



New South Wales Government  
Independent Planning Commission

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# Wallaroo Solar Farm

## SSD-9261283

### Statement of Reasons for Decision

Mr Andrew Mills (Chair)  
Dr Bronwyn Evans AM  
Mr Richard Pearson

11 September 2024

## Executive Summary

Wallaroo Solar Farm Pty Ltd has sought consent for the development of a 100-megawatt (MW) solar farm and 45 MW / 90 MW-hour (MWh) battery energy storage system (BESS), known as the Wallaroo Solar Farm (SSD-9261283) (the Project). The site is located approximately 1 kilometre south of the rural area of Wallaroo and is adjacent to the New South Wales (NSW) and Australian Capital Territory (ACT) border, within the Yass Valley local government area.

The Project represents an approximately \$166 million investment, generating up to 200 construction related jobs and up to 5 operational jobs.

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

Commissioners Andrew Mills (Panel and Commission Chair), Dr Bronwyn Evans AM and Richard Pearson 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 and Yass Valley Council. The Panel also undertook a site inspection.

The Commission held a Public Meeting for the Project on 18 July 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 the findings in this Statement of Reasons for Decision relate to energy transition, visual impacts, land use compatibility, traffic and transport, decommissioning and rehabilitation, and contamination.

After consideration of the material, including additional information received from the Department, and having considered the views of the community (including residents of the ACT), the Commission has determined that development consent should be granted to the Application, subject to conditions.

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

The conditions as imposed include several changes made by the Commission to the Department's recommended Conditions of Consent. The changes strengthen the environmental management of the development, including the requirement for a Decommissioning and Rehabilitation Plan. The changes also respond to concerns raised by the community and stakeholders during the Commission's consideration of the Project, including increased density of vegetation screening and increased consultation with the relevant ACT Government and emergency response agencies.

The Commission finds that the Site is suitable for renewable energy development given its location close to existing electricity transmission networks, topography, solar resources, avoidance of major environmental constraints, access to the regional road network and potential for continued use of the land for grazing. 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 and is in the public interest.

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

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## Defined Terms

ABBREVIATION	DEFINITION
ACCS	Annual Climate Change Statement 2022 (Australian Government)
AIP	NSW Aquifer Interference Policy
Applicant	Wallaroo Solar Farm Pty Ltd
Application	Wallaroo Solar Farm (SSD-9261283)
Approved Methods	Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016)
AR para	Paragraph of the Department's Assessment Report
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	The Department's Biodiversity, Conservation and Science Directorate
BESS	Battery energy storage system
CCPF	NSW Climate Change Policy Framework
Commission	Independent Planning Commission of NSW
Council	Yass Valley Council
Department	Department of Planning, Housing and Infrastructure
Department's AR	Department's Assessment Report, dated June 2024
DPIRD Agriculture and Biosecurity	NSW Department of Primary Industries and Regional Development - Agriculture and Biosecurity
EII Act	<i>Electricity Infrastructure Investment Act 2020</i>
EIS	Environmental Impact Statement
EPA	NSW Environmental Protection Agency
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GW	Gigawatt
ICNG	Interim Construction Noise Guideline 2009 (NSW Government)
ISP	2022 Integrated System Plan (Australian Energy Market Operator)
kV	Kilovolt
LGA	Local Government Area
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
Minister	Minister for Planning and Public Spaces
MW	Megawatt
MWh	MW-hour
NEM	National Electricity Market
Net Zero Implementation Plan	Net Zero Plan Stage 1: 2020-2030 Implementation Plan (NSW Government)
Net Zero Plan	Net Zero Plan Stage 1: 2020-2030 (NSW Government)
NPfI	NSW Noise Policy for Industry
NSW DPIRD	NSW Department of Primary Industries and Regional Development
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
Project	Development of a new 100 MW solar farm and a 45 MW / 90 MWh battery, approximately 1km south of Wallaroo and adjacent to the NSW/ACT border, known as the Wallaroo Solar Farm
Regulations	Environmental Planning and Assessment Regulation 2021

<b>Resources SEPP</b>	State Environmental Planning Policy (Resources and Energy) 2021
<b>REZ</b>	Renewable Energy Zone
<b>RtS</b>	Response to Submissions
<b>Site</b>	The Wallaroo Solar Farm site, as described in section 2.1 of this report
<b>Solar Energy Guideline</b>	Large-Scale Solar Energy Guideline, 2022 (NSW Government)
<b>SSD</b>	State Significant Development
<b>The Roadmap</b>	NSW Electricity Infrastructure Roadmap (NSW Government)
<b>TfNSW</b>	Transport for NSW
<b>VPA</b>	Voluntary Planning Agreement

# 1. Introduction

1. On 28 June 2024, the NSW Department of Planning, Housing and Infrastructure (**Department**) referred the State significant development (**SSD**) Application SSD-9261283 (**Application**) from Wallaroo Solar Farm Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval for the Wallaroo Solar Farm (the **Project**) located in the Yass Valley Local Government Area (**LGA**) under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
3. The Application constitutes SSD under section 4.36 of the EP&A Act and clause 20 of Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**) as it is development for the purpose of electricity generating works with a capital investment value of more than \$30 million.
4. In accordance with section 4.5(a) of the EP&A Act and section 2.7 of the Planning Systems SEPP, the Commission is the consent authority as more than 50 public submissions were made by way of objection and Yass Valley Council made an objection.
5. Andrew Mills, Chair of the Commission, determined that he (as Chair), Dr Bronwyn Evans AM and Richard Pearson would constitute the Commission for the purpose of exercising its functions with respect to the Application.
6. The Department concluded in its Assessment Report (**AR**) that the Project would result in benefits to the State of NSW and the local community and therefore is in the public interest and approvable.

## 2. The Application

### 2.1 Site and Locality

7. The 'Site' is defined as being within the Project boundary illustrated in Figure 1 below.
8. Paragraph (para) 5 of the Department's AR states that the Site is largely cleared agricultural lots that have been used for grazing and occasional cropping, zoned RU1 Primary Production under the *Yass Valley Local Environmental Plan 2013* (**YVLEP 2013**).
9. Access to the Site would be via Southwell Road to the north of the Site, which is proposed to be sealed from the Gooroomon Ponds Road/Southwell Road intersection to the Site access point as part of the Project (AR para 6).
10. The surrounding land is predominantly zoned RU1 Primary Production, with the exception of the C3 Environmental Management zone for Ginninderry Greek, the R1 General Residential zone for the proposed Ginninderry Estate south-west of the Site, and the area zoned NUZ3: Hills, Ridges and Buffer Areas within the ACT, south-east of the Site (AR para 5).
11. To the south and southeast, the Site is close to a number of low-density residential neighbourhoods of Canberra situated near to the NSW/ACT border (refer Figure 2 below).



Figure 1 - Project Layout (Source: Applicant's additional information dated 2 September 2024)

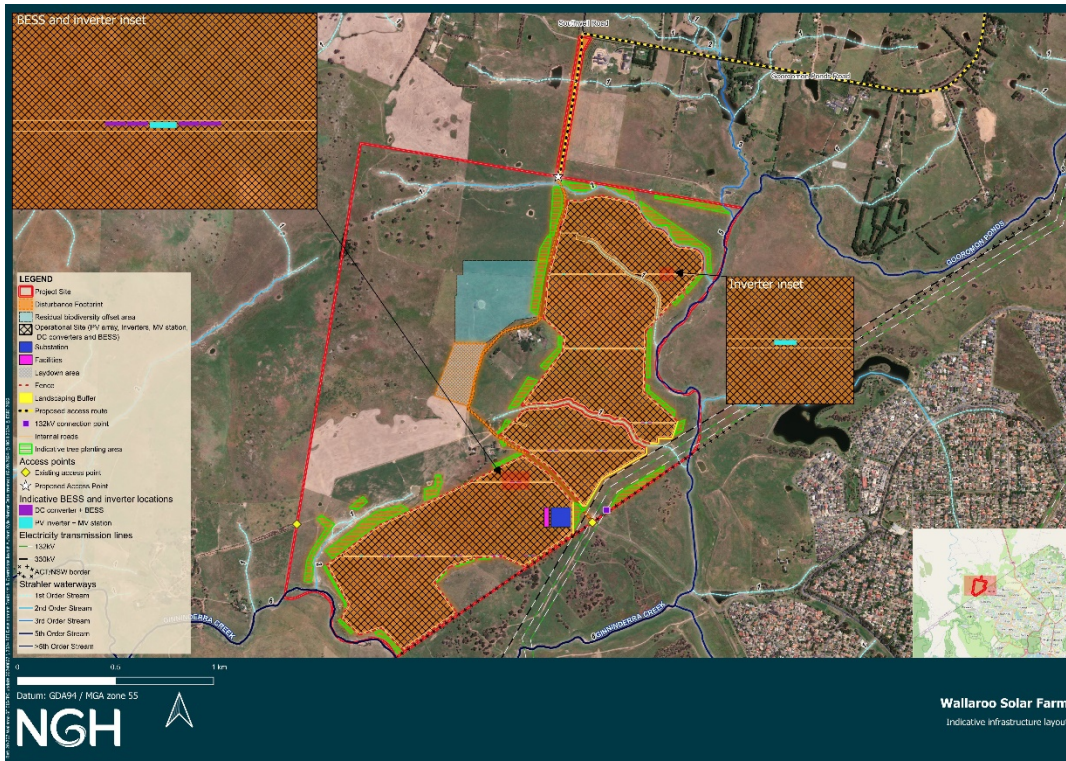
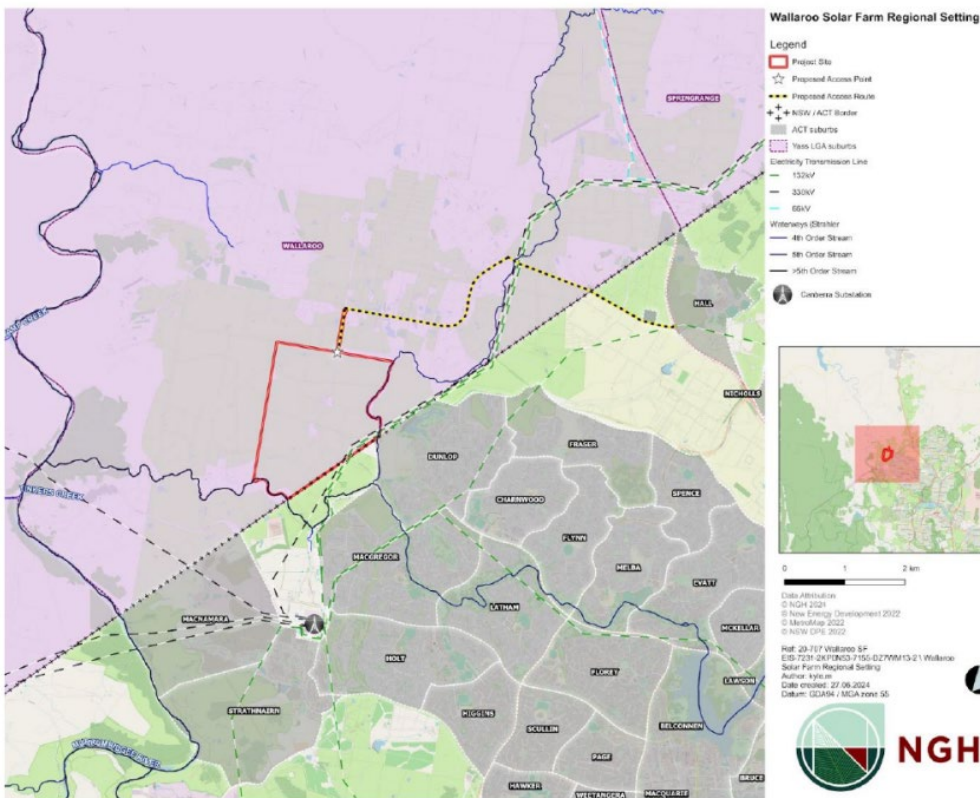


Figure 2 - Regional Context (Source: AR, Figure 1)



## 2.2 The Project

12. The Applicant is seeking approval for the development of a 100-megawatt (**MW**) solar farm with a 45 MW / 90 MWh battery energy storage system (**BESS**) and associated grid infrastructure in Wallaroo, adjacent to the NSW/ACT border.
13. The Project would comprise approximately 182,000 solar panels and associated mounting infrastructure (up to 4.7m high), 36 BESS containers, an on-site substation connecting to the existing transmission line and ancillary infrastructure. The Project will have a generating capacity of 100MW – enough electricity to power approximately 40,000 homes (AR para 50).
14. The Site is 393ha in size and the proposed development footprint is 165.45ha.
15. Further detail about the main aspects of the Project is set out in Table 1 of the Department's AR.

## 3. The Commission's Consideration

### 3.1 Material Considered by the Commission

16. In this determination, the Commission has considered the following material (**Material**):
  - the Planning Secretary's Environmental Assessment Requirements issued by the Department, dated 2 October 2020;
  - the following information provided by the Applicant:
    - the Environmental Impact Statement (**EIS**), dated 21 April 2023 and its accompanying appendices;
    - the Response to Submissions Report (**RtS**), dated 17 November 2023 and its accompanying appendices;
    - the Amendment Report, dated 2 May 2024 and its accompanying appendices;
    - additional information dated 27 February 2024, 5 March 2024, 28 May 2024 and 27 June 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 June 2024;
  - the Department's recommended conditions of consent, dated June 2024;
  - comments and presentation material at meetings with the Department, Applicant, Yass Valley Council, as referenced in Table 2 below;
  - the Department's responses to the Commission, dated 18 July 2024, 26 July 2024 and 12 August 2024;
  - all written comments made to the Commission and material presented at the Public Meeting on 18 July 2024;
  - all written comments received by the Commission up until 31 July 2024; and
  - the Department's advice on 27 August 2024, 2 September 2024 and 10 September 2024 on the feasibility and workability of proposed conditions.



## 3.2 Strategic Context

17. 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 plans (see section 3.2.1 below). The Project would generate up to 100 MW of renewable energy, which the Commission heard would be enough to power the equivalent of approximately 40,000 homes, contributing to the Commonwealth and State's transition from traditional coal and gas fired power generation to low emission electricity generation and achieving 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 200 jobs generated during construction, 5 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*

18. 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*

19. The Australian Government's Annual Climate Change Statement 2023 (**ACCS**) makes commitments about achieving net zero by 2050. It notes 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*

20. 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*

21. 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*

22. The NSW Government’s Transmission Infrastructure Strategy “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 Strategy 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*

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

24. In November 2020, the NSW Government released the *NSW Electricity Infrastructure 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*

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

## **3.2.2 NSW Solar Energy Guideline**

26. The Department’s Large-Scale Solar Energy Guideline (2022) “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 Guideline recognises that large-scale solar projects could help reduce reliance on fossil fuels, thereby contributing to reduction in air pollution and greenhouse gas emissions, whilst also supporting regional NSW through job creation and investment in communities that may not have similar opportunities from other industries”.

## **3.2.3 Regional and Local Plans**

27. In determining the Application, the Commission has considered the following regional and local plans:
- South East and Tablelands Regional Plan 2026 (NSW Government, 2017);

- Yass Valley Council Local Strategic Planning Statement (Yass Valley Council, 2020); and
  - Yass Valley Settlement Strategy 2036 (Yass Valley Council, 2019).
28. The Commission considers the Project to be generally consistent with relevant aspects of the above regional and local plans. Further discussion regarding the compatibility of the project with the Yass Valley Settlement Strategy is included in section 5.3.1 of this report.

### 3.2.4 Other proximate energy projects

29. There are seven State significant renewable energy projects within 50km of the Site (AR para 11). Five have been approved (Springdale Solar Farm, Capital Wind Farm, Blind Creek Solar Farm, Capital 2 Wind Farm and Conroys Gap Wind Farm), with Capital Wind Farm being operational. Two are in varying stages of the SSD assessment process. Table 2 of the Department's AR details the nearby renewable energy projects. Further discussion regarding potential cumulative impacts is included in section 5.7.5 of this report.

## 3.3 Statutory Context

### 3.3.1 State Significant Development

30. The Application is SSD under section 4.36 of the EP&A Act because it is development for the purpose of electricity generating works with a capital investment value of more than \$30 million as per clause 20 of Schedule 1 of the Planning Systems SEPP.
31. The Commission is the consent authority as specified in paragraph 4 above.

### 3.3.2 Amended Application

32. In accordance with clause 37 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)*, a development application can be amended, with the agreement of the consent authority, at any time before the application is determined. Following consideration of submissions on the Project, the Applicant amended the Application to reduce the operational footprint by 41.81 ha, include operational controls to mitigate potential glare and revise the landscape plan. The amendment was agreed by the Department in its capacity as delegate of the Commission.
33. Table 6 of the Department's AR provides a detailed comparison of the original and amended Application.

### 3.3.3 Permissibility

34. The Site is located within the RU1 – Primary Production zone pursuant to YVLEP 2013. Electricity generating works are permitted with consent on any land in a prescribed rural, industrial or special use zone, including the RU1 zone, under clause 2.36 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)*.

### 3.3.4 Integrated and other NSW Approvals

35. Pursuant to section 4.41 of the EP&A Act, several approvals are integrated into the SSD approval process, and therefore are not required to be separately obtained for the Project (AR para 25). 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 25).

### 3.3.5 ACT-NSW Memorandum of Understanding for Regional Collaboration

36. The Australian Capital Territory and New South Wales Memorandum of Understanding for Regional Collaboration (**MOU**) sets the overall framework within which the ACT and NSW will work together in the delivery of targeted services, economic outcomes and the implementation of policy to cross-border communities. The MOU includes a number of guiding principles, objectives and areas for co-operation between ACT and NSW. The MOU recognises the importance of ongoing engagement with regional stakeholders, in particular local governments.
37. The Department consulted with the ACT Environment, Planning and Sustainable Development Directorate (**ACT EPSDD**) throughout the Department's assessment process. The Commission engaged with the ACT government and received submissions from the ACT EPA and ACT EPSDD. The Commission has given consideration to the matters raised in these submissions in section 5 of this statement of reasons. The Commission has imposed conditions of consent in response to matters raised by these ACT government agencies.
38. The Commission is satisfied the engagement between NSW and ACT government agencies has been undertaken consistent with MOU.

### 3.3.6 Applicant history

39. The Commission received submissions regarding the Applicant, including submissions concerned with ASIC's disqualification of a former corporate officer of the Applicant. As the NSW planning system assesses the use of land and not the user, there is no fit and proper person test that the Commission may apply in deciding whether to grant development consent. Accordingly, matters relating to the identity of an Applicant, its record of compliance and its corporate character are legally irrelevant considerations to the granting of development consent.

## 3.4 Mandatory Considerations

40. 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 1 – Mandatory Considerations*

Mandatory Considerations	Commission's Comments
Relevant EPIs	<p>Appendix I of the Department's AR identifies relevant EPIs for consideration. The key EPIs (in their present, consolidated form) include:</p> <ul style="list-style-type: none"> <li>• Planning Systems SEPP;</li> <li>• Transport and Infrastructure SEPP;</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021 (<b>SEPP Resilience and Hazards</b>); and</li> <li>• YVLEP 2013.</li> </ul>



	The Commission agrees with the Department's assessment of EPIs set out in Appendix I of the AR. The Commission therefore adopts the Department's assessment.
<b>Relevant DCPs</b>	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.
<b>Likely Impacts of the Development</b>	The likely impacts of the Application have been considered in section 5 of this Statement of Reasons.
<b>Suitability of the Site for Development</b>	<p>The Commission has considered the suitability of the Site and finds that the Site is suitable for the following reasons:</p> <ul style="list-style-type: none"> <li>• the Application is permissible with consent;</li> <li>• the Project does not preclude the use of the land for agriculture during operation;</li> <li>• decommissioning and rehabilitation would be capable of returning the land to its pre-development condition;</li> <li>• adverse impacts on surrounding receivers have been minimised as far as practicable and would be further managed and mitigated by the imposed conditions of consent;</li> <li>• the Site is located close to existing electricity transmission networks;</li> <li>• the Site has suitable access to solar resources;</li> <li>• the Site has access to the State and regional road network;</li> <li>• the use of the Site for the purpose of electricity generation is an orderly and economic use and development of land;</li> <li>• the development of the Site for the purpose of electricity generation will facilitate social and economic benefits for the community and for the State of NSW; and</li> <li>• the development of the Site will assist in meeting Australia's and NSW's target of net zero emissions by 2050.</li> </ul>
<b>Objects of the EP&amp;A Act</b>	In this determination, the Commission has carefully considered the Objects of the EP&A Act and is satisfied that the Application is consistent with the Objects of the EP&A Act.
<b>Ecologically Sustainable Development</b>	The Commission finds that the Project is consistent with ESD principles and would achieve an acceptable balance between environmental, economic and social considerations.
<b>The Public Interest</b>	<p>The Commission has considered whether the grant of consent to the Application is in the public interest. In doing so, the Commission has weighed the predicted benefits of the Application against its predicted negative impacts.</p> <p>The Commission's consideration of the public interest has also been informed by its 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

41. 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 2011;
- 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**).
- ACT-NSW Memorandum of Understanding for Regional Collaboration

### 3.6 The Commission’s Meetings

42. As part of the determination process, the Commission met with various persons as set out in Table 2. All meeting and site inspection notes were made available on the Commission’s website.

*Table 2 – Commission’s Meetings*

Meeting	Date	Transcript/Notes Available on
Department	10 July 2024	12 July 2024
Applicant	10 July 2024	12 July 2024
Council	11 July 2024	12 July 2024
Site Inspection	17 July 2024	24 July 2024
Public Meeting	18 July 2024	22 July 2024
Department	27 August 2024	11 September 2024

## 4. Community Participation & Public Submissions

### 4.1 Public Meeting

43. The Commission conducted a Public Meeting on 18 July 2024. The Public Meeting was held in-person at the Murrumbateman Community Hall, with registered speakers presenting to the Commission Panel in-person or via telephone or video conference. 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, 27 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 in section 4.2.1 below.

## 4.2 Public Submissions

46. Section 4.2.1 of this report sets out the matters raised in the submissions made to, and considered by, the Commission. Consideration has been given to these submissions in the Commission's assessment of the Project as set out in the section 5 of this report. As part of the Commission's consideration of the Project, all persons were offered the opportunity to make written submissions to the Commission until 5pm AEST Wednesday 31 July 2024.
47. The Commission received a total of 153 written submissions on the Application, comprised of:
- 36 submissions in support;
  - 113 objections; and
  - 4 comments.
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 the matters can be satisfactorily addressed by the conditions of consent imposed by the Commission.

### 4.2.1 Key Issues Raised

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

#### *Energy transition*

50. Some submissions received by the Commission raised concerns with the reliability and cost effectiveness of renewable energy.
51. Several submissions in support noted the Project's contribution to the energy transition and several submissions in objection acknowledged the benefits of the transition to renewable energy but objected on other grounds.

#### *Visual impacts*

52. Adverse impacts to visual and rural landscape amenity were raised in objections to the Commission. Several submissions raised concerns with the visual impact from residences specifically in the ACT suburbs of Dunlop and MacGregor. Adverse impacts to rural views of the locality resulting from the Project were also raised. Some submissions raised concerns with the effectiveness of vegetation screening in mitigating impacts on visual amenity.

#### *Land use compatibility*

53. Submissions raised concerns with the Project directly impacting on land currently used for agricultural purposes and the potential for the Project to impact on the ongoing agricultural use of the surrounding land. Several submissions raised concerns with the Project's consistency with the Yass Valley Settlement Strategy. Many submissions raised concerns with impacts on the ACT being dealt with under NSW legislation, including reference to a 5km buffer zone to ACT where solar farms should not be located.

### *Traffic*

54. The Commission received submissions objecting to the Project which raised concerns with the proposed access routes, conflicts with school bus hours and increased traffic during the construction phase. Some submissions raised concerns with the condition of the local roads proposed to be used by heavy vehicles associated with the Project, and associated impacts, including road safety.

### *Decommissioning and Rehabilitation*

55. Several submissions raised concerns with decommissioning and rehabilitation, including timelines, responsibilities and funding provisions.

### *Biodiversity*

56. Submissions received by the Commission raised concerns with the Project's impacts on biodiversity. Some submissions raised concerns with the proximity of the Project to ACT nature reserves including Jarramlee Nature Reserve and ACT offset areas, as well as impacts on threatened flora and fauna and the loss of native vegetation.

### *Hazards and risks*

57. Submissions raised concerns with bush fire and fire risks associated with the Project, including the potential fire risk of batteries and the associated increase in risk of bush fire for the broader locality. Toxicity associated with a fire on the Site (i.e. fumes, chemicals etc.) and the capacity of NSW Rural Fire Service (**RFS**) and ACT RFS to respond and fight a potential bush fire were also raised.

### *Social impacts - community benefit, local economy and property values*

58. Some submissions raised concerns about negative impacts on local tourism and local agricultural businesses near the Site and the resulting loss of related economic activity.
59. Some submissions in support noted that the Project would provide community benefit through jobs, the availability of discounted electricity and monetary contributions to Yass Valley Council.
60. Some submissions were concerned that the Project would adversely impact on the value of surrounding land and properties.

### *Cumulative impacts*

61. Some submissions raised concerns with cumulative impacts associated with other projects within close proximity to the Site, including potential cumulative regional degradation.

### *Water and erosion and sediment control*

62. Submissions raised concerns with the potential for solar panels to leach chemicals and heavy metals into the environment, causing contamination of the land and waterways. Two submissions received from the ACT Government raised concerns with potential contamination of water runoff from fire extinguishing activities.
63. Several submissions raised concerns with increased water runoff, erosion, water quality and the availability of water resources.

### *Waste management*

64. Submissions raised concerns about waste generation and disposal relating to non-recyclable solar panels, battery waste and potential improper handling of waste leading to contamination.



### *Noise and dust*

65. Submissions raised concerns including noise impacts during the construction period and maintenance activities, as well as traffic noise. Some submissions also raised concerns with the impacts of dust on nearby residences, specifically during the construction phase.

### *Supply chain and logistics*

66. The Commission heard speakers at the Public Meeting and received submissions to the Commission raising concerns about the ethical sourcing of materials and the potential use of slavery in supply chains for solar project infrastructure.

## **5. Key Issues**

### **5.1 Energy Transition**

67. According to the Department's AR, the equivalent of approximately 40,000 homes would be powered by the Project's generating capacity of 100MW and the inclusion of the battery storage system would enable renewable energy to be stored for dispatch to the grid, increasing grid stability and energy security (AR para 50).
68. The Commission acknowledges both community support and opposition regarding the broader transition to renewable energy. The Commission is of the view the development of the Site for the purposes of solar energy generation would facilitate social and economic benefit for the local community and the State of NSW. The Commission notes that the Applicant has also committed to utilising the 'Localvolts' platform to provide discounted renewable energy opportunities to local residents within a 7km radius of the Site, including residents in the ACT.
69. 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. The Project is also consistent with the policy framework for renewable energy described above at section 3.2.1.

### **5.2 Visual Impacts**

70. The Applicant provided a Landscape and Visual Impact Assessment (**LVIA**) as part of their SSD application, and Additional Photomontages as part of their Amendment Report. The Department assessed the Project against the *Large-Scale Solar Energy Guideline* (2022) and accompanying *Technical Supplement – Landscape and Visual Impact Assessment* (AR para 74).
71. The closest non-associated residences within NSW are located within 500m of the development footprint (R3 and R5) and the closest non-associated residence within the ACT is located approximately 680m from the development footprint (R8) (AR para 78). The Project includes vegetation screening using fast-growing and native tree species along the majority of the development footprint boundary to reduce potential visual impacts on surrounding receivers.

72. 21 residential receptors were identified for detailed assessment, including five receptor locations representative of views from residential clusters within the ACT. Of the 21 receptors, four were identified as requiring photomontages for further detailed assessment of visual impacts (AR para 91). One receptor representing the viewpoints of approximately 23 dwellings along James Harrison Street in Dunlop, ACT would be exposed to a moderate visual impact pre-mitigation. Post-mitigation, this was reduced to a low visual impact. The remaining receptors were assessed as having low or very low visual impact pre-mitigation (AR para 92). A summary of the visual impact assessment for the 21 residential receptor locations is provided in Table 7 of the Department's AR.
73. 10 public receptor viewpoints were assessed, including three viewpoints along the Bicentennial National Trail, one from West Belconnen Pond, and from local playgrounds and roads (AR para 96). The three viewpoints along the Bicentennial National Trail were assessed as experiencing low visual impacts post-mitigation and the remaining public viewpoints were all assessed as experiencing low or very low impacts (AR para 97).

### *Commission's findings*

74. The Commission is satisfied with the Applicant's Visual Impact Assessment methodology (supplemented by the Additional Photomontages) and resulting visual impact ratings.
75. The Commission acknowledges the concern raised in submissions and at the Public Meeting regarding the visual impacts of the Project. The Commission also acknowledges the Project would be visible from surrounding residential receivers within NSW and the ACT. However, the Commission is of the view that both direct and cumulative visual impacts on all potentially affected residences are not significant and would be low, very low or nil for the following reasons:
- the separation distance between the development footprint and residential receivers;
  - the topography of the land and its ability to screen some views;
  - intervening vegetation on Site which is to be retained;
  - the proposed vegetation screening on Site; and
  - the performance criteria the Applicant must adhere to in establishing and maintaining vegetation screening.
76. The Commission considers the proposed vegetation screening to be important in mitigating the potential visual impact of the Project when viewed from surrounding receivers, public recreation areas and viewpoints. The Commission has therefore imposed condition B11 which requires the Applicant to establish and maintain a vegetation buffer. The landscaping must be planted within 9 months of commencement of construction and must be properly maintained for the life of the development. The Commission acknowledges that the vegetation buffer would not screen all views of the development, however the vegetation buffer would assist in reducing visual impacts, particularly as the vegetation matures. The Commission has also imposed a requirement for the Applicant to achieve denser vegetation screening to further mitigate impacts on visual amenity, in particular for views of the Site from Dunlop, ACT. This is illustrated in Figure 3 below and imposed through the Applicant's additional information provided 2 September 2024 forming part of the EIS documentation and the Conceptual Landscape Plan at Appendix 4 of the consent.
77. The Commission acknowledges the concerns raised by ACT EPSDD regarding the need for a vegetation buffer between the disturbance footprint and Jarramlee Nature Reserve. The Commission notes the Applicant has proposed a 10m buffer between the disturbance footprint and the Jarramlee Nature Reserve. The Commission is satisfied the Applicant has proposed sufficient vegetation screening to mitigate, as far as practicable, visual impacts on Jarramlee Nature Reserve.

- 78. The Commission recognises that the Project would result in a change to the local landscape. The Commission finds that the impacts of the Project on the character of the landscape are acceptable and can be suitably mitigated. The Commission considers the visual impacts on public viewpoints in NSW and ACT to be low, subject to the proposed mitigation measures. The Commission is of the view that after the cessation of operations, the Site is capable of being rehabilitated and returned to its pre-development condition and character.
- 79. To ensure visual impacts from ancillary infrastructure are minimised, the Commission has imposed condition B23(c) which states that the Applicant must ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape.
- 80. The Commission acknowledges that Project components have the potential to generate glare or reflection. The Commission notes the Applicant has proposed solar tracking controls to restrict panels operating at low angles (0° to 5°) between the hours of 5:30am and 8:30am to avoid potential glare impacts (AR para 103). The Commission agrees with the Department and is satisfied that with these operational controls, no receptors would be unacceptably impacted by glint or glare. The Commission has therefore imposed condition B23(a) which limits the operations of solar panel back tracking to the low angles referenced above. The Commission has also imposed condition B23(b) which requires the Applicant to minimise the off-site visual impacts of the development, including the potential for any glare or reflection.
- 81. The Commission has given consideration to the potential cumulative visual impacts from other renewable projects within the region. The Commission notes that the closest renewable project is Springdale Solar Farm, approximately 17km north east of the Site. The Commission agrees with the Department and is of the view that there would be no significant cumulative visual impacts due to distance, topography and intervening vegetation (AR para 95).

*Figure 3 - Photomontage from James Harrison St, Dunlop with planting at 10 years (Source: Applicant's additional information, dated 2 September 2024)*



## 5.3 Land Use Compatibility

### 5.3.1 Local and strategic planning

82. As set out in section 3.3.3 above, the Project is permissible within the RU1 Primary Production zone under the Transport and Infrastructure SEPP. The Commission agrees with the Department that the Project is generally consistent with the objectives of the RU1 zone under the YVLEP 2013 (AR para 51).
83. Council and community submissions raised concerns with the Project's consistency with the Yass Valley Settlement Strategy 2036. The Strategy includes a recommendation that land within 5km of the ACT/NSW border in Western Yass Valley (which includes the Site) should be maintained as productive rural land by restricting conflicting land uses and preventing encroachment of intensive residential development (AR para 53).
84. The Commission agrees with the Department and is of the view that the use of the Site for renewable energy development is consistent with the Yass Valley Settlement Strategy 2036. The Project would maintain agricultural use of the land through ongoing grazing of the Site, while limiting the potential for residential development or other conflicting land uses to occur, consistent with the recommendations of the Yass Settlement Strategy 2036.
85. Concerns were raised in verbal and written submissions regarding the application of NSW planning legislation to the regulation of potential impacts within the ACT, specifically referencing a 5km buffer where solar farms may not be permitted if Canberra were located within the state of NSW.
86. The Commission notes these submissions relate to the application of the Transport and Infrastructure SEPP, specifically section 2.42 which applies to development in a 'regional city' (as defined by the *State Environmental Planning Policy (Infrastructure) 2007 Regional Cities Map*) for the purposes of electricity generating works using solar or wind energy sources.
87. The Commission notes that the Site and surrounding land, including the neighbouring portion of the ACT, is not identified as a 'regional city' under this SEPP and section 2.42 does not apply to the development. Additionally, the Commission notes that section 2.42 of this SEPP does not prohibit solar or wind energy developments as suggested by several submissions, but rather requires the consent authority to be satisfied the development meets the requirements of section 2.42(2). Nonetheless, even if the standard under section 2.42 of the Transport and Infrastructure SEPP did apply, for the reasons set out in this report the Commission is satisfied that the Project has been located to avoid significant conflict with existing or approved residential or commercial uses of land surrounding the development and is unlikely to have a significant adverse impact on Canberra's capacity for growth or scenic quality and landscape character. In determining whether to grant consent, the Commission has also given consideration to the measures proposed to be included in the development to avoid or mitigate such conflicts or adverse impacts and has strengthened visual screening of the Project from the ACT as discussed above.

### 5.3.2 Potential loss of agricultural land

88. The Applicant's Soil and Land Assessment assessed soil capability and classified the Site as Class 4 and 5, which means the land has moderate and moderate-low capability (AR para 57 and 58). The Commission notes that there is no mapped BSAL or Strategic Agricultural Land present within or surrounding the Site (AR para 58).



89. The Commission agrees with the Department and finds that the siting of the Project has avoided higher productivity agricultural land, consistent with the *Large-Scale Solar Energy Guideline's* focus on avoiding BSAL and land capability classes 1, 2 and 3.
90. The Commission notes neither Council nor the NSW Department of Primary Industries and Regional Development - Agriculture and Biosecurity raised concerns that the Project would compromise the long-term use of the land for agricultural purposes, subject to the removal of Project infrastructure at decommissioning (AR para 62). The Commission supports that the Applicant has committed to continuing agricultural use of the Site during operations by continuing to graze stock where appropriate. The Commission is satisfied the Project would not affect the agricultural capability of the land and its existing agricultural capability can be fully reinstated at the end of the Project's life.
91. In relation to cumulative impacts, the Commission agrees with the Department that the Project combined with other approved and/or operating SSD solar farms within the South East and Tablelands region would result in a negligible reduction in the overall productivity in the region. For the reasons set out above, the Commission finds:
- the agricultural capability of the land would not be affected by the Project provided there is ongoing grazing use where practicable;
  - the land is capable of being returned to agricultural uses following decommissioning;
  - the Project would not fragment or alienate resource lands in the LGA; and
  - the Project represents an effective and compatible use of land within the region.
92. The Commission has imposed condition B12 which states the Applicant must maintain the agricultural land capability of the Site, including maintaining grazing within the development footprint, where practicable, over the life of the development.

### 5.3.3 Surrounding land use compatibility

93. The Applicant prepared a Land Use Conflict Risk Assessment to assess the potential impacts of the Project on land uses surrounding the Site. The assessment concluded the potential impacts on surrounding land uses including: agriculture; rural residential land use; regional growth areas; and transport - were manageable with the implementation of the proposed mitigation measures. These include: traffic management measures; landscape planting; 'solar grazing'; weed management; noise and dust mitigation; and rehabilitation and decommissioning of the development (AR para 67).
94. The Applicant considered the compatibility of the Project with the future urban release area of Ginninderry Estate located to the south-west of the Site. The Applicant concluded that the potential noise and visual impacts of the Project on Ginninderry, if developed would be acceptable (AR para 68).
95. The Commission agrees with the Department's assessment that the Project would be unlikely to generate any significant land use conflicts and would be compatible with existing and future land uses (AR para 70).

## 5.4 Traffic and Transport

96. Traffic accessing the Site would do so via the Barton Highway. Vehicles would then use Wallaroo Road, Gooroomon Ponds Road and Southwell Road to enter the northern boundary of the Site. Heavy vehicle transport during construction would be coming from Port Botany via the Hume Highway, Federal Highway and Barton Highway. Over size and/or over mass vehicles would use an alternative northern access route from the Hume Highway via Yass Valley Way and then the Barton Highway to avoid urban traffic in Canberra. The main increase in traffic volumes would occur during the expected construction period of 18 months, including up to 90 vehicle movements a day during peak construction (including 32 heavy vehicle movements). Approximately six over size and/or over mass vehicles would access the Site during construction (AR page 35).
97. The Commission is satisfied that the proposed transport route has sufficient capacity for the predicted traffic generation. The Commission finds that, subject to the imposed conditions of consent, the Project would not result in significant impacts to the road network capacity, efficiency or safety.
98. ACT EPSDD in its submission asked the Commission to consider changes to the Department's draft conditions of consent requiring the Applicant to undertake dilapidation surveys and, if required, repair and/or make good any damage to the Barton Highway and Wallaroo Road intersection. The Commission is of the view that the Applicant should repair and make good any development-related damage to this intersection and has imposed conditions to this effect as described below.
99. The Commission has imposed conditions which require the Applicant to:
- ensure that heavy vehicle movements do not exceed 32 per day (condition B1(a)(i));
  - setting a maximum of 6 heavy vehicles requiring escort during construction, upgrading and decommissioning (condition B1(a)(ii));
  - ensure all heavy vehicles travel to and from the Site via the identified access route or over size and/or over mass route (condition B3);
  - complete road upgrades required for Southwell Road and the Southwell Road/Gooroomon Ponds Road intersection (condition B5);
  - obtain and implement all relevant approvals including for any road or intersection upgrades required for over size and/or over mass vehicles (condition B6);
  - undertake dilapidation surveys to assess the condition of Wallaroo Road, Gooroomon Ponds Road and Southwell Road, between Barton Highway and the site access point (condition B7(a));
  - repair and/or make good any Project related damage to roads, including the Barton Highway and Wallaroo Road intersection (condition B7(c) and condition B8); and
  - prepare and implement a Traffic Management Plan in consultation with TfNSW, Yass Valley Council, and Transport Canberra and City Services (condition B10).
100. The Commission acknowledges the concerns raised in submissions regarding the potential traffic impacts of the Project and conflicts with school bus hours. The Commission has imposed a requirement as part of the Traffic Management Plan to implement measures to minimise the potential for conflict with school buses and other road users as far as practicable, including preventing queuing on the public road network and avoiding the transportation of material along the local bus routes when school buses are in operation in consultation with the local schools.

## 5.5 Decommissioning and Rehabilitation

101. The Commission notes the number of submissions that raised concern regarding the decommissioning and rehabilitation of the Project.

102. The Solar Energy Guideline identifies the following four key decommissioning and rehabilitation principles (page 31):
- the land on which a large-scale solar energy project and supporting infrastructure is developed must be returned to pre-existing use if the project is decommissioned;
  - if operations cease, infrastructure (including underground infrastructure) should be removed unless there is significant justification for retaining it;
  - land must be rehabilitated and restored to pre-existing use, including the pre-existing LSC class, if previously used for agricultural purposes; and
  - the owner or operator of a solar energy project should be responsible for decommissioning and rehabilitation, and this should be reflected in an agreement with the host landholder.

### *Commission's findings*

103. The Commission is satisfied that with the implementation of objective-based conditions and monitoring requirements, which are consistent with the key principles above – the Project is capable of being decommissioned and the Site appropriately rehabilitated.
104. Additionally, the Commission has imposed condition B39, which requires the Applicant to prepare a Decommissioning and Rehabilitation Plan within 3 years of the commencement of operation, reviewed at year 15 of the operation of the Project, as well as 2 years prior to the Project's decommissioning. A key reason for the early preparation and the periodic review of the Plan as required by condition B39, is to ensure that it has the most up to date information relating to recycling technology and waste management initiatives. It also enables the Plan to be updated to reflect any rehabilitation that might have occurred over the life of the Project. The Commission has additionally imposed condition B40 which sets specific rehabilitation objectives that the Applicant must meet within 18 months of the cessation of operations. This includes restoring land capability to the pre-existing land and soil condition.

## 5.6 Contamination

105. Concerns were raised in verbal and written submissions regarding the potential for solar panels to leach chemicals and heavy metals into the environment.
106. The Applicant advised in its meeting with the Commission that there is no cadmium in the proposed solar panels and that there is very little risk of contamination from broken panels. In its meeting with the Commission, the Department advised that to readily release contaminants into the environment, the solar panels would need to be ground to a fine dust, and therefore contamination of soil is not expected.
107. 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.*
108. The Commission also requested that the Department provide further information on contamination risks associated with solar panels. The Department's response dated 26 July 2024 included reference to the Guideline FAQ above and noted that the above was informed by advice from the Environment Protection Authority (**EPA**) and accordingly, the Department considers the risk of contamination arising from the Project to be low.

### *Commission's findings*

109. The Commission acknowledges concerns raised by the community in relation to potential contamination risks from damaged and/or degraded solar panels, however the Commission accepts the advice contained in the Guidelines FAQ. The Commission is satisfied, in the absence of any robust contrary evidence, that the risk of contamination from damaged and/or degraded solar panels is minimal.
110. Further, the Commission has imposed conditions of consent that require the preparation of a soil and water management plan (condition B31) and environmental management strategy (condition C1), which both require reporting, monitoring, and reviewing measures for the Project and its environmental performance. The Commission has also imposed condition B33 requiring the appropriate storage and handling of dangerous goods including chemicals, and condition B37 requiring the appropriate storage, handling and removal of waste. The Commission has also imposed condition B39 requiring a Decommissioning and Rehabilitation Plan and condition B40 to ensure rehabilitation in accordance with the specific rehabilitation objectives.

## **5.7 Other Issues**

### **5.7.1 Biodiversity**

111. The Site has been largely cleared of native vegetation for agricultural use and contains approximately 279.21ha of non-native vegetation and 89.46ha of native vegetation, the latter of which has been avoided by the Project. The Applicant updated its Biodiversity Development Assessment Report (**BDAR**) as part of the RTS, dated November 2023 to include the assumption of the presence of the Striped Legless Lizard. This update to the BDAR results in the generation of 167 species credits to be retired by the Applicant (AR Table 8).
112. The Commission is satisfied that the design of the Project appropriately avoids impacts to biodiversity values and subject to the conditions of consent imposed by the Commission, would not result in a significant impact on biodiversity, including no serious or irreversible impacts to biodiversity values.
113. The Commission has imposed condition B13, ensuring that the Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance area described in the EIS. The Commission has also imposed condition B14 which requires the Applicant to retire biodiversity credits for the Striped Legless Lizard in accordance with the *NSW Biodiversity Offsets Scheme*. The Applicant must also prepare and implement a Biodiversity Management Plan in consultation with BCS and the ACT Conservator of Flora and Fauna under condition B16 to ensure that appropriate management, mitigation and monitoring measures are in place to protect biodiversity values.

### **5.7.2 Hazards and risks**

114. The Commission received submissions raising concerns about the increased bush fire risk for the broader locality resulting from the Project, including fire risks posed by batteries. The Site is mapped as bushfire prone land, however the Applicant states that the Project would not present a substantial bushfire threat subject to implementing the proposed mitigation measures (AR Table 8):
- *adequate setbacks, access and firefighting facilities are maintained on site;*
  - *control of grass fuels including maintenance of groundcover beneath panels in addition to an area around the BESS and other ancillary infrastructure;*
  - *proper design and maintenance of equipment; and*
  - *application of best practice and technical standards.*

115. The Commission notes the Department, FRNSW and NSW RFS are satisfied the risks associated with the Project would be minimal. The Commission finds that bush fire risks associated with the Project can be suitably managed through the mitigation measures proposed by the Applicant, strict conditions of consent and plans of management.
116. The Commission has imposed condition B32 requiring the Applicant to prepare a Fire Safety Study prior to commencing construction of the battery storage and condition B34 setting out operating conditions to minimise fire risks. In response to the concerns raised by ACT EPSDD, the Commission has imposed a requirement for the Applicant to prepare the Fire Safety Study under condition B32 in consultation with ACT Fire and Rescue.
117. The Commission notes the concerns raised by the ACT EPA relating to risks associated with water runoff from fire extinguishing on Site. The Applicant must prepare the Fire Safety Study to be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline*. The Applicant must also prepare an Emergency Plan for the development, required by condition B35. A copy of this plan must be provided to FRNSW and ACT Fire and Rescue.
118. The Commission acknowledges the submissions received related to bush fire risk, including the capacity for fire services to respond to bush fires - however, the Commission notes that the Department, FRNSW and RFS are satisfied that the risks associated with the Project would be minimal.
119. The Commission also received submissions raising concerns regarding impacts from hazardous chemicals and heavy metals. The Commission is satisfied that all chemicals, fuels and oils used on Site can be handled appropriately in accordance with the requirement of relevant Australian Standards and the EPA's *Storing and Handling of Liquids* handbook as required by condition B33.

### 5.7.3 Heritage

120. As a result of a surface and subsurface testing program commissioned by the Applicant with representatives from six Registered Aboriginal Parties (**RAPs**), 18 previously unrecorded sites were identified, comprising 13 isolated finds and five artefact scatters of low to moderate archaeological value. The development footprint was subsequently refined to avoid impacts and buffers were created to preserve the culturally sensitive landscape adjacent to Ginninderra Creek, with the exception of two creek crossings (AR Table 8).
121. According to the Department's AR there are no items of non-indigenous heritage within or in close proximity to the Site and the Project would not cause an impact to any listed heritage item (AR Table 8).
122. The Commission finds that with an appropriate management framework, the Project would not significantly impact the Aboriginal heritage values of the locality or any listed heritage item. The Commission imposes condition B26, requiring the Applicant to ensure the development does not cause any direct or indirect impacts to Aboriginal heritage items. Condition B27 also requires the Applicant to prepare and implement a Heritage Management Plan in consultation with RAPs and reviewed by Heritage NSW.

### 5.7.4 Socio-economics

123. The Commission received submissions which raised concerns regarding the impacts of the Project on local tourism and agricultural economic activity. Other submitters were concerned about the potential impact on the value of surrounding land and properties. However, the Commission finds that the potential socioeconomic impacts will be outweighed by the benefits associated with the Project.



124. In addition to contributing to the energy transition, the Department's AR (Table 8) details how the Project would generate direct and indirect benefits to the local community including:
- *up to 200 construction workers would be required during the 6-month period;*
  - *expenditure on accommodation and business in the local economy by workers who would reside in the area;*
  - *the procurement of goods and services by the Applicant and associated contractors; and*
  - *the development and implementation of a Local Participation Plan in consultation with key local stakeholders would maximise the involvement of local businesses while also mitigating potential local impacts.*
125. The Applicant reached an in-principle agreement with Council to enter into a VPA consisting of a lump sum payment of \$150,000 upon commencement of the Project and an annual payment of \$55,000 during operation (AR Table 8). The Commission has imposed condition A15, ensuring the Applicant enters into a VPA with Council.
126. According to Destination NSW, potential impacts from the Project on visual amenity and visitor accommodations were areas of concern to the tourism industry. Destination NSW also acknowledged the Department's recommendation condition requiring the Applicant to prepare an Accommodation and Employment Strategy in consultation with Council. Destination Southern NSW requested that the Applicant consult with Destination NSW in preparing this Strategy. The Commission has therefore imposed condition B38 to require an Accommodation and Employment Strategy be prepared in consultation with Council and Destination Southern NSW.
127. The Commission notes that the Applicant has committed to utilising the 'Localvolts' platform to provide discounted renewable energy to local residents.
128. The Commission agrees with the Department that the assessment of individual property value impacts is not a relevant consideration for the Project.
129. Subject to the imposed conditions, the Commission is satisfied with the Project's capacity to provide an overall benefit to the community.

### 5.7.5 Cumulative impacts

130. The potential for cumulative impacts has been identified by submitters between the Project and other nearby solar farms, including Springdale Solar Farm, Yass Solar Farm, Gunning Solar Farm and Rye Park Solar Farm. The assessment of cumulative impacts conducted by the Applicant considered potential traffic impacts, noise impacts, visual impacts, biodiversity impacts, land compatibility, and pressure on accommodation, facilities, goods and services.
131. The Commission finds that with appropriate conditions of consent to reduce any potential cumulative impacts and the fact that the relative distance and staggered timelines of each of the projects limits potential cumulative construction related impacts, cumulative impacts can be minimised. The Commission therefore imposes conditions B10 and B38, requiring the Applicant to develop a Traffic Management Plan and an Accommodation and Employment Strategy, respectively, in consultation with Council to further reduce the risk of cumulative impacts.

### 5.7.6 Surface water, erosion and sediment control

132. The Department's AR identifies that the Project is located within the Murrumbidgee Catchment, with two second order streams and smaller tributaries running through the Site. The Commission acknowledges the submissions received relating to increased water runoff, erosion and impacts to surface water quality as a result of the development.

133. The Commission is satisfied that erosion and sediment risks can be effectively managed through the implementation of best practice management measures committed to by the Applicant. The Commission imposes condition B30, requiring the Applicant to minimise erosion and control sediment generation and ensure solar panels and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion or impacts to surface water in accordance with applicable guidelines.

#### 5.7.7 Water Supply

134. The Commission acknowledges concerns regarding the impact the Project could have on local water availability, as the Project would require up to 56 ML of water across the construction period. The Commission finds that there would be sufficient water supply throughout the construction and operational phases and notes that DPE Water (now the Water Group within NSW DCCEE) is satisfied that sufficient access to water supplies is available. The Commission imposes condition B28, which requires the Applicant to ensure it has sufficient water for all stages of the development, and to adjust the scale of the development to match the available water supply.

#### 5.7.8 Waste

135. The Commission received submissions relating to concerns about the proper disposal of waste, including during the construction phase. The Commission notes that the Applicant has already identified waste treatment facilities capable of treating the majority of waste streams produced by the development and imposes condition B37 requiring the Applicant to minimise, classify and ensure all waste from the Site is reused, recycled or sent to an appropriately licenced waste facility for disposal.

#### 5.7.9 Construction noise

136. Submissions were made to the Commission regarding noise impacts during construction and maintenance activities and the impacts of this noise on animals. The Department's AR states that noise generated during construction, upgrading and decommissioning activities is predicted to be below the 'highly noise affected' criterion of 75 dB(A) at all non-associated residential receivers. The Department also notes that the loudest construction activities would be during road upgrade works, which would potentially exceed construction noise management levels at ten non-associated residential receivers for a short period of 2-3 days (AR Table 8).
137. The Commission finds that subject to appropriate and best practice noise management methods and the development of a construction noise management plan committed to by the Applicant, noise impacts can be managed within relevant criteria. The Commission has imposed condition B20 which sets operational noise limits for the Project and requires the Applicant to minimise construction noise in accordance with the *Interim Construction Noise Guideline*. The Commission has also imposed condition B21 which requires the Applicant to provide a Noise Monitoring Report to demonstrate that noise monitoring has been carried out in accordance with the *Noise Policy for Industry*.

### 5.7.10 Dust

138. The Commission received some submissions which raised concerns regarding the impacts of dust on nearby residences, specifically during the construction period. However, the Commission is satisfied that dust generated during construction can be appropriately minimised and managed by the use of water trucks, additional stabilising techniques committed to by the Applicant, and the sealing of Southwell Road from the Gooromon Ponds Road intersection to the northern site access and approximately 2.5km of internal private existing roads. The Commission imposes condition B22 requiring the Applicant to minimise dust generated by the development.

### 5.7.11 Supply chain and logistics

139. 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 requirements of the *Modern Slavery Act 2018* (Cth) and the *Modern Slavery Act 2018* (NSW) may apply.
140. The Commission is satisfied with the 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.

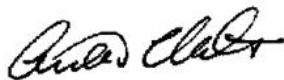
### 5.7.12 All other issues

141. The Commission agrees with the Department's assessment of all other issues (subdivision; flooding; groundwater; fish habitat; operational noise; traffic noise; and accommodation and workforce) at section 5.4 of the Department's AR. Subject to the imposed conditions relevant to each of these issues, the Commission is satisfied that the Project's impacts are minor and capable of being appropriately monitored and managed.

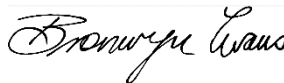
## 6. The Commission's Findings and Determination

142. The views of the community were expressed through public submissions and comments received (as part of exhibition and as part of the Commission's determination process), as well as in oral presentations to the Commission at the Public Meeting. The Commission carefully considered all of these views as part of making its decision.
143. The Commission has carefully considered the Material before it as set out in section 3.1 of this report. Based on its consideration of the Material, the Commission finds that the Project should be approved subject to conditions of consent for the following reasons:
- the Project is consistent with the existing strategic planning and energy framework as it will deliver a renewable energy development which will increase the share of renewables within the electricity grid;
  - the use of the Site for renewable energy development is consistent with the relevant EPIs, including the Planning Systems SEPP and YVLEP 2013;
  - the selected Site is suitable for renewable energy development given its topography, solar resources, existing land capability class, avoidance of major environmental constraints, and access to the regional road network as well as the existing electrical transmission network;
  - the Project represents an effective and compatible use of the land;

- the risk of contamination from damaged or degraded solar panels – both for the Project and solar farms more generally – has been found, and is likely in this case, to be minimal;
  - there is unlikely to be a serious and irreversible impact on biodiversity present in the area;
  - impacts on visual amenity and landscape character would be low and will be mitigated by separation distance, topography, retained vegetation and proposed vegetation screening;
  - there is likely to be sufficient workforce accommodation for the Project;
  - the Project will generate direct and indirect benefits to the local community, including through the proposed VPA and other initiatives;
  - the Project would not result in significant impacts on water resources;
  - erosion and sedimentation risk associated with the Project can be effectively managed;
  - bush fire and other fire risks can be suitably controlled through the implementation of standard fire management procedures and recommendations;
  - the Project would not significantly impact the Aboriginal or historic heritage values of the locality;
  - with the implementation of objective-based conditions and monitoring requirements and the preparation of a Decommissioning and Rehabilitation Plan, the Project is capable of being decommissioned and the Site appropriately rehabilitated;
  - the Project is consistent with the ESD principles and would achieve an acceptable balance between environmental, economic and social considerations;
  - the Project is in accordance with the Objects of the EP&A Act; and
  - the Project is in the public interest.
144. For the reasons set out in paragraph 143 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 impacts;
  - set standards and performance measures for acceptable environmental performance
  - require regular monitoring and reporting; and
  - provide for the on-going environmental management of the development.
145. The reasons for the Decision are given in the Statement of Reasons for Decision dated 11 September 2024.



Mr Andrew Mills (Chair)  
Chair of the Commission



Dr Bronwyn Evans AM  
Member of the Commission



Mr Richard Pearson  
Member of the Commission



**New South Wales Government**  
Independent Planning Commission

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