3.3.4 Commonwealth Matters

34. The Department states that the Applicant considers the Project may require approval from the Commonwealth Minister for the Environment pursuant to the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* and may submit a referral to the Commonwealth Minister prior to commencement of construction. The Commission notes the Applicant's EIS specifies that such a referral will be made.

3.3.5 Integrated and other NSW Approvals

35. 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 28). 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 28).
36. The Department's AR (para 29) provides that consultation with government agencies responsible for integrated development and other approvals (including EnergyCo NSW as the future network operator) took place during the assessment process. The advice received from these agencies during consultation has been considered by the Department in its assessment of the Project with conditions recommended to address matters raised (AR, para 29).

3.4 Mandatory Considerations

37. 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 listed matters as are of relevance 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 2 – Mandatory Considerations

Mandatory Considerations	Commission’s Comments
Relevant EPIs	<p>The Department’s AR and additional information identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include:</p> <ul style="list-style-type: none"> • Planning Systems SEPP; • State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Transport and Infrastructure); • State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP Resilience and Hazards); • Mid-Western Regional Local Environmental Plan 2012 (MRLEP 2012); and • Warrumbungle Local Environmental Plan 2013 (WLEP 2013). <p>The Commission agrees with the Department’s assessment of EPIs set out in its AR and additional information provided. The Commission therefore adopts the Department’s assessment.</p>
Relevant DCPs	<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>
Planning Agreement	<p>The Commission notes the Applicant has reached an in-principle agreement with Mid-Western Regional Council to enter into a Voluntary Planning Agreement (VPA), being payment of 1.5% of the Project’s capital expenditure, paid through a series of instalments over the lifetime of the Project.</p>
Likely Impacts of the Development	<p>The likely impacts of the Application have been considered in section 54 of this Statement of Reasons.</p>
Suitability of the Site for Development	<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"> • the Project is permissible with consent; • the Site can physically accommodate the proposal with adverse impacts on the environment and receivers surrounding the Site minimised and mitigated as far as practicable; • the Project is capable of being decommissioned and the Site rehabilitated to an alternative land use; • the Site is located in the CWO REZ, established by the NSW Government to group renewable energy projects for efficient energy storage and transmission across NSW; • the use of the Site for electricity generation is an orderly and economic use of the land; • the Site has suitable solar access; • the Site can continue to be used for agricultural purposes (livestock grazing); • the Project will not preclude surrounding agricultural land uses; • cumulative impacts associated with other renewable energy developments within the locality have been found to be acceptable; • the Site has suitable access to the State and regional road network;

	<ul style="list-style-type: none"> • the Site is located adjacent to planned electricity transmission infrastructure which the Project will have access to; • development of the Site for renewable energy generation contributes to the State and Federal Government's transition towards lower emission power generation; and • development of the Site will contribute to the State and Federal Government's target of net zero emissions by 2050.
Objects of the EP&A Act	The Commission is satisfied that the Application is consistent with the Objects of the EP&A Act, as detailed in Appendix I of the Department's AR.
Ecologically Sustainable Development	The Commission finds that the Project is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.
The Public Interest	<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

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

- United Nations Framework Convention on Climate Change (**UNFCCC**) *Paris Agreement 2015 (Paris Agreement)*;
- Australia's Long-Term Emissions Reduction Plan (**Emissions Reduction Plan**);
- NSW Noise Policy for Industry (**NPfi**);
- Interim Construction Noise Guideline (**ICNG**);
- NSW Road Noise Policy;
- NSW Aquifer Interference Policy (**AIP**);
- NSW Biodiversity Offsets Policy for Major Projects;
- Social Impact Assessment Guideline for State Significant Projects (NSW Government, 2021) (**SIA Guideline**);
- NSW Climate Change Policy Framework (**CCPF**);
- NSW Net Zero Plan Stage 1: 2020-2030 and NSW Net Zero Plan Stage 1: 2020-2030 *Implementation Plan (Net Zero Plan)*; and
- Memorandum of Understanding – NSW Energy Package (**NSW Energy Package MOU**).

3.6 The Commission's Meetings

39. As part of the determination process, the Commission met with various persons as set out in Table 3. All meeting and site inspection notes were made available on the Commission's website.

Table 3 – Commission’s Meetings

Meeting	Date	Transcript/Notes Available on
Department	30 May 2024	7 June 2024
Applicant	30 May 2024	6 June 2024
Mid-Western Regional Council	31 May 2024	6 June 2024
Warrumbungle Shire Council	31 May 2024	6 June 2024
Site Inspection	4 June 2024	11 June 2024
Neighbouring property inspections	4 June 2024	11 June 2024
Public Meeting	5 June 2024	7 June 2024 11 June 2024 (updated – minor typos and corrections)

3.7 The Department’s Assessment Report

40. The Department’s AR sets out the Planning Secretary’s whole-of-government assessment of the Application. As part of this assessment, the Planning Secretary through the Department, considered amendments to the Application regarding the relevant statutory obligations, supplementary information provided by the Applicant, public submissions and advice from Government agencies. The Department’s recommendation is that the Project be approved, subject to conditions of consent.

4. Community Participation & Public Submissions

4.1 Community Group Attendance at the Site Inspection

41. On 4 June 2024, the Commission conducted an inspection of the Site. Commissioners Janett Milligan (Chair), Suellen Fitzgerald and Duncan Marshall AM attended the Site Inspection. The Commission invited representatives from community groups to attend and observe the Site Inspection. The following groups were represented:

- Save Our Surroundings;
- Uarbry Tongy Lane Alliance Inc; and
- Birriwa Solar Development Neighbourhood Group.

4.2 Neighbouring Property Inspections

42. On 4 June 2024, the Commission conducted inspections of properties neighbouring the Site. Commissioners Janett Milligan (Chair), Suellen Fitzgerald and Duncan Marshall AM attended the inspections. The Commission attended four properties (location of properties is shown in **Appendix A**) and observed the Site from those properties.

4.3 Public Meeting

- 43. The Commission conducted a Public Meeting on 5 June 2024 at the Dunedoo Jubilee Memorial Hall, 154 Bolaro Street, Dunedoo. Registered speakers presented to the Commission Panel in person and via telephone. The Public Meeting was streamed live on the Commission’s website.
- 44. The Commission heard from the Department, the Applicant, various community group representatives and individual community members. In total, 21 speakers presented to the Commission during the Public Meeting.
- 45. Presentations made at the Public Meeting have been considered by the Commission as submissions and are referenced below in section 4.4 below.

4.4 Public Submissions

- 46. Section 40.4 of this report sets out the matters raised in the submissions made to, and considered by, the Commission. These matters are addressed in the Key Issues section of this report (section 5). As part of the Commission’s consideration of the Project, all persons were offered the opportunity to make written submissions to the Commission until 5:00pm AEST 14 June 2024.
- 47. The Commission received a total of 65 written submissions on the Application, comprising 58 submissions through its website, 6 emailed submissions and 1 submission received via post. Submissions received through its website comprised (Figure 3):
 - Two (2) submissions in support; and
 - Fifty-six (56) objections.
- 48. 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 key matters can be satisfactorily addressed by the conditions of consent imposed by the Commission.

Figure 3 – Submissions received by the Commission through its website.

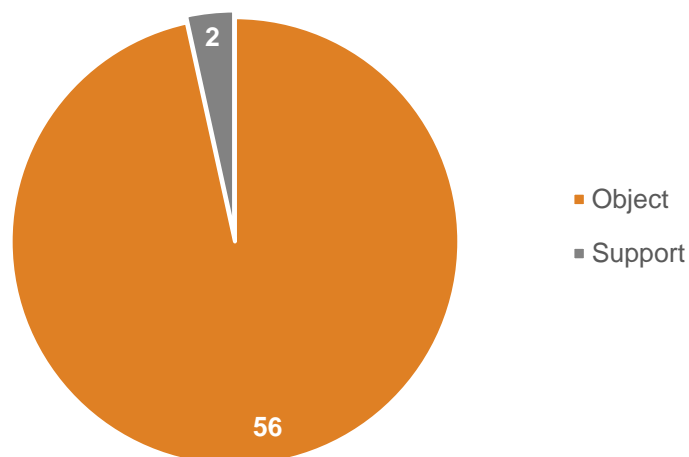
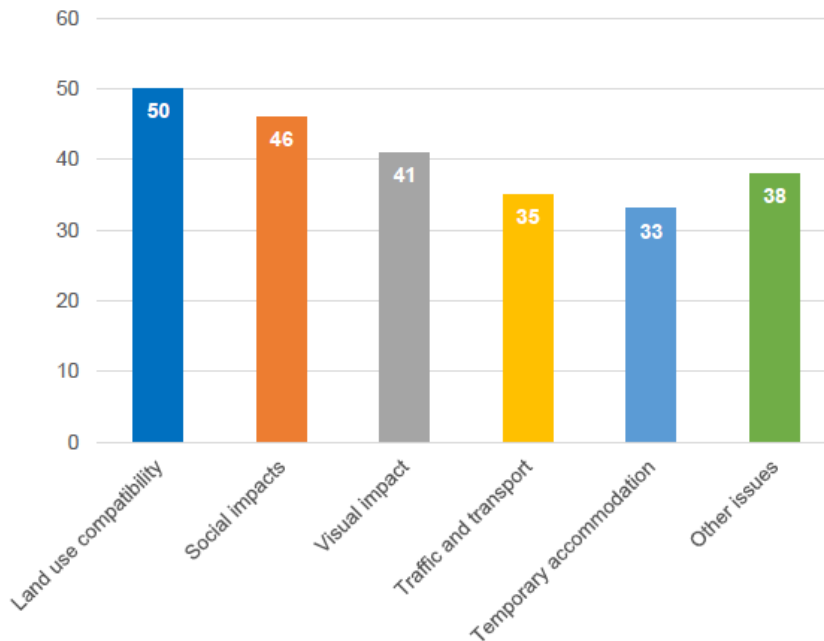


Figure 4 – Overview of issues raised in submissions.



4.4.1 Geographic Distribution

49. Submissions received by the Commission were mostly from various locations within the immediate region. A number of submissions were also received from elsewhere in NSW, including greater Sydney, the Hunter Valley and far North Coast. Four submissions were received from interstate.

4.4.2 Issues Raised

50. Submissions to the Commission raised several key issues, which are outlined below. The Commission notes that the issues 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 key issues that emerge from those submissions.

Land use compatibility

51. Submissions raised concerns with the Project impacting on land currently used for agricultural purposes and the potential for the Project to impact on the ongoing agricultural use of surrounding land. Submissions also stated that solar farms are more aligned to industrial development, are incompatible with agricultural land uses and can create an adverse heat island effect.

Social impacts

52. Objections to the Project raised concerns regarding potential adverse social impacts arising from the Project, stating that the Project had not been granted social licence. Submissions received raised mental health issues in the community, noise and safety concerns associated with the construction phase of the Project. The potential for strain on local business, infrastructure and health services arising from a proposed 500-person (peak) construction workforce was also identified. Post-construction social impact concerns were largely related to visual amenity issues within the locality (also discussed further below under the sub-heading '*Visual and rural landscape amenity impacts*').

53. Submissions state the area has a labour shortage and the Commission heard during the public meeting community concerns that should the Applicant have difficulties in employing the workforce required, delays to construction would result. Subsequently, impacts associated with the construction phase of the development would then be prolonged.

Visual and rural landscape amenity impacts

54. Adverse impacts to visual and rural landscape amenity were raised in objections received by the Commission. Submissions provide that landscaping proposed for visual screening is inadequate, will take significant time to grow, and may not be maintained by the Applicant. Adverse impacts to rural views of the locality resulting from the Project was also raised.

Traffic and transport

55. The Commission received submissions which objected to the Project on the grounds of increased traffic and subsequent potential impacts arising during the Project's construction phase. Submissions also raised use of the local roads surrounding the Site by construction vehicles and associated impacts, including road safety and concerns of construction vehicles not using specified routes. The potential for the Project to impact surrounding agricultural land use operators from moving livestock on the local road network was also heard by the Commission as a concern.

Temporary accommodation camp

56. Submissions received by the Commission raised concerns of inadequate infrastructure for potable water supply, wastewater, sewerage and waste disposal associated with the accommodation camp. Objections also raised concerns with social issues potentially arising within the camp itself, including personal safety concerns with an additional 500 people within the locality. One submission was noted as supportive of the temporary accommodation camp, noting the issues with regional housing supply.

Other issues

Cumulative impacts

57. Submissions received by the Commission raised concerns with cumulative impacts associated with other projects within the CWO REZ. This includes temporary accommodation associated with projects and electricity transmission proposals within the locality.

Livestock grazing viability and logistics

58. Objections received from the public and comments made during the Public Meeting raised concerns over the viability and logistics for livestock (sheep) to continue grazing on the Site concurrently with the solar farm operations.

Economic impacts

59. Submissions argued that the Project would have a negative impact on local agricultural businesses near the site and result in the loss of agricultural land and related economic activity.
60. A submission made the counter-argument that the Project would create economic benefits, noting they have observed several other renewable energy projects in the area create socio-economic benefits for communities.

Contamination

61. Concerns were raised at the public meeting and in submissions regarding the potential for solar panels to leach chemicals and heavy metals into the environment, causing contamination.

Soils, erosion and water

62. Submissions received by the Commission objected to the Project on grounds that the solar panels will lead to increased water runoff, downstream flooding and erosion, both on and off the Site. Submissions specifically noted that the Site is already prone to soil erosion. Water quality and quantity of water runoff and the ability for ground cover to be maintained on the site were also identified as issues in submissions.

Fire and Bush Fire Risks

63. Bush fire and fire risks associated with the Project were raised in submissions to the Commission on the grounds that solar panels combined with batteries and electrical infrastructure are a potential fire risk, which in turn can lead to a bush fire risk for the broader locality. Toxicity associated with a fire on the Site (i.e. fumes, chemicals, contamination etc), the capacity for the NSW Rural Fire Service (**RFS**) to fight a potential bush fire and if the RFS would enter the Site in a bush fire event were also concerns.

Biodiversity

64. Submissions raised concerns with the Project's impacts on biodiversity, noting that the Project requires the clearing of over 400 ha of native vegetation, also impacting native animal habitat, such as koala habitat. A submission suggests that the biodiversity offset scheme is an unacceptable mechanism as compensation for proposed vegetation removal.

Supply Chain and Logistics

65. The Commission heard speakers at the Public Meeting and received submissions from the community raising concerns about the potential use of slavery in supply chains for solar project infrastructure.

Property values

66. Submissions were concerned that the Project would adversely impact on the value of surrounding land and properties.

5. Key Issues

5.1 Social and Economic Impacts

5.1.1 Social impacts generally

67. The Applicant prepared a Social Impact Assessment (SIA), along with an addendum and updated addendum SIA as part of its Application (Department AR, para 146). The Department has assessed the proposed development against the provisions of the 2023 Social Impact Assessment Guideline for State Significance Developments to test whether the SIA was targeted and proportionate to the Project context and likely impacts (Department AR, para 149).

68. The Department's AR at section 5.5 and Table 10 finds that in consideration of the Project's socio-economic impacts, the Project will have a positive impact on the local community.

Commission's findings

69. The Commission acknowledges there is concern about potential social impacts on the local community arising from the Project. Social impact related matters were raised in many public submissions, and by Mid-Western Regional and Warrumbungle Shire Councils in their respective meetings with the Commission.
70. The Commission further acknowledges that the Project will result in social changes for communities within and near the Birriwa locality, as well as nearby service centres within the region. The Site is within the CWO REZ, one of five legislated regions in NSW undergoing physical, social and economic change to facilitate renewable energy developments. The Commission finds that the Project will contribute positively to NSW's energy transition and net-zero commitments, which in the view of the Commission is a significant social, and economic benefit to the State of NSW.
71. The Commission finds that the negative social impacts of the Project are largely related to its construction phase (and accommodating the construction workforce), which is finite in duration (28 months proposed). Ongoing social impacts associated with the operation of the Project are viewed by the Commission to be lower in intensity, although they will be experienced over a significantly longer period of time. The Commission finds that a key aspect of mitigating any potential adverse social impacts associated with the Project will be community communication. To this end, the Commission has imposed conditions of consent which require the Applicant to consult with relevant stakeholders at appropriate Project phases, and ensure the community is informed on the operation of the Project through an ongoing community communication plan as part of the environmental management strategy for the Project.
72. The subsections below detail what the Commission has found to be key social impact matters for the Project. Key economic impact matters are also considered. With appropriate conditions imposed to achieve suitable mitigation where relevant, the Commission finds that on balance, the Project will result in acceptable and positive social and economic outcomes.

5.1.2 Temporary accommodation

73. The Commission notes that the Project was amended to include on-site temporary accommodation camp after the Department's public exhibition of the Project. The inclusion of the temporary accommodation camp was in response to comments from both Mid-Western Regional and Warrumbungle Councils that there was a lack of workforce accommodation available in the area to service the Project (Department's AR, para 39). Both Councils are noted by the Department in its AR to be generally supportive of the proposed temporary accommodation camp (para 55).
74. During stakeholder meetings with the Councils, the Commission heard from Mid-Western Regional Council that the temporary accommodation camp would assist in dealing with significant housing shortages and protecting tourist accommodation in the region. Warrumbungle Shire Council also said that it was satisfied with the temporary accommodation camp forming part of the Project.

75. In its meeting with the Commission, Mid-Western Regional Council queried servicing arrangements for the temporary accommodation camp, including the potential for the camp to create a strain on local medical services. These concerns were also raised in public submissions. The Department has found that servicing of the temporary accommodation camp in terms of water, sewer, electricity, waste and medical services was adequately addressed by the Applicant (Department's AR, para 153 and 154), including arrangements for the disposal of waste off site.
76. With regard to medical services, the Commission requested that the Department seek comments from NSW Health. On 12 August 2024, the Department forwarded to the Commission comments received from the *Western NSW Local Health District* (WNSWLHD). The WNSWLHD noted the Applicant's proposed medical centre operations and staffing, commenting "*We are satisfied these measures will assist in addressing any potential increase [in] demand or impact to health services*".

Commission's findings

77. The Commission finds that the addition of the on-site temporary accommodation camp is an appropriate Project response to alleviate impacts on short term accommodation and housing in the context of housing shortages within the region. The Commission agrees with the Department's assessment that the temporary accommodation camp will result in lower potential cumulative social impacts in local communities and within the region. In particular, housing shortages, housing costs, short term accommodation availability and traffic impacts will be diminished (AR para 156).
78. The Applicant has demonstrated that water needs for the project will be met via bores subject to existing Water Access Licences, and sewerage treatment will be via a pump-out system to be cleared weekly. The Applicant has also confirmed that Dubbo Regional Council has capacity to accept most of the Project's waste generation, and that additional licenced waste facilities will also be utilised (AR, para 153). The Commission has imposed a condition in the development consent to ensure that waste transportation routes to the Dubbo Regional LGA are identified within a traffic management plan.
79. The Commission has imposed conditions of development consent that require the applicant to prepare an Accommodation Camp Management Plan (**ACMP**) in consultation with Mid-Western Regional and Warrumbungle Shire Councils. The ACMP must ensure construction and operation of the camp is consistent with the Applicant's EIS and that utilities including water, wastewater, waste and electricity are designed and located in accordance with Mid-Western Regional Council specifications and relevant standards.
80. Further to the above, amenity issues such as dust suppression and visual amenity (i.e. built form materials and colours) must be addressed in the ACMP.
81. Mid-Western Regional Council advised the Commission in its stakeholder meeting that the accommodation camp should be serviced by a general practitioner. A medical facility is proposed to be located on the site, that will be resourced with a qualified nurse. Matters requiring a general practitioner will be addressed off-site, noting also that the availability of a telehealth service for workers will provide access to a general practitioner (AR, para 153). The WNSWLHD have confirmed it is satisfied the Applicant's proposed medical facility will assist in addressing any potential increase in demand or impact to health services. Further, as per the request of the WNSWLHD, the Commission has imposed condition number B44 which requires the Applicant to notify WNSWLHD of the final health services provided to the accommodation camp's occupants so that appropriate linkages with various health services can be made.

82. A condition of consent imposed by the Commission requires the Applicant to prepare and implement a comprehensive emergency plan. This includes requiring suitable emergency vehicle access and a 24/7 site emergency contact.
83. Consistent with the Department's assessment, the Commission finds the temporary accommodation camp to be suitably serviced, subject to the conditions imposed by the Commission.

5.1.3 Social amenity

84. The Department has assessed potential adverse social amenity impacts arising within the locality during construction. Matters such as privacy, noise, vibration, safety, traffic, visual impacts and light spill are assessed as being able to be suitably managed via conditions of development consent that require the development and implementation of appropriate management plans, supported by monitoring and complaint handling procedures (AR, para 150 and 151).
85. In consideration of safety concerns raised by the community, the Commission notes the Applicant's commitment to security personnel being employed for the Site (AR, para 151 and 151).
86. The Commission acknowledges community concern that a workforce shortage would delay construction and prolong construction timeframes, with any potential construction related impacts arising also being consequentially prolonged. On 13 June 2024, the Commission requested the Applicant provide information on the likelihood of a workforce shortage and whether this would impact construction timeframes. In the Applicant's response dated 19 June 2024, it is acknowledged that there may be delays due to unforeseen circumstances arising (e.g. weather, workforce shortages, and supply chain logistics). The Applicant advises that workforce shortages have not been a factor causing construction delays at their existing solar farm projects.

Commission's findings

87. Submissions from the community raised concerns with several aspects of the Project that relate to social amenity (i.e. privacy, noise, vibration, safety, traffic, visual impacts and light spill). The Commission notes that the Project's potential social amenity impacts are largely related to the construction phase, anticipated to be a 28-month period with a peak construction workforce of up to 500 for a period of 6-months. During operation (requiring up to 20 operational employees), it is noted there will be a significant reduction in vehicle movements to the Site.
88. The Commission agrees with the Department's assessment that subject to the imposed conditions, potential social amenity impacts arising from the Project are acceptable. Social amenity related issues are also considered in section 5.1.1, section 5.1.2, section 5.3 and section 5.4 of this Statement of Reasons. Accordingly, the Commission has imposed appropriate conditions of development consent consistent with the Department's recommendations.
89. Although the Commission finds there is no certain or currently known reason indicating that the Project's construction will be delayed, a condition of development consent has been imposed by the Commission requiring the Applicant to keep the community informed of the progress of construction.

5.1.4 Economic and Community Benefits

90. During its peak construction phase (a 6-month period), the Project would generate up to 500 jobs within the region (AR, Table 10). During operation, up to 20 jobs will be generated by the project. During the Public Meeting, the Applicant advised that it is committed to maximising local employment, stating its commitment to employ and buy locally where practical (discussed further below). In addition to local employment opportunities, direct and indirect community benefits include workforce expenditure at local businesses on goods and services (Department's AR, Table 10).
91. Additional economic benefits to the local community include the procurement of goods, materials and services by the Applicant and associated contractors (AR, Table 10). Mid-Western Regional Council in its meeting with the Commission, detailed concerns regarding the Applicant's potential use of local businesses and ensuring a local supplier/preference policy was in place. Further to this, Mid-Western Regional Council spoke on its experience with similar projects, highlighting that local businesses are not being afforded opportunities to work on, and/or supply goods and services to projects due to the ineffectiveness of any local procurement policies that may be in place.
92. The Applicant's local procurement commitment was specifically raised by the Commission at the Public Meeting, with the Applicant advising it would provide additional information on this matter to the Commission. In correspondence dated 13 June 2024, the Commission sought information from the Applicant on its policy for sourcing workers, contractors, sub-contractors and/or materials from the local community and how the policy would be enforced throughout the contracting chain.
93. The Applicant's response dated 19 June 2024 advised of its strategy to source a workforce locally in the first instance where possible, further assisting in limiting impacts on housing affordability and the use of short-term accommodation that would otherwise be utilised by the tourism industry. Examples of engaging small and medium enterprises (SME) and people on its other solar projects were provided, however the Applicant acknowledged that it would face challenges in securing local employees, goods and services due to demand from the growing renewable industry within the CWO REZ.
94. The Commission notes the Applicant has also reached an in-principle agreement with Mid-Western Regional Council on the terms of a VPA, comprising payment of 1.5% of the Project's capital expenditure via instalments over the lifetime of the Project. Considering also that the Project will support the transition to low emission energy for the State, the Department has assessed that Project will have positive impacts on the local economy and provide community benefits (AR, Table 10).

Commission's findings

95. The Commission finds that the Project will create positive impacts on the local economy and provide subsequent community benefits, noting also its contribution to the State's energy transition.
96. The conditions of development consent imposed by the Commission require the Applicant to prepare an Accommodation and Employment Strategy (**AES**) and an ACMP, in consultation with Mid-Western Regional and Warrumbungle Shire Councils. The AES must consider the cumulative impacts associated with other SSD projects in the area and investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible. The ACMP must include measures to support local suppliers in servicing the temporary accommodation camp where possible.

97. The Commission notes that livestock grazing on the Site (primarily sheep) is proposed, the Commission considers that grazing and flow on activities arising will contribute further to the economic and community benefits of the Project in the local community.
98. Based on the Department's assessment, additional information provided by the Applicant and the conditions of development consent imposed by the Commission, the Commission agrees with the Department that the Project would create economic and community benefits.

5.2 Land Use Compatibility

99. Community concerns about the potential loss of agricultural land resulting from the Project are acknowledged by the Commission. Public submissions and presentations to the Commission refer to the Site as prime agricultural land, also raising concerns that the Project is an industrial land use that is not compatible with surrounding rural land and agricultural land uses.
100. The development footprint of the Project is approximately 1,197 ha, comprising largely of cleared land currently used for livestock grazing, as well as low intensity dry land cropping (AR, 80). The Department's assessment (AR, 81), states that the Project avoids important agricultural land with the Site being mapped as Class 5 and 7 under the Land and Soil Capability Mapping for NSW (OEH 2017), indicating agricultural uses are largely restricted to low-moderate impact uses such as grazing and occasional cultivation for fodder crops. This is consistent with the Large-Scale Solar Energy Guideline's focus on identifying Biophysical Strategic Agricultural Land (BSAL) and land classes 1, 2 and 3 as constraints that should be considered in site selection.
101. From a cumulative impact perspective on the loss of agricultural land, the Department's assessment (as clarified by the Department during the Public Meeting to update figures), provides that the Project's footprint combined with other proposed, approved and operational SSD solar farms in the Central West Orana Region would be approximately 15,837 ha, representing 0.18% of the 8.9 million ha of agricultural land within the Central West Orana Region.

Commission's findings

102. The Project is a land use permitted with consent within the RU1 and SP2 zoning of the Site, pursuant to the provisions of SEPP Transport and Infrastructure. The Commission agrees with the Department's assessment that the Project is consistent with the RU1 and SP2 zone objectives of the MWLEP and WLEP, specifically noting that the Project will allow for agricultural uses to continue concurrently on the Site and that the Project does not prevent the continued agricultural use of surrounding land (AR, para 76).
103. Mid-Western Regional Council, Warrumbungle Shire Council and the NSW Department of Primary Industries and Regional Development (**DPIRD**) have not raised concerns that the Project would adversely impact the long-term use of the land for agricultural purposes (AR, 84). DPIRD has recommended operation and decommissioning measures (AR, 84), which are recommended by the Department as conditions of consent. The Commission has imposed these conditions at condition B13.
104. The Commission has also imposed a condition of consent (condition B11) to ensure surrounding stock route permit holders will maintain their access to the local road network for unimpeded stock movement.

105. Regarding concerns about the Project's potential heat island effect (i.e. micro-climate impacts from potential heat generation due to the solar panels), the Commission notes the Applicant's submission at the Public Meeting that studies show some minor temperature increases within close proximity of solar arrays. The Commission also notes that the LSEG provides that where a solar energy project is located adjacent to a horticultural or cropping activity, the solar array should be setback from the property boundary by at least 30m to mitigate any heat island effect. To this end, the Commission has imposed a condition of consent (condition B28) requiring the Project's array to be setback 30m from the Site boundaries.
106. In light of the above, the Commission concludes that the Project is compatible within the locality and will not impact on the operations and capability of surrounding agricultural land uses as:
- the short and long-term agricultural capabilities of the Site will not be adversely impacted by the Project;
 - the Site is able to be returned to agricultural land and associated uses post decommissioning of the Project;
 - the Project will not impact on, or fragment important agricultural land; and
 - the Project is found to be compatible within the locality and will not preclude ongoing agricultural activities on the Site or on surrounding land.

5.3 Visual Impact and Rural Landscape Amenity

107. The Applicant provided a Landscape and Visual Impact assessment as part of their SSD application, along with addendum assessments to address the Project's amendment (AR, para 115). At the time of lodgement of the SSD application, the 2018 version of the LSEG applied (AR, para 117). The Commission notes that the Department also considered the content of the revised 2022 LSEG and accompanying Technical Supplement - Landscape and Visual Impact Assessment, which provides a detailed description of the landscape character and visual impact assessment process for large scale solar energy developments in NSW. The Department's AR (para 118) advises this was to ensure its assessment is in line with contemporary landscape and visual requirements.
108. A total of 22 residences not associated with the Project (sensitive receivers), are located within 2 km of the Project's development footprint. The closest residence is located 250m away (AR, para 121), being residence R5 (see Appendix A). The Project's development footprint and proposed screen planting for visual mitigation were developed in response to consultation with neighbouring residents and in consideration of the Department's feedback (AR, 122-123). Sensitive receivers which were initially found to have a moderate visual impact were assessed against the 2022 LSEG and technical supplement and found to be subject to low and/or very low visual impacts, with the mitigation measures in place (AR, para 124).
109. The introduction of the temporary accommodation camp was accompanied by a visual impact assessment addendum which found that the camp would have a low visual impact. As such, no visual mitigation measures for the camp are proposed (AR para 125).
110. In terms of landscape amenity and potential impacts to the scenic qualities of the area, the Department's assessment notes that the low-lying nature of the development, combined with existing and proposed vegetation would minimise views of the Project (AR, para 127). The assessment acknowledges the local landscape will ultimately be changed by the Project, however, it will have a limited impact within the locality and region (AR, para 130).

111. The Department notes in its AR (para 138) that whilst solar panels are designed to absorb rather than reflect sunlight, some elements of the development have glint and glare potential. The Applicant's worst case scenario glint and glare analysis noted the potential for some temporary glare impacts to a small number of residences and along some roads (AR, paras 139). The Project's potential glare impacts are most likely to be associated with the BESS element of the Project and experienced along certain parts of Birriwa Bus Route South. It is also noted that relevant roads authorities did not raise concerns with glare related impacts (AR, para 140).
112. The Department's recommended conditions are noted by the Commission to require the Applicant to minimise potential visual, glare and reflection impacts associated with the Project and as far as practical, ensure ancillary infrastructure blends with the rural landscape (AR, para 141).

Commission's findings

113. The Commission undertook Site and neighbouring property inspections on 4 June 2024 and acknowledges that a change to the local rural landscape is an unavoidable outcome of the Project. The Commission notes the Site is located within a dedicated renewable energy zone (the CWO REZ), created to accommodate renewable energy developments, and is permissible within the RU1 and SP2 zones.
114. In addition to the strategic layout of the development footprint, the Commission notes the proposed visual mitigation measures for the Project to be:
- the establishment of a 350m setback between the solar array and residence R3 (refer to Appendix A);
 - minimising clearing and trimming of existing vegetation;
 - planting of vegetation screening in accordance with the Project's landscape plan to screen views of the Project from nearby sensitive receivers, road users and Central West Cycle Trail users;
 - using non-reflecting materials and paints to reduce glint and glare; and
 - minimising unnecessary night-time lighting of the development and using lower intensity lighting to reduce disturbance to neighbouring properties.
115. In consideration of the proposed mitigation measures, the observations made during the Commission's inspections, and the Department's assessment, the Commission is satisfied that post-mitigation the Project will have an acceptable visual impact, subject to a range of additional measures noted below.
116. To further ensure the visual and rural landscape impacts of the Project are mitigated, the Commission has imposed conditions to:
- ensure that colours used as part of the accommodation camp and BESS comprise of muted tones which are complementary to the rural landscape and that materials used are non-reflective; and
 - consider built form articulation, modulation and visual screening of the BESS;
 - ensure landscaping screening:
 - is planted at the appropriate time in the construction phase to maximise its establishment and growth;
 - ensure landscaping screening comprises of a mix of vegetation at varying maturity; and
 - is maintained for the life of the development, with mortalities replaced.

117. The rural landscape qualities and character of the locality can also be complemented through a program of road reserve vegetation planting. The Commission has imposed conditions to minimise isolated tree removal from the solar array area and also require the Applicant to discuss with Mid-Western Regional Council the opportunities to plant vegetation within the road reserve of Birriwa Bus Route North between receivers R1 and R30, and Birriwa Bus Route South, between receiver R5 and associated dwelling A4.

5.4 Traffic and Transport

118. Several submissions raised the concern of construction and development related vehicles using the local road network surrounding the Site, leading to potential road infrastructure impacts and safety concerns. The adequacy of the broader road network to accommodate heavy transport vehicle and increased traffic volume during construction, was also a concern raised in public submissions.
119. Warrumbungle Shire Council in its meeting with the Commission on 31 May 2024, stated that its primary concern with the Project was road network impacts and the prospect of Project traffic utilising roads which are not suitable or proposed to be used as part of the Application. Cumulative traffic impacts associated with other renewable energy developments within the CWO REZ was also a key concern for Council.
120. The Commission notes the Project involves the delivery of plant, equipment and materials, including the movement of heavy vehicles requiring escort, which has the potential to impact on the local and regional road network primarily during construction (AR, para 91). During construction, there will be up to 120 heavy vehicles and 50 light vehicle movements daily (AR, para 97), this is noted by the Commission to be a significant reduction in light vehicle movements compared to the 360 movements proposed prior to the introduction of the temporary accommodation camp (AR, para 97).
121. The Project was referred to Transport for NSW (**TfNSW**) as part of the Department's assessment process, who had concerns with the Project's proposed Barney's Reef Road and Castlereagh Highway intersection upgrade. The Applicant provided information additional to their initial Traffic Impact Assessment (**TIA**) to address TfNSW comments and concerns which had also been raised regarding local road impacts by Mid-Western Regional and Warrumbungle Shire Councils (AR, 92).
122. The Project's transport route to the Site was commented on by TfNSW and Mid-Western Regional and Warrumbungle Shire Councils, resulting in changes to the proposed road upgrades to support Project related traffic (AR, 101). The Department states that the Applicant has undertaken consultation with both Councils on proposed local road upgrades and has committed to consulting with the Council in finalising relevant civil works designs.
123. Cumulative traffic impacts potentially resulting from the Site being located within the CWO REZ, and in proximity to other proposed renewable energy projects has been assessed by the Department. In their traffic impact assessment information, the Applicant has considered cumulative impacts associated with the proposed Tallawang Solar Farm and CWO REZ Transmission Project given that these projects have submitted EIS documents to the Department (AR, para 108).
124. Subject to the recommended conditions, the Department and TfNSW are satisfied that the Project would not result in significant impacts on road network capacity, efficiency or safety (AR, para 112).

Commission's findings

125. The Commission is satisfied that the potential transport and traffic impacts associated with the Project have been suitably considered and assessed. To address local road network safety and maintenance issues raised in public objections, the use of the local road network surrounding the Site by Project related vehicles will be controlled through conditions of consent. The Site has a single access point that will be used by all Project related vehicles. Once on-site the Commission notes all traffic movements will be confined to the project footprint, including access to the accommodation camp.
126. Vehicles associated with the development will be restricted from using Merotherie Road, Birriwa Bus Route North and parts of Birriwa Bus Route South which do not form part of the Project's point of Site access. This is reinforced by a condition imposed by the Commission which states all vehicles associated with the development must only enter and exit the Site via the Site's vehicle access point.
127. A condition of development consent also restricts the number of heavy vehicle movements to be generated by the Project per day, as a means of ensuring the traffic volumes assessed as being acceptable are adhered to by the Applicant. No more than 120 heavy vehicle movements per day, with a maximum of 27 movements per hour will be permitted.
128. The preparation of a comprehensive Traffic Management Plan (**TMP**) in consultation with TfNSW, Mid-Western Regional Council and Warrumbungle Shire Council is also required via a condition imposed by the Commission. The TMP must address all transport and traffic related requirements for the Project, including but not limited to dilapidation and survey works, road works, maintenance, community consultation, minimising potential cumulative impacts and including a driver code of conduct. The Commission is satisfied that implementation of the TMP and its ongoing monitoring will appropriately manage potential transport and traffic impacts associated with the Project.

5.5 Soils, Erosion and Water

129. The Commission received objections and heard during the Public Meeting concerns from the public regarding the Project's potential to exacerbate erosion and impact ground cover, surface water runoff and flooding. Water supply for the development was also identified as a concern.
130. The Commission during its Site inspection on 4 June 2024 asked the Applicant what construction and mitigation methods they would employ to prevent soil compaction and ground cover loss during and after construction. With the question taken on notice, the Commission issued correspondence to the Applicant on 13 and 28 June 2024 seeking relevant information.
131. In a response dated 2 July 2024, the Applicant advised that the risk of soil compaction and ground cover loss would be managed and mitigated via site specific erosion and sediment controls, as part of a Soil and Water Management Plan (**SWMP**). The Applicant also states that as part of best practice, site-specific erosion and sediment control plans are designed by a Certified Professional in Erosion and Sediment Control (CPESC) and reviewed by a third-party CPESC. The Applicant also provided a summary of their ground cover and soils management experience on their other current solar projects, and acknowledged that recommended conditions of development consent from the Department would ensure the appropriate management and mitigation of soil impacts over the life of the project.

132. In the Department's assessment of the Project's erosion and sediment control impacts, the soil erosion hazard for the Site is assessed as 'high'. The assessment however states that the hazard would be minimised to an acceptable level via adoption of appropriate drainage, erosion and sediment control practices, and management measures, ultimately concluding that any erosion and sedimentation risks associated with the Project can be effectively managed via conditions of consent (AR, Table 10)
133. In relation to surface water runoff and flooding, the Site falls within the Macquarie-Bogan River Catchment and would be subject to low-depth flooding across the Site in a 1% Annual Exceedance Probability (AEP) flood event (i.e. generally <0.25m) (AR, Table 10). The Applicant's Flood Impact Assessment (FIA) demonstrates that the additional flood impacts would be minor in all modelled events. The Department has assessed the potential additional flood impacts associated with the development to be minor and acceptable (AR, Table 10).

Commission's findings

134. Based on the Department's assessment and information provided by the Applicant, the Commission finds that subject to the conditions of consent imposed by the Commission, the Project's potential soil, erosion, surface water runoff and flooding related impacts will be adequately mitigated and managed. The Commission also notes that flooding was not raised as a concern by any government agencies during the Department's agency consultation process (AR, Table 10).
135. Conditions imposed by the Commission include detailed operating requirements that the Applicant must comply with, and this includes but is not limited to:
- designing, constructing and maintaining the Project to reduce impacts on surface water and flooding at the Site;
 - ensuring appropriate drainage and erosion and sediment controls are designed, installed and maintained in accordance with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) and the *Managing Urban Stormwater: Soils and construction - Volume 2A* manual (Landcom, 2008);
 - ensuring the solar panels and ancillary infrastructure do not cause any increased water being diverted off the Site or alter hydrology outside the Site; and
 - ensuring all works are undertaken in accordance with relevant government agency guidelines.
136. Under the conditions imposed by the Commission, a SWMP must also be prepared by the Applicant in consultation with the DCCEEW – Water Group. The SWMP is required to be prepared by suitably qualified professionals and must describe all measures to implement the condition regarding operational requirements as described above.
137. Community concerns about off-Site water quality impacts have also been addressed through the Commission's conditions. The Project must not cause water pollution and the SWMP must include a program to monitor and report on the effectiveness of the SWMP measures, including potential impacts to waterways within the Site.
138. Finally, in relation to the water supply needs for the Project, the Commission notes that the Applicant has provided the Department with suitable evidence of existing water access licences to confirm an adequate water supply is available to meet the Project's water use needs (AR, Table 10).

5.6 Fire and Bush Fire Risks

139. Several submissions received by the Commission provided details of historic bush fires within the area. During the Public Meeting for the Project, historic bush fire activity on the Site was raised in submissions. The Applicant confirmed that in its Response to Submissions report provided to the Department, historic bush fires in the area were addressed.
140. The Project was referred to Fire and Rescue NSW (**FRNSW**) by the Department as part of their assessment. FRNSW recommended preparation of a comprehensive Emergency Plan and Fire Safety Study (AR, Table 4). The amended Project was further referred to FRNSW who provided no additional comments or recommendations (AR, Table 7).
141. In terms of bush fire, the Department notes the Site is not identified as bush fire prone land (AR, Table 10). The Applicant has prepared a bush fire impact assessment, and compliance with the NSW Rural Fire Service's *Planning for Bush Fire Protection 2019 (PBP)* is required (AR, para 159, Table 10).
142. The Project was also referred to the NSW Rural Fire Service (**RFS**) which recommended the requirement of a Bush Fire Emergency Management and Operations Plan, asset protection zones (APZs) and design requirements (AR, Table 4). The amended Project was also referred to the RFS which further recommended compliance with construction and water supply provisions set out within the PBP (AR, Table 7).

Commission's findings

143. In light of community concerns relating to fire and bush fire, on 13 June 2024 the Commission requested that the Applicant provide further information on the potential risk of fires caused by solar farms, any experience of solar farm fire risks, and what measures will be adopted to manage any fire risks. Further to this, the Commission sought to confirm any consultation the Applicant may have undertaken with relevant emergency services.
144. The Applicant's response dated 19 June 2024 detailed that it has not encountered any incidents of solar infrastructure fires. However, the Applicant acknowledged that energy generation in areas prone to bush fire poses an increased bush fire risk. The Applicant states that in a meeting with the RFS, an example of a solar project which experienced fire was provided, the Applicant noting the example fire was caused by substandard wiring. The Applicant states it is "*committed to taking bushfire risk very seriously and will adhere to all relevant standards*", further adding they "*will work with tier 1 contractors for the delivery of electrical infrastructure, cabling work, and ongoing maintenance of at-risk infrastructure.*"
145. The Department's AR (Table 10) states that subject to its recommended conditions, the Department, FRNSW and RFS are satisfied that risks associated with the Project would be minimal. Conditions recommended by the Department include preparation of a Fire Safety Study and Emergency Plan, compliance with PBP, compliance with the requirements of the Applicant's bush fire risk assessment and compliance with relevant FRNSW and RFS requirements.
146. Regarding the potential for toxicity and contamination matters arising from a fire event on the Site, the Applicant undertook preliminary risk screening which concluded that the transport and storage of hazardous materials for the Project would not exceed the relevant risk screening thresholds and that the Project is not considered to be potentially hazardous (AR, Table 10). Conditions imposed by the Commission require all chemicals, fuels and oils to be stored in accordance with Australian Standards and EPA requirements.

147. The Commission notes that the Project, including the BESS infrastructure, must satisfy applicable National Construction Code/Building Code of Australia requirements, and finds that the Project poses no material contamination risk if it were subject to fire.
148. Through relevant agency referrals, and the Department's assessment, the Commission is satisfied that appropriate measures will be in place to manage and mitigate fire and bush fire risks associated with the Project.

5.7 Other Issues

5.7.1 Aboriginal Cultural Heritage

149. A survey of the Project Site by the Applicant's consultants with representatives from 4 Registered Aboriginal Parties (**RAPs**) identified 8 previously unidentified sites within the locality, 5 of which were located within the study area. The footprint of the Project was altered to avoid impacts upon the identified sites, with the exception of one isolated find of low archaeological significance which is proposed to be salvaged.
150. The Department and Heritage NSW both consider that the Project would not significantly impact the Aboriginal heritage values of the locality (AR, Table 10). With the conditions of development consent that have been imposed by the Commission, the Commission agrees with the assessment of the Department and Heritage NSW. Conditions imposed require the Applicant to ensure there are no direct or indirect impacts to the Aboriginal cultural heritage items identified, apart from the salvage of a single isolated find, and prepare a Heritage Management Plan for the Project in consultation with Aboriginal stakeholders and Heritage NSW.

5.7.2 Biodiversity

151. The Commission acknowledges the community concerns raised with regard to flora and fauna impacts arising from the Project.
152. The Site is largely cleared due to its previous agricultural land uses. Of the 1197 ha disturbance footprint, a total of 405.71 ha of native vegetation has been proposed to be cleared. (AR, Table 10). The majority of the vegetation to be removed has been assessed as low quality and does not require offsetting under the NSW Biodiversity Offset Scheme (BOS). A total of 8.63 ha of vegetation proposed to be removed has been assessed as of a condition which does require offsetting (AR, Table 10)
153. The Applicant's habitat assessments identified one targeted survey fauna species, being the Koala (via the presence of scats). Due to habitat on the Site, the presence of the Large-eared Pied Bat has also been assumed. As a result, the Department has recommended relevant conditions of consent to offset these impacts. The impacts of the Project generate 271 ecosystem credits and 244 species credits pursuant to the *Biodiversity Conservation Act 2016* (**BC Act**). Credits would be retired in accordance with the BOS (AR, Table 10).
154. An objection to the project received by the Commission viewed the BOS as an unacceptable mechanism to compensate for the Project's vegetation clearing. The BOS is a statutory mechanism pursuant to the BC Act, its application to developments is determined by accredited assessors and whether the scheme is a suitable or not is a policy matter which outside the scope of the Commission's role in determining the Project.

155. The Department referred the Project to the Biodiversity Conservation Science Group within NSW DCCEE (BCS) as part of its assessment process. The BCS has not raised issues with the Project and advised the Department that the Applicant's Biodiversity Development Assessment Report (BDAR) met relevant requirements (AR, Table 10).
156. The Department considers that the project is unlikely to result in a significant impact on biodiversity values (AR, Table 10), a finding with which the Commission agrees.

5.7.3 Energy Transition

157. The Project is consistent with State and Commonwealth policies which seek to transition away from electricity generated by coal and gas, in turn assisting to meet State and National emission reduction targets.
158. Approximately 229,154 homes would be powered by the Project's generating capacity of 600 MW. Combined with the proposed battery storage system, renewable energy can be stored and distributed as needed to the grid, providing stability and security to the network (AR, para 69). By being located within the CWO REZ, the Project can connect to transmission infrastructure that is being delivered by EnergyCo (AR, para 71).
159. The Commission finds that the Project will contribute to the State and National energy transition, reducing emissions currently generated by other modes of electricity generation.

5.7.4 Cumulative Impacts

160. In its meeting with the Commission, Warrumbungle Shire Council expressed concerns with the Project and its cumulative impacts more broadly with renewable energy projects across the CWO REZ. Other submissions also raised similar concerns of cumulative impacts within the context of the CWO REZ.
161. The Commission notes the Department has assessed cumulative impact issues across the various elements of the Project with reference to the *Cumulative Impact Assessment Guidelines for State Significant Projects*. The Department's assessment found that the Project's cumulative impacts have been minimised and will not be significant, noting the Site's location with the CWO REZ. The Commission agrees with the Department's assessment and notes that all SSDs must consider and address cumulative impacts. As such, any future proposed developments within the locality and CWO REZ must further consider cumulative impacts within the CWO REZ.

5.7.5 Contamination

162. Concerns were raised at the public meeting and in submissions regarding the potential for solar panels to leach chemicals and heavy metals into the environment.
163. The Large-Scale Solar Energy Guideline, Frequently Asked Questions (**Guideline FAQ**) provides the following advice on whether solar panels contaminate soil (page 4):

The metals in solar panels (including lead, cadmium, copper, indium, gallium and nickel) cannot be easily released into the environment. This is because metals such as cadmium telluride (CdTe) or cadmium sulfide (CdS) are enclosed in thin layers between sheets of glass or plastic within the solar panel. Because of this, the use of metals in solar panels has not been found to pose a risk to the environment. To readily release contaminants into the environment, solar panels would need to be ground to a fine dust.

164. The Commission also requested that the Applicant provide further information on contamination risks associated with solar panels. The Applicant's response dated 19 June 2024 discusses that the modern crystalline solar panels most likely to be used for the Project do not contain heavy metals. The Applicant highlights that although the performance of the panels will decrease over their lifetime, they are not anticipated to physically degrade.
165. The Applicant advises that panels for the Project will be procured from tier 1 manufacturers that meet applicable international and domestic standards, with relevant professional contractors to undertake construction on Site. The Applicant also advises that production, installation, and performance of the panels will be closely monitored, providing an example of business quality control assurance for another recent solar project where the Applicant engaged a third-party auditor to visit manufacturing facilities.
166. Whilst the Commission acknowledges concerns raised by the community in relation to potential contamination risks from damaged and/or degraded solar panels, the Commission accepts the advice contained in the Guidelines FAQ, noting also the information provided by the Applicant. The Commission is satisfied in the absence of any evidence to the contrary, that the risk of contamination from damaged and/or degraded solar panels is minimal. Please also refer to the Commission's consideration of contamination risks associated with fire in section 5.6 above.
167. Further, the Commission has imposed conditions of consent that require the preparation of a soil and water management plan and environmental management strategy, which both require reporting, monitoring, and reviewing measures for the Project and its environmental performance.

5.7.6 Livestock grazing viability and logistics

168. The Commission notes that the Department's AR (para 62) identifies that the Applicant is investigating the possibility for continued grazing on the Site, post-construction. Written submissions and Public Meeting presentations raised concerns with the viability of post-construction grazing, including concerns whether appropriate infrastructure would be available/provided.
169. On 13 June 2024 the Commission requested the Applicant provide information on how it proposed to implement post-construction livestock grazing, including details of proposed numbers, regimes, infrastructure and how grazing has been implemented at the Applicant's other solar projects. In its response dated 19 June 2024, the Applicant states they have been rotating over 6000 sheep on and off a 1220 ha solar farm site since 2023. The grazing has been supported by a 'Grazing Protocol' between the Applicant and landowners which sets out processes and dual responsibility for safe grazing alongside the solar generation.
170. The Applicant also stated it is supporting a research program with Macquarie University and the CSIRO which includes monitoring the effectiveness of grazing capability measures and vegetation management practices.
171. The Commission has imposed conditions of development consent which require the Applicant to maintain the agricultural land capability of the site, including maintain grazing where practicable with related livestock infrastructure to be provided. The Commission is satisfied that the Site is capable of accommodating livestock grazing post-construction in conjunction with the use of the Site as a solar farm.

5.7.7 Supply Chain and Logistics

172. The Commission acknowledges verbal and written submissions received which raise concerns about ethical supply chains and the potential for overseas 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 Applicant is bound by the requirements of the *Modern Slavery Act 2018* (Cth) and the *Modern Slavery Act 2018* (NSW).
173. The Commission is satisfied that the Applicant must comply with legislative requirements regarding modern slavery in the construction and operation of the Project. Although the issue is significant, it is an issue dealt with through specific legislation that is outside of the Commission's remit in determining the Project.

5.7.8 Property values

174. The Commission notes the concerns of some submitters that the Project would result in adverse impacts on property values within the locality. Paragraph 159, Table 10 of the Department's AR states:
- The Land and Environment Court has ruled on several occasions that the assessment of the impacts of projects on individual property values is not generally a relevant consideration under the EP&A Act, unless the project would have significant and widespread economic impacts on the locality, which is not the case in this instance.*
175. The Department's AR further notes that the Project is permissible with development consent, is unlikely to generate significant environmental, economic or social impacts, mitigation measures can further minimise any impacts and that the visual impact of the proposal is not significant.
176. The Commission accepts the Department's assessment of potential property value impacts and agrees that the assessment of individual property value impacts is not a relevant consideration for the Project.

6. The Commission's Findings and Determination

177. 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 in making its decision.
178. 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 established strategic planning framework, as it will deliver renewable energy within an established REZ that will contribute to electricity generation in NSW and contribute to the State's renewable energy transition;
 - the proposal is a permitted land use on the Site and is consistent with relevant environmental planning instruments;
 - the Site has been found to be suitable for the Project in light of its location within an established REZ, topography, solar resources, access to electricity infrastructure, avoidance of environmental constraints and minimal impact to agricultural land;
 - the risks of contamination, including from degradation of solar panels, is minimal;
 - agricultural activities are able to continue on the Site in conjunction with the solar farm;
 - the agricultural use of land surrounding the Site in the locality will not be precluded by the development;
 - the Project will not significantly impact Aboriginal Cultural Heritage or historical heritage values on the area;
 - serious and irreversible impacts on biodiversity are unlikely;
 - the minimal biodiversity impacts arising from the Project will be offset in accordance with legislative requirements;
 - there will not be any adverse traffic impacts on the local and State road network;
 - visual and rural landscape impacts arising from the Project are low, with mitigation provided through array layout, separation distances, existing vegetation and proposed vegetation screen planting;
 - social impacts are largely confined to the construction phase of the Project, which have been mitigated and will be managed via appropriate conditions of consent;
 - there is likely to be a sufficient workforce available to the Project;
 - the Project is able to accommodate its workforce onsite which will prevent impacts to local and regional housing supply, tourist accommodation and housing affordability;
 - the Project is able to be decommissioned and the Site rehabilitated at the end of the Project's life;
 - the Project will not create significant impacts to water resources;
 - erosion and sediment risks associated with the Project can be effectively managed and monitored;
 - the risk of fire and bush fire has been adequately mitigated and will be further mitigated and managed via conditions of consent;
 - the Project is consistent with ESD principles and will achieve an acceptable balance between environmental, economic and social considerations;
 - the Project will create direct and indirect benefits to the local community, including via a VPA and the use of local services and goods;

- conditions imposed by the Commission in view of community concerns will ensure the residual impacts of the Project are appropriately mitigated and managed throughout construction and operation;
- the Project will not result in an unacceptable cumulative impact within the area;
- the Project is consistent with the objectives of the EP&A Act; and
- the Project is in the public interest.

179. For the reasons set out in paragraph 178 above, the Commission has determined that the consent should be approved subject to conditions. These conditions are designed to:

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

180. The reasons for the Decision are given in the Statement of Reasons for Decision dated 16 August 2024.



Janett Milligan (Chair)
Member of the Commission

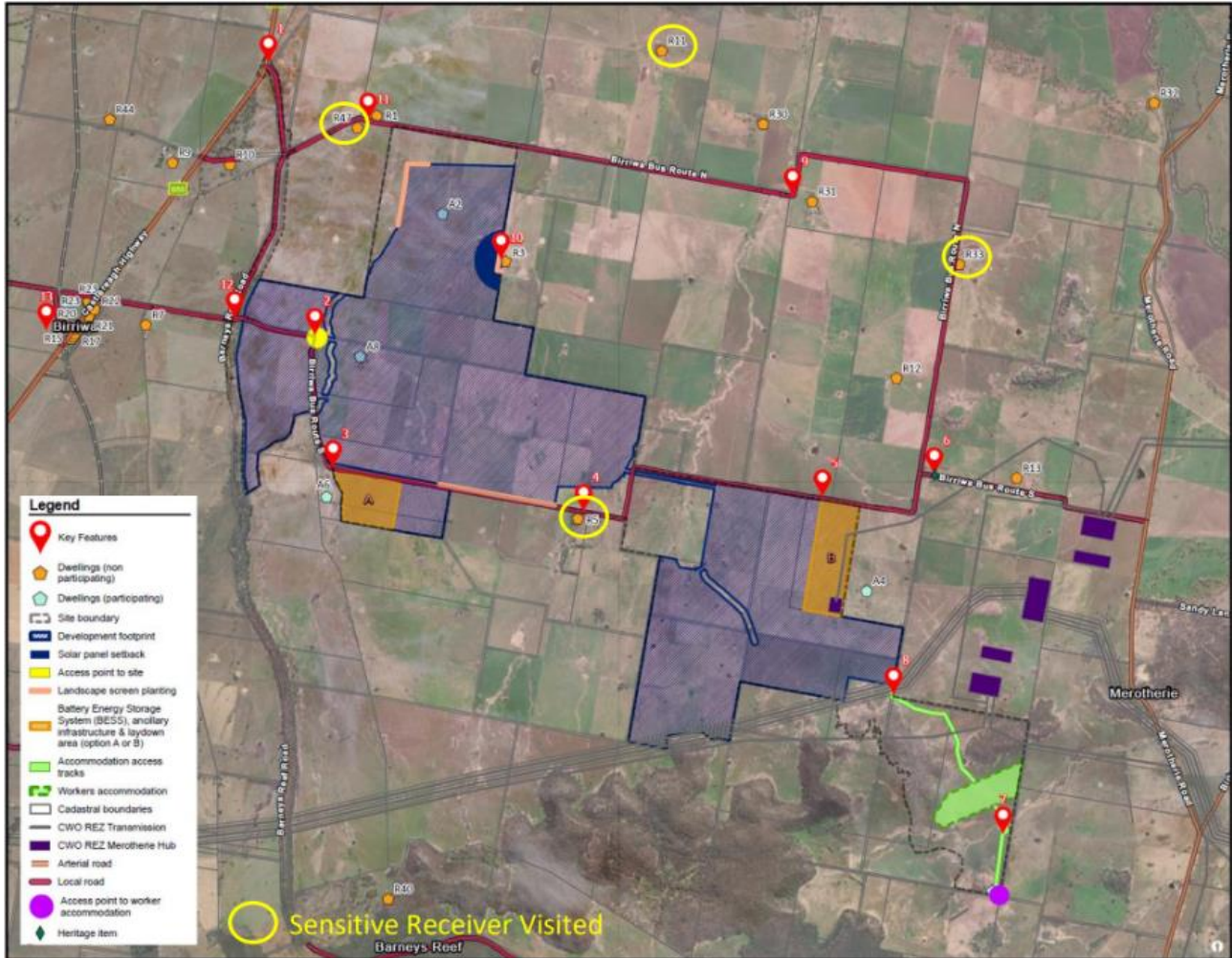


Suellen Fitzgerald
Member of the Commission



Duncan Marshall AM
Member of the Commission

Appendix A – Map of Neighbouring Property Inspection Locations





New South Wales Government
Independent Planning Commission

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