



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Tuesday, 5 October 2021 2:21:46 PM  
**Attachments:** [renewable-energy-and-regional-cities-submission-by-kevin-boole-oct-2021.doc](#)

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Submitted on Tue, 05/10/2021 - 14:13

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

**Name**

**First name**

Kevin

**Last name**

Boole

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted]

**Suburb/Town & Postcode**

Mount Rankin

**Submission file**

[renewable-energy-and-regional-cities-submission-by-kevin-boole-oct-2021.doc](#)

**Submission**

I fully support the proposed changes. see attached document

**I agree to the above statement**

Yes

Proposed Infrastructure SEPP Amendments:  
Renewable Energy and Regional Cities

Dear Mr Riley

I wish to express my agreement with the proposed changes to the rules for where renewable energy projects can be allowed to be built.

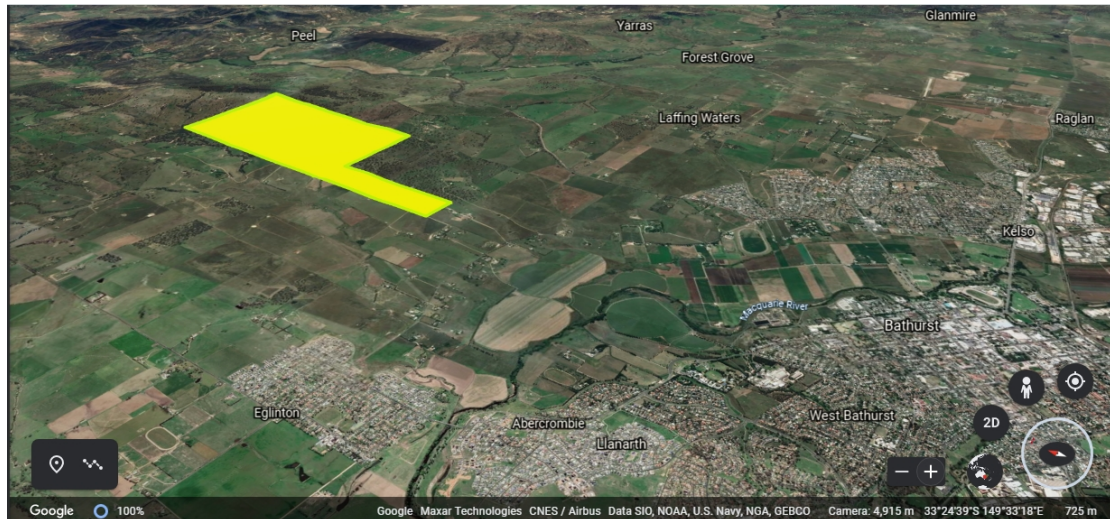
These proposed new rules would hopefully ensure that any Renewable Energy project is built in its correct place.

Regional cities are very important to the development of New South Wales. The visual attractions to residents and potential residents should not be compromised by poorly positioned Renewable Energy projects.

My support for these proposed changes is because of a currently planned Solar Farm (**Planning Application Number** SSD-8994273) 7km north of Bathurst and 3km from the expanding residential suburb of Eglinton. Is a site that is visible from a large number of residences throughout the Bathurst Region.

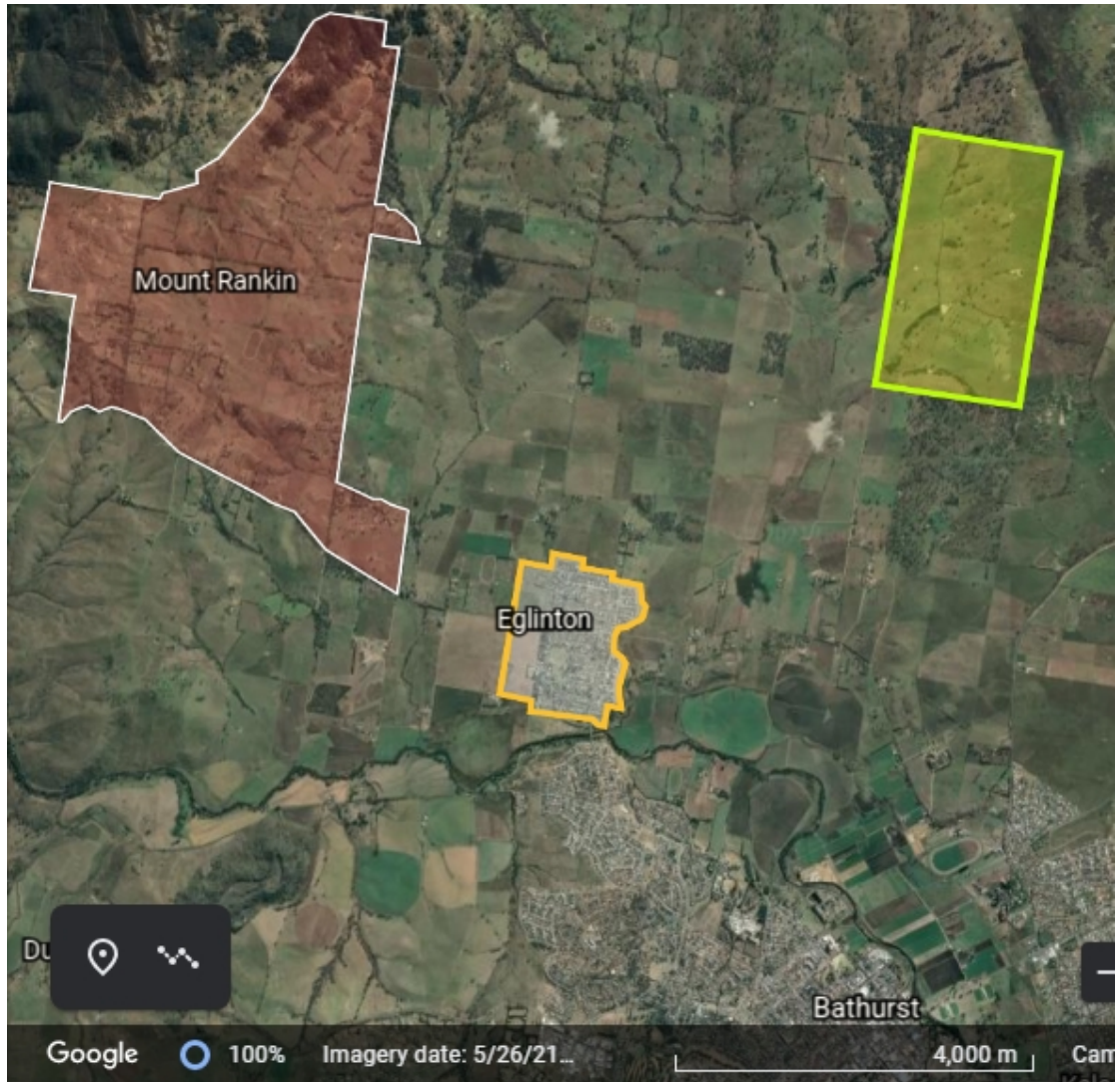
The limiting of any significant impact on the scenic quality and landscape of the regional city and its surrounds would play a most important part in ensuring the retention the scenic qualities that the Bathurst Basin and surrounding vistas possess.





The planned development site shown in yellow covers 5 sq km and is situated upon sloping prime farming land rising from 700 to 810 metres in elevation. This planned site allows the development to be visible from many residences to the North West, West, South West and the City itself to the South

I live nearby in a R5 zoned large lot residential area at Mount Rankin 6 km directly west of the planned site. This council designed R5 zoned area covers approximately 13 sq km. Residents enjoy its sweeping elevated easterly views across the Bathurst Basin and onwards towards the Great Dividing Range and look down upon and over the planned development site. (Shown below in yellow tint)



The solar development would have a great impact on the views Mount Rankin and many other residents of Bathurst and district currently enjoy. Also the high probability of reflection and solar glare as the solar arrays track the sun from east to west. Especially I believe, as our residential area is directly west of the proposed development.

Yours Sincerely

Kevin Boole  
Mount Rankin NSW 2795



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Wednesday, 6 October 2021 12:02:31 PM  
**Attachments:** [gmc-submission -renewable-energy-and-regional-cities-eie\\_final.pdf](#)

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Submitted on Wed, 06/10/2021 - 11:59

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

**Name**

**First name**

Kate

**Last name**

Wool

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

Goulburn

**Submission file**

[gmc-submission -renewable-energy-and-regional-cities-eie\\_final.pdf](#)

**Submission**

Refer to uploaded document.

**I agree to the above statement**

Yes



## Public Exhibition for the Explanation of Intended Effect – Renewable Energy and Regional Cities

Your Name	Kate Wooll, Business Manager Strategic Planning
Your Organisation	Goulburn Mulwaree Council
Postcode	2580
Phone	02 4823 4444
Email	kate.wooll@goulburn.nsw.gov.au
Stakeholder group	<input type="checkbox"/> Industry <input checked="" type="checkbox"/> Council <input type="checkbox"/> Aboriginal Community <input type="checkbox"/> Community <input type="checkbox"/> State Agency

**Submission** Uploaded to Planning Portal on 6 October, 2021

### Explanation of Intended Effect (EIE)

Goulburn Mulwaree Council considered a report on the *Draft EIE - Renewable Energy and Regional Cities*, at its meeting of 5 October, 2021 and resolved to request the inclusion of Goulburn as a regional city to which the draft provisions would apply.

The following is a consideration of the strategic justification in the Draft EIE and the consideration of this criteria against land use considerations for Goulburn.

#### Strategic Justification

The strategic justification in the draft EIE states that the increasing number of utility-scale solar and wind energy projects required to support the transition to renewable energy has the potential to create new or exacerbate existing land use conflicts.

Although many of these projects will be located in the NSW Government's renewable energy zones, there will continue to be a need for development outside these areas to support a transition to renewable energy.

Utility-scale solar farms and wind farms can have significant visual impacts and can contrast with the natural environments in which they are situated. This can alter the character, scenic quality, and people's enjoyment of the landscape.

These projects are often proposed in particular locations because of proximity to substations and transmission infrastructure, which are commonly located close to existing populated areas. Particularly in the case of solar, these developments can also occupy large areas which can preclude the use of land for any other purpose for several decades.

The Department's Regional Plans identify regional cities that are strategically important to the ongoing growth and development of regional NSW. It is important to invest in these areas given their importance as major centres for housing, education and other regional infrastructure and services.

### General Comment

Regional cities are the key population and employment centres for regional NSW and are the primary location for retail, education, health and other infrastructure and services including hospitals. Strong growth is predicted in regional cities as a result of these attributes.

A large portion of these cities, including Albury, Armidale, Bathurst, Dubbo, Griffith, Orange, Tamworth and Wagga Wagga are bounded by rural land uses, near transmission assets, and have relatively high solar and wind resource potential.

Consequently, these regional cities are at risk of encroaching renewable energy development which is currently permissible with consent on rural zoned land under the Infrastructure SEPP and requires a connection to the transmission network.

### **Exclusion of Goulburn Mulwaree Local Government Area**

Currently the draft EIE excludes Goulburn as a regional city which will be subject to the proposed area specific amendments to the Infrastructure SEPP.

Using the above strategic criteria it could be argued that Goulburn should be considered for inclusion given that it is a regional centre (being the primary location for education, housing and health for a large region including the majority of the Upper Lachlan LGA, some of the northern region of the Queanbeyan-Palerang LGA and the southern section of Wingecarribee LGA). It is experiencing strong growth and is surrounded by a rural zoning most of which (within 8kms in each direction from the B3 Commercial Core Zone in the CBD) is earmarked for urban residential or rural residential expansion in the Goulburn Mulwaree *Urban and Fringe Housing Strategy*. Clearly the location of any major wind or solar utility would be of potential concern within 10km of the Goulburn CBD.

### **Why include Goulburn?**

The location of Goulburn in relation to major infrastructure and cities makes it a potential location for utility scale renewable energy projects as discussed below:

- Sydney Canberra Corridor

Goulburn is located between Sydney and Canberra, being two of the major cities in Australia with Sydney being the largest electricity market.

- Proximity to Major Infrastructure

Goulburn is located on the Hume Highway and Main Southern Railway Line. Major energy infrastructure is also located in proximity to Goulburn including two high pressure gas pipelines, highland source (water pipeline) and a major TransGrid electrical transmission line (330 kV) easement which runs through the south of Goulburn (between Yass and Marulan). This easement links to Bannaby and will also be upgraded with the Snowy Hydro 2.0 project.

- South East Tablelands Regional Plan (SETRP)

Direction 6 of the South East Tablelands Regional Plan is: Position the regional as a hub of renewable energy excellence. The SETRP includes the following relevant actions:

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6	<b>Direction 6: Position the region as a hub of renewable energy excellence</b>				
	Action	Initiative or Strategy	Governance		
			Responsibility <sup>1</sup>	Partner <sup>2</sup>	Timing <sup>3</sup>
6.1	Identify opportunities for renewable energy industries.	Strategy	DRG	OEI, DPE	Ongoing
6.2	Develop analytical tools to map large-scale renewable energy potential.	Initiative	DRG	Council	Medium Term
6.3	Encourage the co-location of renewable energy projects to maximise infrastructure, including corridors with access to the electricity network.	Strategy	Council	DPE, DRG	Ongoing
6.4	Promote best practice community engagement and maximise community benefits from renewable energy projects.	Strategy	Council, DPE	DRG	Ongoing
6.5	Promote appropriate smaller-scale renewable energy projects using bioenergy, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.	Strategy	Council	DRG, OEI	Ongoing

Given the above regional direction the inclusion of Goulburn would align the South East Tablelands Regional Plan with the proposed changes to the Infrastructure SEPP.

The plan also maps Goulburn Mulwaree as being within a topographic locality suitable for wind farming as per the South East Tablelands Regional Plan map extract below:



Map 1: Extract South East Tablelands Regional Plan 2036 Map

- Urban and Fringe Housing Strategy

Council's *Urban and Fringe Housing Strategy* as endorsed by the NSW Department of Planning, Industry and Environment (DPIE) has identified areas for future urban growth



surrounding Goulburn and primarily in land within the RU6 Transition Zone surrounding Goulburn. Given the RU6 zoning and current Infrastructure SEPP provisions, development of a utility scale wind or solar farm in proximity to these areas (or within identified opportunity areas) could significantly impact Council's planning and the appropriate roll out of local infrastructure services. Goulburn Mulwaree has a relatively centralised development pattern and this should be considered as a factor for the inclusion of Goulburn into the specific locations identified in the Explanation of Intended Effect.

- State Significant Development (Energy Related)

There have been a number of State Significant Development approvals or proposals for the Goulburn Mulwaree LGA partly due to its suitability for wind/solar projects and due to its proximity to the major TransGrid easement including:

- Bannaby gas Fired Power Station
- Big Hill/ Marulan Gas-Fired Power Station
- Capital Wind Farm
- Carrick Solar Farm
- Hanging Rock Gas Fired Power Station
- Jupiter Wind Farm
- Parkesbourne Solar Farm
- Woodlawn Wind Farm

The above list of SSD projects is clearly reflective of Goulburn Mulwaree's suitability for wind and solar renewable energy projects given its proximity to the main electrical transmission easement, Hume Highway and between Canberra and Sydney.

## **Conclusion**

In conclusion, it is requested that DPIE include Goulburn as a regional city for the application of the additional clause provisions for the assessment of renewable energy utility scale projects.

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**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Thursday, 7 October 2021 11:00:13 AM

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Submitted on Thu, 07/10/2021 - 10:59

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

**Name**

**First name**

Wendy

**Last name**

Goodburn

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

GOULBURN

**Submission**

Please find attached a letter in response to the Energy Infrastructure EIE.

Cheers

Wendy Goodburn

**I agree to the above statement**

Yes

OUT21/14505

Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Dear Mr Riley

**Explanation of Intended Effects (EIE) for the Proposed Infrastructure SEPP  
Amendments for Renewable Energy and Regional Cities**

Thank you for your email dated 13 September 2021 inviting NSW Department of Primary Industries (NSW DPI) to provide comments on the Explanation of Intended Effects (EIE) for the proposed amendments to State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) for Renewable Energy and Regional Cities.

The NSW Department of Primary Industries (NSW DPI) Agriculture is committed to the protection and growth of agricultural industries, and the land and resources upon which these industries depend.

It is understood that the Department of Planning, Industry and Environment (DPIE) has exhibited the Explanation of Intended Effects for the Infrastructure SEPP Amendments for Renewable Energy and Regional Cities to manage the emerging land use conflicts associated with utility-scale solar and wind energy developments near regional growth centres. Those developments form part of the NSW Government's Electricity Infrastructure Roadmap to deliver energy generation infrastructure within Renewable Energy Zones (REZ) which will expand transmission and generation capabilities in strategic areas across NSW.

The need to undertake strategic planning to provide certainty for the growth of regional cities and supporting energy generating infrastructure to meet the NSW Governments Electricity Infrastructure Roadmap is understood. However, the concentration of energy infrastructure in locations 10k from business zoned land or 5km from residential zoned land in nominated regional cities will have significant impacts on agricultural resources. They include:

- Impacts on the Murrumbidgee Irrigation Area (MIA)

Any energy generating infrastructure potentially located beyond the 10kms from business zones and 5kms from residential zones as proposed, would impact on agricultural land in the MIA. Land within the vicinity of Griffith would be impacted. Using a land and water resource that is highly suited to agricultural production for energy infrastructure is not good planning practice. Solar developments have already been constructed within the MIA and resulted in the loss of high-quality agricultural resources and the loss of infrastructure (irrigation) that has been purpose-built for agricultural production. Energy infrastructure should be located on non-MIA land.

- High quality soil resources in NSW

Land with the best combination of soil, climate, topography and water for agricultural production is a limited resource in New South Wales and should be retained for agricultural production to provide food and fibre for the growing cities and regional population in NSW and beyond in accordance with NSW DPI's [Maintaining Land for](#)

[Agricultural Industries policy, 2011](#). Land classified as Biophysical Strategic Agricultural Land (BSAL) and class 1 to 3 land on the NSW Land and Soil Capability maps is high quality agricultural land and should be retained for agricultural production. Land that has high quality agricultural resources in areas beyond 10kms from a business zone and beyond 5kms from a residential zone surrounding Bathurst, Dubbo, Orange and Wagga should be excluded from energy infrastructure. Good planning practice would ensure that energy infrastructure developments are located on land that is not highly productive agricultural land.

- Cumulative impacts from infrastructure

Energy generating infrastructure in addition to all other forms of infrastructure (rail, roads, transmission lines etc) has a cumulative impact on agricultural land resources, particularly where soils are high quality and they have access to water from irrigation infrastructure (as above). Considered in isolation, energy generating infrastructure may seemingly have a small impact. However, when combined with other infrastructure including road, rail, waste management and water treatment etc, large tracts of high-quality agricultural land and land with purpose-built agricultural infrastructure for agricultural production could be lost. Any consideration of future energy development in the renewable energy zones should include a strategic consideration of the cumulative effects of all infrastructure development on agricultural land, regardless of the quality.

As described above, given the potential for utility scale solar and wind energy developments to impact on agricultural land and resources, DPI Agriculture requests that the proposed amendments to the Infrastructure SEPP include a requirement to consider the impact that such development may have on agricultural land and resources. Such a consideration should:

- apply to utility scale solar and wind energy developments located more than 10km from a business zone or 5km from a residential zone around the nominated regional cities;
- require the consent authority to consider the impact that the energy generating development will have on agricultural production in the vicinity of the proposed development; and
- require the consent authority to consider the potential for the proposed energy generating development to increase land use conflict with agricultural land uses in the area.

The inclusion of such a consideration would ensure that encouraging utility scale energy generating developments in locations which do not impact on the urban areas of regional cities also do not adversely impact on agricultural industries which have a key role in the economies that support the regional cities.

Should you require clarification on any of the information contained in this response, please contact Wendy Goodburn, Agricultural Land Use Planning Officer on 0402 069 605 or by email at [landuse.ag@dpi.nsw.gov.au](mailto:landuse.ag@dpi.nsw.gov.au)

Yours sincerely



7 October 2021

**Paul Garnett**

**Acting Manager, Agricultural Land Use Planning**



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Friday, 8 October 2021 12:48:15 PM  
**Attachments:** [envisage-submission-infrastructure-sepp.pdf](#)

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Submitted on Fri, 08/10/2021 - 12:47

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

**Name**

**First name**

Stacey

**Last name**

Brodbeck

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

2281

**Submission file**

[envisage-submission-infrastructure-sepp.pdf](#)

**Submission**

Uploaded

**I agree to the above statement**

Yes



08 October 2021

## SUBMISSION LETTER - Proposed Infrastructure SEPP amendments: Renewable Energy and Regional Cities

Envisage Consulting support the proposed amendments, particularly the objectives relating to protecting visual elements and landscape features', **which** is the area of expertise in which we work.

We support the draft statements that:

- *'character is important to the identity of the communities'*
- *'It is therefore important to preserve any significant landscape qualities, values and features identified by the community', particularly on the entrance to regional cities, to preserve their local and visual characteristics in the face of increasing growth and development'*
- and notably that *'Solar and wind energy development can have significant visual impacts and the proposed amendments will ensure that any impact on the scenic quality, visual character and setting of regional cities is considered in the assessment process. While it is possible to mitigate visual impacts from these developments, particularly from residential receivers, it can be difficult to mitigate impacts on broader landscape values and viewsheds, including the approach to regional cities'.*

However, we suggest the following to strengthen the policy:

1. That it also apply to smaller towns or areas recognised for scenic landscape and/or cultural heritage values.
2. That appropriate strategic studies are undertaken to identify which areas and elements are important to a town's setting and the main approaches (including places that may be more than 5km away and yet still visible).
3. That strategic studies are undertaken early so that appropriate decisions can be made before there is development pressure.
4. That clear guidelines are provided regarding mitigation measures to reduce landscape and visual impacts (such as appropriate setbacks on main roads, avoiding highly visible (prominent) areas, colouring of components to minimise visual contrast and ensuring adequate visual buffers and landscape screening).

5. That the cumulative impact of landscape and visual change resulting from renewable energy facilities be assessed within:
  - a. the zone of theoretical visibility (ZTV), to determine impact to individual viewpoints
  - b. the Local Government Area (LGA), to determine the impact to residents across the LGA (with large scale ZTV analyses it is possible to determine the percentage of land area from which renewable energy would be visible)
  - c. the region, to determine region-wide landscape character impact.
6. That a standard methodology for Landscape Character and Visual Impact Assessment be adopted by DPIE, similar to/or the *Guidance Note for Landscape and Visual Assessment*, Australian Institute of Landscape Architects, June 2018). Standard requirements should also be included for technically accurate photomontages similar to that specified by the NSW Land and Environment Court (<https://www.lec.nsw.gov.au/lec/practice-and-procedure/policies.html>) to ensure DPIE and the public can be confident that any such images depict an accurate representation.

This would result in a more robust assessment system and be a strong advantage to DPIE in having greater control over the quality of assessments. It would also be easier for DPIE assessors and other readers to understand the assessment process, as the methodology would become standardised and allow for better comparison across projects.

Thank you for this opportunity to comment. We welcome the opportunity to discuss any aspect of our submission.

Regards

Stacey Brodbeck, Director

and Alison Dodds, Principal



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Friday, 8 October 2021 1:58:10 PM  
**Attachments:** [isepp-amendments-ltr-jw.docx](#)

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Submitted on Fri, 08/10/2021 - 13:56

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

**Name**

**First name**

John

**Last name**

Wade

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

Eglington NSW 2795

**Submission file**

[isepp-amendments-ltr-jw.docx](#)

**Submission**

Renewal Energy and Regional Cities

**I agree to the above statement**

Yes

**Alloway Bank**  
**346 Eleven Mile Drive**  
**EGLINTON NSW 2795**  
[allowaybank@optusnet.com.au](mailto:allowaybank@optusnet.com.au)  
0400 674 466  
8 Oct 2021

Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Dear Mr Riley,

**Proposed Infrastructure SEPP Amendments: Renewable Energy & Regional Cities (Sept 2021).**

I welcome the SEPP amendments being considered in relation to Renewable Energy & Regional Cities, and urge their adoption as soon as possible.

Renewable Energy Projects currently have few constraints. They can basically be placed anywhere, usually where old transmission infrastructure can be utilised cheaply by the developer, with no regard to other considerations such as public good.

Almost everyone supports the use of renewable energy. This has created a lazy response from governments to assessing the merits of where Electricity Generating Works are built and how big they are. Most supporters, especially those in the metropolis, are unthinking in their support for renewable energy. Few people would ever have seen the industrial scale of what have been till now described euphemistically as 'solar farms', but which now quite properly will be termed *Electricity Generating Works*.

These Electricity Generating Works projects are intrusive, ugly, often in conflict with the land uses, and should be subject to stringent strategic planning considerations, including

- their proximity to residential areas, which should not only take into account physical distance as proposed, but also their *visibility* from populated areas and their impact on the landscape. No-one wants to look at an Electricity Generating Works, so this should be an important consideration.
- the alienation of productive *agricultural land*, when inferior quality land (such as old coal-powered generation sites which already have access to transmission lines) is more appropriate
- the destruction of *visual amenity and of natural or cultural landscapes*
- restrictions on future *development for other purposes*, especially in proximity to regional towns or cities which are becoming more and more attractive as places to live and work.

Generally, rooftop solar generating systems on houses, factories or other buildings would be more efficient, less disruptive and do not require new transmission systems.

Industrial scale solar Electricity Generating Works are often presented misleadingly with a few sheep under the panels, pretending to be agriculture friendly. Instead, they are crudely designed, a blight

on the landscape, and if damaged by storm or tornado activity or at the end of their life, create a massive problem of disposal.

Though they are touted as major employment opportunities, most of their initial construction is achieved using unskilled backpackers, while a miniscule number of ongoing regional jobs are created by these low-maintenance projects.

The Government needs to implement these amendments urgently before any more inappropriately sited industrial solar, wind or pumped hydro Electricity Generating Works are submitted, particularly those outside the designated Renewal Energy Zones.

The NSW Government has been slow to realise the problem of locating Electricity Generating Works randomly across the landscape, as though it was a blank canvas and the site did not matter apart from the convenience of nearby transmission lines. It is essential however that the Government also keeps under review and amends its planning policies *'to address emerging land use conflicts, including visual impacts and compatibility with agricultural land'*.

This applies equally to developments in localities which are not close to the six regional cities, including all forms of Electricity Generating Works such as pumped hydro. These too can have a devastating effect on our rivers, ecology and landscape and should be regulated more stringently.

Yours sincerely

John Wade

Cc. Paul Toole MP, Deputy Premier and Member for Bathurst



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**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Attachments:** rob-stokes-4.10.2021-(23055].docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Submitted on Sun, 10/10/2021 - 08:48

Submitted by: Anonymous

Submitted values are:

**Submission Type**  
I am making a personal submission

## Name

**First name**  
Renee

**Last name**  
Hinkley

**I would like my submission to remain confidential**  
No

## Info

**Email**  
[REDACTED]

**Suburb/Town & Postcode**  
Kiama Heights

**Submission file**  
[rob-stokes-4.10.2021-\(23055\].docx](#)

**Submission**  
all existing and future development applications must be subjected to the proposed amendments of SEPP

I have read Peter Hennessy SC's letter to Mr Robert Stokes dated 4.10.21.  
I enclose a copy.

In summary your Government's proposal's document, rightly aims to protect our Regional Cities and their stated qualities. It is entirely appropriate, and I suggest far more certain, and better for peoples' health and wellbeing, if your Government legislates to achieve what it says it wants to achieve.

1 I welcome any amendment that places greater emphasis upon the matters your Government has set out in the EIE.

2 I suggest however the proposed amendments would be more likely to achieve your Government's goals if your Government—

a) Prohibits Proposals within the distances of 10kms and 5kms you have fixed upon.

Allows a Proponent however, to apply for leave to lodge a proposal in 'special or exceptional' circumstances, such as the Regional Council, the impacted Community and a Proponent, all agreeing.

And

b) In respect of all proposals outside the distances of 10kms and 5kms that your Government has nominated, the Consent Authority ought to be required to have regard to all of those matters you have specifically listed in your EIE, in pages 7 and 8.

Thank you for this opportunity to reply Renee

**I agree to the above statement**

Yes

Peter and Denise Hennessy  
"Adelong Park"  
457 Brewongle Lane  
Glanmire NSW 2795

Mob 0414375565

04 October 2021

The Hon Robert Stokes MP  
Minister for Planning and Public Spaces  
GPO Box 5341  
Sydney NSW 2001

By email: [Pittwater@parliament.nsw.gov.au](mailto:Pittwater@parliament.nsw.gov.au)

Dear Sir,

Re: Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities –  
September 2021

## **Introduction**

- 1- I am a member of "Glanmire Action Group". Our group was formed some months ago to oppose a solar proposal by Elgin Energy Pty Ltd at Glanmire.

In 2017, I was a member of "Brewongle Action Group" formed to oppose a solar proposal by Photon. The Group recently dispersed when Photon withdrew, but more recently the Group reformed due to a further solar proposal on the same site, but by an alternative proponent, "First Solar". All proposals are on 500 acres of Cultivation land. Glanmire is within 5kms of residential land. Brewongle is just outside, I understand, 5kms of residential land.

- 2- I am writing to you because our Local State MP The Honourable Paul Toole suggested in July 2021 that I write to you, and I did so by email dated 16<sup>th</sup> July. I refer you to my email. Thereafter I was contacted by a Mr Clay Preshaw, Executive Director, Energy Resources and Industry Assessments, and had a most helpful and informative discussion with him.
- 3- More recently, The Honourable Philip Donato MP for Orange, gave you credit. He confirmed your willingness for listening and exercising good judgement.

4-I now reside at my rural property located as above. My property is a few kms away from the proposed Glanmire and Brewongle sites. I am however intensely interested in Bathurst, the community and the land. I have been involved in these solar issues to assist the local community/neighbours.

5-I have read with interest the Department's "Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities" document "Explanation of Intended Effect" "EIE" September 2021.

6- I appreciate the expressed justification for the proposed amendments. Your Government expressly –

- A) Identifies the need to avoid conflict between existing and potential future regional uses on the one hand, and renewables on the other, and identifies the requirement of buffers to separate those two incompatibles.

In the case of Bathurst, we have "Bathurst Regional Environmental Plan 2014".

- B) Acknowledges the importance of preserving land on the outskirts of regional cities from potentially incompatible development
- C) Acknowledges renewables can have significant visual impacts and can contrast with the natural environments ... and can "alter the character, scenic quality and people's enjoyment of the landscape".

and

- D) Acknowledges that flexibility exists for the location of renewables;

and so purports to afford additional protection in the planning process, to land within 10km of the commercial centre, and 5km from residential land, by ensuring, by amendments to the Infrastructure SEPP, that the Consent Authorities consider such matters. (See pages 7 and 8)

The motivation for the proposed amendments, as already observed, is the protection of the qualities of our Regional Cities.

Another worthy motivation, is the protection of our, 'Cultivation', quality land, but this, it seems, must wait for another day.

## **7- The Issues**

- A) I welcome any amendment that places greater emphasis upon the matters your government has set out in the EIE.

In reality, the amendments territorially, though significant, are modest indeed. In fact the 10km distance has minimal relevance, whereas the 5km distance, does do some work.

- B) The fact is that the matters for consideration broadly outlined in Section 4.15 of the EP&A Act and touched upon in the four bullet points on page 4 of the EIE, well and truly cover the more specific matters outlined on page 7 of the EIE.

Yet the combination of the Planning Authority with its charter; prospective proponents often foreign to regions, the community, and indeed often from another country, and motivated by money; and communities that have historically had the protection of their regional plans – has resulted in huge adverse health and other community impacts.

- C) Unless there is a clear distinction between the treatment of proposals within the 10km and 5km distances, compared with proposals outside those distances, there is a risk the “Acts Interpretation Act,” in particular the principle “The expression of one thing excludes others”, might result in those more specific matters detailed for consideration within the 10km and 5km distances, being regarded as irrelevant to proposals outside those distances.
- D) Further your Government is, I suggest asking a lot of prospective proponents. If, indeed your Government’s ask is not heeded then your Consent Authority is likely to be as busy as ever, giving due process to applications that your own Government identifies as being territorially mislocated, and perhaps more importantly your Government’s Regional communities are likely to have to live with the misguided intrusion and to be as adversely impacted as ever.

The opportunity your Government now has to truly protect as least some regional communities will have been lost.

- E) There seems to me, to be no limit to the lengths prospective proponents will go in the quest for financial reward.

In the case of Glanmire, the land is classified as “Cultivation land” by the New South Wales Department of Agriculture, and it has been appropriately producing crops/grain probably since 1823, as well as being grazed and yet the current proponent seeks to establish it has been erroneously so classified.

- F) Insurance issues are not understood by proponents, let alone addressed by them, and insurance issues are not I understand matters for the Consent Authority to consider in any depth. Insurance issues have the potential to in fact shut down neighbouring rural activities.
- G) The money motivation for a potential proponent is clearly tempting, and that motivation and temptation is, I suggest, likely to continue. All that is additionally needed is a money motivated owner, who is not interested in the region, the community or otherwise. Such people exist. The absentee Glanmire owner readily admits to being such a person.



- H) A Solar company having another attempt at Brewongle, after several others declined, highlights the difficulties of separating the dog from the bone.
- I) Please exercise control to achieve the territorial result to which your Government's proposed amendments aspire.

8. Please take a greater step forward to avoid inappropriate intrusions.

9. With all the issues your Government has outlined in the EIE, surely it is appropriate to draw a real distinction between what can happen inside the 10km and 5km distances and what can happen outside those distances.

I suggest therefore that your Government;

1 – Prohibit proposals within the distances of 10km and 5km you have fixed upon. Except as outlined in the following paragraph.

Referring to the preceding paragraph it is, I suggest, the exception that makes the rule a good one. It is, for example, appropriate that a prospective proponent be allowed to pursue a proposal "with the leave of the Consent Authority" or, "in special circumstances as found by the Consent Authority". The Government may fix upon such terminology as it thinks appropriate. One can for example foresee a situation where a regional Council, the community and a proponent all support a proposal. Proposals ought not therefore be totally prohibited.

2 - In respect of all proposals outside the distances of 10kms and 5kms that your Government has fixed upon, and in relation to the Regional cities your Government has nominated, the Consent Authority ought be required to have regard to all of those matters you have specifically listed in your EIE at pages 7 and 8.

## 10 – **Conclusions**

- A) I welcome any amendment that places greater emphasis upon the matters your Government has set out in the EIE.  
In the ideal world, the Government ought, I suggest, also exclude proposals on "Cultivation land" as so described by New South Wales Department of Agriculture. I accept, however the motivation for these proposed amendments is the protection of the qualities of our Regional Cities, rather than the protection of our higher quality land. This must therefore wait for another time.
- B) Your Government ought, I suggest, prohibit proposals and regulate proposals, as outlined in 9 above.
- C) I suggest the above may be easily achieved by;
  - i) Including all of pages 1,2,3 and 4.
  - ii) Change "matters of consideration" to "matters for consideration".

- iii) As to page 5 – paragraph 2, delete “within,” wherever it occurs and insert, “outside”.
- iv) Prohibit proposals within the distances of 10km and 5km that you have fixed upon. Except “with leave” or in special circumstances etc. as outlined above.

D) I would also welcome any amendment that protects this State’s limited quantity of quality productive land, in particular Cultivation land. If climate change is real, and I expect it is, then this resource will become even more important than it currently is, and most certainly deserves your Government’s protection.

Thanking you,

Yours Faithfully,

Peter Hennessy



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Sunday, 10 October 2021 2:48:15 PM  
**Attachments:** [letter-sepp-11th-october-2021.docx](#)

---

Submitted on Sun, 10/10/2021 - 14:46

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

**Name**

**First name**

Gary

**Last name**

Webster

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

Bathurst 2795

**Submission file**

[letter-sepp-11th-october-2021.docx](#)

**Submission**

See uploaded file

**I agree to the above statement**

Yes

11<sup>th</sup> October 2021

Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2154

Dear Mr Riley

**Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities. September 2021**

I live on a small farm in Bathurst, NSW. I believe the transition to renewable energy sources is essential to maintain a healthy environment and economic sustainability.

The rapid uptake of State Significant large scale solar and wind installations is reflecting the community commitment to this end. However, the invasive nature of these developments is occurring without adequate direction in the existing planning guidelines to properly protect regional communities from undesirable, unintended outcomes.

The planning process needs to evolve to ensure it keeps pace with the new challenges that are emerging. We rely upon our planning authorities and elected representatives to ensure investors get certainty to encourage further investment and regional communities are protected from the devastating effects of inappropriately placed developments.

I have personally experienced considerable anxiety and frustration at the proposed placement of a large solar installation, in view and within 2km of my home of 35years, situated within the current city limits of Bathurst.

To this end I strongly support the proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities, September 2021.

Yours Sincerely

Gary Webster  
47 Thomas Drive  
Eglington, NSW 2795  
[garywebster@bigpond.com](mailto:garywebster@bigpond.com)  
0418 639 665



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Sunday, 10 October 2021 3:47:11 PM  
**Attachments:** [sepp-amendments.docx](#)

---

Submitted on Sun, 10/10/2021 - 15:43

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

**Name**

**First name**

Ewan

**Last name**

Chandler

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted]

**Suburb/Town & Postcode**

Bathurst NSW

**Submission file**

[sepp-amendments.docx](#)

**Submission**

The proposed amendments essentially remedy the land use conflicts between large regional centres and utility-scale solar and wind energy developments.

Whilst the proposed amendments are much welcomed improvements, further amendments should also be considered to address similar conflicts with NSW's agriculture sector. This conflict is occurring as utility-scale solar and wind energy developments introduces a new industrial type land use activity, creating new risks, financial costs and opportunity costs over long-time frames.

Some suggested improvements are

1. Re proposed Amendment 1, the 5 km rule should also include the R5 land zone (Large Lot Residential) as these are typically found in regional centres adjacent to R1 and are often 0.4 Ha.
2. The amendments must ensure that utility-scale solar and wind energy developments are effectively prohibited from the 5 and 10 kilometre exclusion zones around regional centres.
3. It is critical that the proposed amendments to the SEPP are applied to all current and future development applications.
4. For all other sites outside of a REZ, the suitability of the site for development should be expanded to also include strategic reasons on why the proposed development cannot be sited in the REZ, as well as an obligation to gain and maintain through its lifespan a 'social licence' from directly impacted parties.
5. Typically, farmers and farming contractors hold public liability insurance to mitigate risk, including that of livestock or fire damaging neighbours or 3rd party property or business operations. Locating solar infrastructure adjacent to agriculture creates a new uneven relationship with typically family farms pitted against large multinational corporations with somewhat unlimited legal and financial resources. Introducing new industrial type operations valued at 100's of millions of dollars into an agriculture setting creates new risks to existing and future farming operations. Some examples of risk include dust created from ploughing reducing the efficiency of solar panels, and fire from bushfires, burn-off or machinery spreading onto a solar site. If this occurs it is reasonable to expect that utility-scale solar and wind energy operators will look to recover their asset and business operation losses from neighbouring farms. This means that utility-scale solar energy developments can potentially extinguish the ability to operate a farming enterprise given the maximum Public Liability Insurance available to farmers on the market is \$20 million which is well below the replacement value of the proposed solar plant and its business obligations to their customers. Some solutions to this problem include only locating utility-scale solar infrastructure in a REZ, mandating extensive buffer zones and legislating a liability cap for agriculture of \$20m.
6. Utility-scale solar and wind energy developments should be mandated to enter into an impacted Neighbour Agreements before the project proceeds. Examples of these agreements already exist for Wind energy developments, where landholder payments are extended to impacted neighbours. This requirement would encourage the developer, landholder and neighbours to work collaboratively to mitigate impacts, such as agree buffer zones, site selection, tree screening, dam construction for excess water runoff, etc. Where impacts cannot be fully mitigated, the agreement should provide compensation to impacted neighbours on either an annual or lump sum basis, such as reimbursement of additional insurance costs, reimbursement of legal fees, and compensation for visual impacts, noise, excess traffic etc.
7. As utility-scale solar and wind energy developments are typically established by \$100 subsidiaries of foreign corporations, and then churned to multiple new owners (often foreign) throughout their operational life, the NSW Government should establish specific rules and an independent site remediation fund to fully cover the expected end of life site clean-up and remediation costs. (with contributions from the developer and operator over the initial 10 years). This approach would prevent developers entering into contracts with landholders for only above the ground rehabilitation (leaving



cable, plastics, concrete, etc insitu), or abandoning the site in the ownership of a company with assets of only \$100 at the end of lease or during the lease term if the project becomes uneconomic.

Requiring developers to contribute into a site-specific remediation fund would also drive site design and construction to be performed with a focus on complete and efficient remediation.

Given that solar and wind energy infrastructure include glass, plastics, radio-active isotopes, turbines, blades etc, specialised machinery and recovery / recycling activities at scale will be required to return the land to its productive agricultural purpose. Potentially, thousands of hectares of land may not be correctly remediated, reducing NSW's productive farmland. This remediation cost is also expected to be beyond the financial resources of most farming landholders.

**I agree to the above statement**

Yes

The proposed amendments essentially remedy the land use conflicts between large regional centres and utility-scale solar and wind energy developments.

Whilst the proposed amendments are much welcomed improvements, further amendments should also be considered to address similar conflicts with NSW's agriculture sector. This conflict is occurring as utility-scale solar and wind energy developments introduces a new industrial type land use activity, creating new risks, financial costs and opportunity costs over long-time frames.

Some suggested improvements are

1. Re proposed Amendment 1, the 5 km rule should also include the R5 land zone (Large Lot Residential) as these are typically found in regional centres adjacent to R1 and are often 0.4 Ha.
2. The amendments must ensure that utility-scale solar and wind energy developments are effectively prohibited from the 5 and 10 kilometre exclusion zones around regional centres.
3. It is critical that the proposed amendments to the SEPP are applied to all current and future development applications.
4. For all other sites outside of a REZ, the suitability of the site for development should be expanded to also include strategic reasons on why the proposed development cannot be sited in the REZ, as well as an obligation to gain and maintain through its lifespan a 'social licence' from directly impacted parties.
5. Typically, farmers and farming contractors hold public liability insurance to mitigate risk, including that of livestock or fire damaging neighbours or 3rd party property or business operations. Locating solar infrastructure adjacent to agriculture creates a new uneven relationship with typically family farms pitted against large multinational corporations with somewhat unlimited legal and financial resources.

Introducing new industrial type operations valued at 100's of millions of dollars into an agriculture setting creates new risks to existing and future farming operations. Some examples of risk include dust created from ploughing reducing the efficiency of solar panels, and fire from bushfires, burn-off or machinery spreading onto a solar site. If this occurs it is reasonable to expect that utility-scale solar and wind energy operators will look to recover their asset and business operation losses from neighbouring farms.

This means that utility-scale solar energy developments can potentially extinguish the ability to operate a farming enterprise given the maximum Public Liability Insurance available to farmers on the market is \$20 million which is well below the replacement value of the proposed solar plant and its business obligations to their customers.

Some solutions to this problem include only locating utility-scale solar infrastructure in a REZ, mandating extensive buffer zones and legislating a liability cap for agriculture of \$20m.

6. Utility-scale solar and wind energy developments should be mandated to enter into an impacted Neighbour Agreements before the project proceeds.

Examples of these agreements already exist for Wind energy developments, where landholder payments are extended to impacted neighbours.

This requirement would encourage the developer, landholder and neighbours to work collaboratively to mitigate impacts, such as agree buffer zones, site selection, tree screening, dam construction for excess water runoff, etc.

Where impacts cannot be fully mitigated, the agreement should provide compensation to impacted neighbours on either an annual or lump sum basis, such as reimbursement of additional insurance costs, reimbursement of legal fees, and compensation for visual impacts, noise, excess traffic etc

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Given that solar and wind energy infrastructure include glass, plastics, radioactive isotopes, turbines, blades etc, specialised machinery and recovery / recycling activities at scale will be required to return the land to its productive agricultural purpose. Potentially, thousands of hectares of land may not be correctly remediated, reducing NSW's productive farmland. This remediation cost is also expected to be beyond the financial resources of most farming landholders.



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Sunday, 10 October 2021 4:31:14 PM  
**Attachments:** [bathurst-view-10.10.2021.pdf](#)

---

Submitted on Sun, 10/10/2021 - 16:21

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

**Name**

**First name**

Peter

**Last name**

Ray

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

4313 Great Western Highway , Walang 2795

**Submission file**

[bathurst-view-10.10.2021.pdf](#)

**Submission**

I do not know why the NSW Government would spend millions of dollars on upgrading the Great Western Highway at the entrance to Bathurst. A regional town with a world famous tourist attraction and rural scenery. Then on the highway at the start of all the upgrade work allow a huge solar plan application by an opportunist foreign company to go ahead, creating a great blot on the landscape. This is the wrong location.

**I agree to the above statement**

Yes

I have read Peter Hennessy SC's letter to Mr Robert Stokes dated 4.10.21.

I enclose a copy.

In summary your Government's proposal's document, rightly aims to protect our Regional Cities and their stated qualities.

It is entirely appropriate, and I suggest far more certain, and better for peoples' health and wellbeing, if your Government legislates to achieve what it says it wants to achieve.

- 1 I welcome any amendment that places greater emphasis upon the matters your Government has set out in the EIE.
- 2 I suggest however the proposed amendments would be more likely to achieve your Government's goals if your Government—
  - a) Prohibits Proposals within the distances of 10kms and 5kms you have fixed upon.  
Allows a Proponent however, to apply for leave to lodge a proposal in 'special or exceptional' circumstances, such as the Regional Council, the impacted Community and a Proponent, all agreeing.
  - b) In respect of all proposals outside the distances of 10kms and 5kms that your Government has nominated, the Consent Authority ought to be required to have regard to all of those matters you have specifically listed in your EIE, in pages 7 and 8.

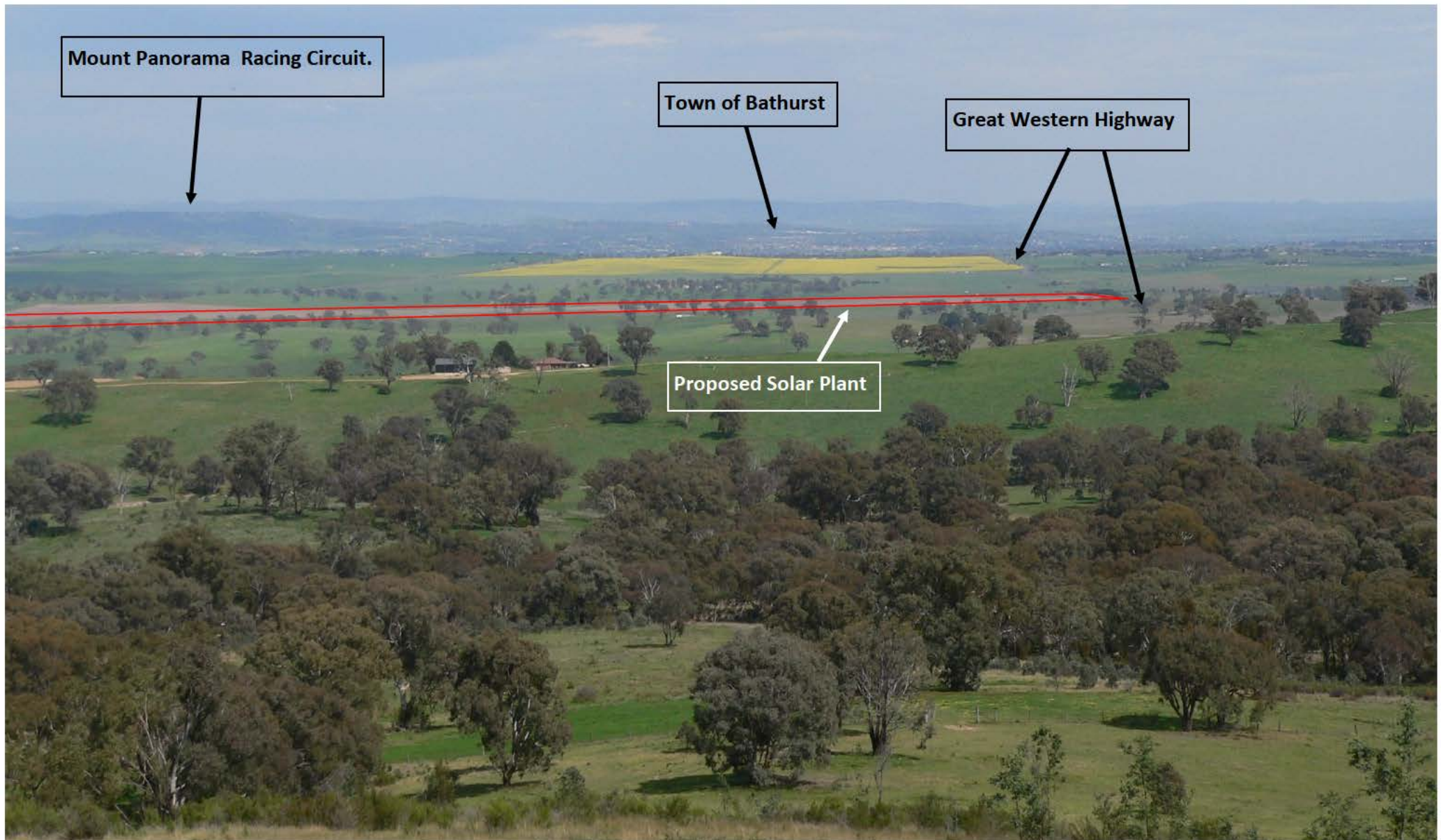
Yours faithfully,



Peter Ray

4313 Great Western Highway

Walang NSW 2795



A view from our home looking west towards Bathurst showing approx. what a blot on the landscape a proposed Solar Plant would look like. The yellow in the distance is a crop of Canola. Why would you want to cover this type of land over with Solar Panels ?

Photo taken : Sunday, 10 October, 2021.

Peter and Denise Hennessy  
"Adelong Park"  
457 Brewongle Lane  
Glanmire NSW 2795

Mob 0414375565

04 October 2021

The Hon Robert Stokes MP  
Minister for Planning and Public Spaces  
GPO Box 5341  
Sydney NSW 2001

By email: [Pittwater@parliament.nsw.gov.au](mailto:Pittwater@parliament.nsw.gov.au)

Dear Sir,

Re: Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities –  
September 2021

## **Introduction**

- 1- I am a member of "Glanmire Action Group". Our group was formed some months ago to oppose a solar proposal by Elgin Energy Pty Ltd at Glanmire.

In 2017, I was a member of "Brewongle Action Group" formed to oppose a solar proposal by Photon. The Group recently dispersed when Photon withdrew, but more recently the Group reformed due to a further solar proposal on the same site, but by an alternative proponent, "First Solar". All proposals are on 500 acres of Cultivation land. Glanmire is within 5kms of residential land. Brewongle is just outside, I understand, 5kms of residential land.

- 2- I am writing to you because our Local State MP The Honourable Paul Toole suggested in July 2021 that I write to you, and I did so by email dated 16<sup>th</sup> July. I refer you to my email. Thereafter I was contacted by a Mr Clay Preshaw, Executive Director, Energy Resources and Industry Assessments, and had a most helpful and informative discussion with him.
- 3- More recently, The Honourable Philip Donato MP for Orange, gave you credit. He confirmed your willingness for listening and exercising good judgement.



4-I now reside at my rural property located as above. My property is a few kms away from the proposed Glanmire and Brewongle sites. I am however intensely interested in Bathurst, the community and the land. I have been involved in these solar issues to assist the local community/neighbours.

5-I have read with interest the Department's "Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities" document "Explanation of Intended Effect" "EIE" September 2021.

6- I appreciate the expressed justification for the proposed amendments. Your Government expressly –

- A) Identifies the need to avoid conflict between existing and potential future regional uses on the one hand, and renewables on the other, and identifies the requirement of buffers to separate those two incompatibles.

In the case of Bathurst, we have "Bathurst Regional Environmental Plan 2014".

- B) Acknowledges the importance of preserving land on the outskirts of regional cities from potentially incompatible development
- C) Acknowledges renewables can have significant visual impacts and can contrast with the natural environments ... and can "alter the character, scenic quality and people's enjoyment of the landscape".

and

- D) Acknowledges that flexibility exists for the location of renewables;

and so purports to afford additional protection in the planning process, to land within 10km of the commercial centre, and 5km from residential land, by ensuring, by amendments to the Infrastructure SEPP, that the Consent Authorities consider such matters. (See pages 7 and 8)

The motivation for the proposed amendments, as already observed, is the protection of the qualities of our Regional Cities.

Another worthy motivation, is the protection of our, 'Cultivation', quality land, but this, it seems, must wait for another day.

## **7- The Issues**

- A) I welcome any amendment that places greater emphasis upon the matters your government has set out in the EIE.

In reality, the amendments territorially, though significant, are modest indeed. In fact the 10km distance has minimal relevance, whereas the 5km distance, does do some work.



- B) The fact is that the matters for consideration broadly outlined in Section 4.15 of the EP&A Act and touched upon in the four bullet points on page 4 of the EIE, well and truly cover the more specific matters outlined on page 7 of the EIE.

Yet the combination of the Planning Authority with its charter; prospective proponents often foreign to regions, the community, and indeed often from another country, and motivated by money; and communities that have historically had the protection of their regional plans – has resulted in huge adverse health and other community impacts.

- C) Unless there is a clear distinction between the treatment of proposals within the 10km and 5km distances, compared with proposals outside those distances, there is a risk the “Acts Interpretation Act,” in particular the principle “The expression of one thing excludes others”, might result in those more specific matters detailed for consideration within the 10km and 5km distances, being regarded as irrelevant to proposals outside those distances.
- D) Further your Government is, I suggest asking a lot of prospective proponents. If, indeed your Government’s ask is not heeded then your Consent Authority is likely to be as busy as ever, giving due process to applications that your own Government identifies as being territorially mislocated, and perhaps more importantly your Government’s Regional communities are likely to have to live with the misguided intrusion and to be as adversely impacted as ever.

The opportunity your Government now has to truly protect as least some regional communities will have been lost.

- E) There seems to me, to be no limit to the lengths prospective proponents will go in the quest for financial reward.

In the case of Glanmire, the land is classified as “Cultivation land” by the New South Wales Department of Agriculture, and it has been appropriately producing crops/grain probably since 1823, as well as being grazed and yet the current proponent seeks to establish it has been erroneously so classified.

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- H) A Solar company having another attempt at Brewongle, after several others declined, highlights the difficulties of separating the dog from the bone.
- I) Please exercise control to achieve the territorial result to which your Government's proposed amendments aspire.

8. Please take a greater step forward to avoid inappropriate intrusions.

9. With all the issues your Government has outlined in the EIE, surely it is appropriate to draw a real distinction between what can happen inside the 10km and 5km distances and what can happen outside those distances.

I suggest therefore that your Government;

1 – Prohibit proposals within the distances of 10km and 5km you have fixed upon. Except as outlined in the following paragraph.

Referring to the preceding paragraph it is, I suggest, the exception that makes the rule a good one. It is, for example, appropriate that a prospective proponent be allowed to pursue a proposal "with the leave of the Consent Authority" or, "in special circumstances as found by the Consent Authority". The Government may fix upon such terminology as it thinks appropriate. One can for example foresee a situation where a regional Council, the community and a proponent all support a proposal. Proposals ought not therefore be totally prohibited.

2 - In respect of all proposals outside the distances of 10kms and 5kms that your Government has fixed upon, and in relation to the Regional cities your Government has nominated, the Consent Authority ought be required to have regard to all of those matters you have specifically listed in your EIE at pages 7 and 8.

## 10 – **Conclusions**

- A) I welcome any amendment that places greater emphasis upon the matters your Government has set out in the EIE.  
In the ideal world, the Government ought, I suggest, also exclude proposals on "Cultivation land" as so described by New South Wales Department of Agriculture. I accept, however the motivation for these proposed amendments is the protection of the qualities of our Regional Cities, rather than the protection of our higher quality land. This must therefore wait for another time.
- B) Your Government ought, I suggest, prohibit proposals and regulate proposals, as outlined in 9 above.
- C) I suggest the above may be easily achieved by;
  - i) Including all of pages 1,2,3 and 4.
  - ii) Change "matters of consideration" to "matters for consideration".

- iii) As to page 5 – paragraph 2, delete “within,” wherever it occurs and insert, “outside”.
- iv) Prohibit proposals within the distances of 10km and 5km that you have fixed upon. Except “with leave” or in special circumstances etc. as outlined above.

D) I would also welcome any amendment that protects this State’s limited quantity of quality productive land, in particular Cultivation land. If climate change is real, and I expect it is, then this resource will become even more important than it currently is, and most certainly deserves your Government’s protection.

Thanking you,

Yours Faithfully,

Peter Hennessy



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Sunday, 10 October 2021 7:15:06 PM  
**Attachments:** [isepprenewablesfinaleie.pdf](#)

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Submitted on Sun, 10/10/2021 - 19:13

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

**Name**

**First name**

Peter & Racquel

**Last name**

Graham

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

Bathurst NSW 2795

**Submission file**

[isepprenewablesfinaleie.pdf](#)

**Submission**

- "Support - Proposed Infrastructure SEPP Amendments: Renewable and Regional Cities"

**I agree to the above statement**

Yes



# Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities

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Explanation of Intended Effect

September 2021



Published by NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities

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# Acknowledgment of Country

The Department of Planning, Industry and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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# Introduction

The *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP) facilitates planning pathways for essential infrastructure in NSW, including renewable energy-related infrastructure. It provides regulatory certainty and efficiency and identifies the approval process and assessment requirements for infrastructure proposals.

In March 2020, the NSW Government released the first stage of its Net Zero Plan which outlines a clear objective to achieve net zero emissions by 2050 while also creating new jobs, reducing household costs and attracting investment to NSW.

To achieve these targets, four of five coal-fired power stations will come to their scheduled end of life in the next 15 years. This means an increasing supply of renewable energy generation, particularly solar and wind power, will be required to meet the Government's targets over the coming decades.

The NSW Government's Electricity Infrastructure Roadmap sets out a 20-year plan to deliver this generation infrastructure, as well as storage, firming and transmission infrastructure that will also be needed to power NSW into the future. This is estimated to attract \$32 billion of private sector investment in electricity infrastructure by 2030, supporting 6,300 construction jobs and 2,800 ongoing jobs, most of which will be in regional NSW.

As part of this Roadmap, the NSW Government has introduced Renewable Energy Zones (REZ) which will expand transmission and generation capabilities in strategic areas across NSW including the Central-West Orana, Illawarra, New England, South-West and Hunter-Central Coast regions of NSW.

The NSW Government will be encouraging development in these areas to support a transition to renewable energy and to ensure that development occurs in appropriate areas that are close to existing transmission and distribution infrastructure and have less environmental, heritage and land-use constraints than some other parts of NSW.

Notwithstanding, a large portion of existing solar and wind development is currently located outside REZs (approximately 70%) and continued development outside of the REZs will be required to support a transition to renewable energy.

The substantial and rapid investment in renewable energy infrastructure has the potential to create or exacerbate land use conflicts in regional NSW. While this also has the potential to support jobs and investment in NSW, it is important to balance the use of land to ensure NSW can benefit from its renewable energy sources whilst also minimising impacts on its regional communities and future land uses.

The Government's Regional Plans identify regional cities that are strategically important to the ongoing growth and development of regional NSW. It is important to invest in these areas given their importance as major centres for housing, education, health and other regional infrastructure and services.

These cities also underpin the regional economies providing a wide range of retail and business activity and they offer a wide variety of employment opportunities. They also support diverse visitor and tourist economies.

Significant population growth is predicted in regional NSW over the next few decades, most of which is expected to be concentrated in regional cities such as Bathurst, Orange, Tamworth, Dubbo and Wagga Wagga given the lifestyle and employment opportunities. Consequently, the growth and success of these cities is vital to the success of regional NSW.



Whilst there is relatively broad public support and social licence in NSW for the adoption of renewable, low emission energy generation, the increasing number of utility-scale solar and wind energy projects required to support the transition to renewable energy generation has the potential to create and exacerbate land use conflicts with land surrounding some of the State's regional cities. Solar and wind energy developments also have unique visual characteristics that can impact on the scenic qualities of an area.

## Proposed Amendments

To manage the emerging land use conflicts associated with utility-scale solar and wind energy developments, the NSW Government is proposing to amend the Infrastructure SEPP to include specific matters of consideration for utility-scale solar and wind energy development near certain regional cities.

These matters would apply to regional cities at risk of encroaching solar and wind development and would seek to protect land identified for future growth and the character and visual landscape qualities of these areas.

The proposed amendment would also include new definitions for utility-scale solar and wind energy development. This would ensure that the matters of consideration could be restricted to these types of development without affecting other electricity generating works such as pumped-hydro and battery energy systems.

These amendments are discussed under separate heading below.

### Amendment 1 – Matters of consideration for utility-scale solar and wind

An important foundation of the NSW planning system are requirements placed on consent authorities to consider specific matters in the determination of a development application.

These matters of consideration are broadly outlined in [Section 4.15](#) of the EP&A Act and apply to the consideration of all development applications that require consent under Part 4 of the EP&A Act including State and regionally significant development. Examples of these matters of consideration include:

- the likely impacts of the development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality;
- the suitability of the site for the development;
- any submissions made in accordance with the EP&A Act or regulation; and
- the public interest.

In addition to these broad matters of consideration, other EPIs may prescribe additional matters that need to be considered that may be tailored to the impacts of specific development types or locations.

Examples of such matters are included in the Infrastructure SEPP, including considerations that a consent authority must be satisfied of for health services facilities, development adjacent to pipelines, road and rail corridors, and telecommunications and other communication facilities.

The NSW Government is proposing to amend the Infrastructure SEPP to include matters of consideration for utility-scale solar and wind energy developments. These matters of consideration are aimed at ensuring regional cities are not impacted by utility-scale solar and wind energy development that may prevent the expansion and growth of these cities into the future and could impact on important scenic qualities of these areas.

These matters of consideration would apply to utility-scale solar and wind energy development that are identified in the NSW Government's Department's regional plans and are at risk of encroaching solar and wind development due to their proximity to areas of relatively high solar and wind resource potential.

These regional cities include:

- Albury
- Armidale
- Bathurst
- Dubbo
- Griffith
- Orange
- Tamworth
- Wagga Wagga

The matters of consideration would apply to land within 10 kilometres of land zoned B3 - Commercial Core, and within 5 kilometres of any residential land zoned R1 – General Residential, R2 – Low Density Residential and R3 – Medium Density Residential.

Because the other regional cities, which include Coffs Harbor, Gosford, Lismore, Nowra, Port Macquarie, Shellharbour and Tweed Heads, have relatively low solar and wind energy resource potential, they are not at risk of encroaching solar and wind development and therefore the matters of consideration would not apply to these areas.

The proposed matters of consideration would apply only to utility-scale solar and wind energy developments which would be separately defined in the Infrastructure SEPP. They are:

- Whether the development is located so as to avoid land use conflicts with existing and approved uses of land;
- whether the proposed development is likely to have a significant impact on, or conflict with, land that would be required to support the growth of a regional city having regard to any future growth areas identified in Regional Plans and Local Strategic Planning Statements and advice from Council; and
- whether the proposed development would significantly impact the scenic quality and landscape character of a regional city, including on any approaches to the city, taking into consideration any values identified by the community and Council.

In evaluating these considerations, the consent authority would be required to consider any mitigation measures that are proposed to avoid and minimise the incompatibility of land uses and any scenic and landscape values of the area.

The matters would not apply to small-scale solar and wind turbine systems, such as those used to produce electricity for household use.

## Amendment 2 - Standalone definitions for utility-scale solar and wind

The technology used for the generation of electricity is undergoing constant change, particularly as emerging renewable technologies become increasingly viable and accessible. It is important that the NSW planning system be updated regularly to ensure it remains in step with this rate of change so that land use and development can continue to be managed effectively.

The Department is currently exhibiting a [separate EIE](#) that proposes an amendment to the Infrastructure SEPP to exclude utility-scale solar energy systems from the existing definition for solar energy system.

This change will ensure there is a clear distinction between those solar energy systems that are designed for *in situ* or localised use as opposed to commercial grade solar energy developments that feed energy into the grid.

This means that all utility-scale solar and wind energy development, which have a primary purpose of exporting electricity to the grid, would fall under the definition of **electricity generating works**.

Electricity generating works are defined as meaning a building or place used for the purpose of making or generating electricity or electricity storage and include other types of development including pumped-hydro and energy storage systems. Relevant definitions in the Infrastructure SEPP are summarised in **Table 1**.

This proposed amendment intends to add standalone definitions for utility-scale solar and wind energy developments as follows:

- **Utility-scale Solar Energy System** – means a photovoltaic electricity system used for the purpose of generating electricity for export to the electricity grid.
- **Utility-scale Wind Turbine System** - means a system comprising wind turbines used for the purpose of generating electricity for export to the electricity grid.

The addition of these definitions will allow the proposed matters for consideration to be applied to utility-scale solar and wind development without impacting other electricity generating works.

This approach would also allow for the application of appropriate planning pathways, permissibility and other development controls to these development types should these be needed in the future.

**Table 1. Existing definitions of relevant developments provided in the Infrastructure SEPP**

Term	Definition
<b>Electricity generating works</b>	Means a building or place used for the purpose of – a) making or generating electricity; or b) electricity storage.
<b>Solar energy system*</b>	Means any of the following systems: a) a photovoltaic electricity generating system, b) a solar hot water system, c) a solar air heating system.
<b>Small wind turbine</b>	Means a wind turbine that has a generating capacity of no more than 100kW.
<b>Small wind turbine system</b>	Means a system comprising one or more small wind turbines each of which feed into the same grid or battery bank.

# Strategic Justification

## Avoiding Land Use Conflicts

The increasing number of utility-scale solar and wind energy projects required to support the transition to renewable energy has the potential to create new or exacerbate existing land use conflicts.

Although many of these projects will be located in the NSW Government's REZs, there will continue to be a need for development outside these areas to support a transition to renewable energy.

Utility-scale solar farms and wind farms can have significant visual impacts and can contrast with the natural environments in which they are situated. This can alter the character, scenic quality, and people's enjoyment of the landscape.

These projects are often proposed in particular locations because of proximity to substations and transmission infrastructure, which are commonly located close to existing populated areas. Particularly in the case of solar, these developments can also occupy large areas which can preclude the use of land for any other purpose for several decades.

The Department's Regional Plans identify regional cities that are strategically important to the ongoing growth and development of regional NSW. It is important to invest in these areas given their importance as major centres for housing, education and other regional infrastructure and services.

Regional cities are the key population and employment centres for regional NSW and are the primary location for retail, education, health and other infrastructure and services including hospitals.

Strong growth is predicted in regional cities as a result of these attributes.

A large portion of these cities, including Albury, Armidale, Bathurst, Dubbo, Griffith, Orange, Tamworth and Wagga Wagga are bounded by rural land uses, near transmission assets, and have relatively high solar and wind resource potential.

Consequently, these regional cities are at risk of encroaching renewable energy development which is currently permissible with consent on rural zoned land under the Infrastructure SEPP and requires a connection to the transmission network.

The NSW Government's regional plans identify the need to avoid conflict between existing and potential future uses and require buffers to separate incompatible uses. Consequently, it is important to preserve land on the outskirts of regional cities from potentially incompatible development, such as solar and wind farms, that could preclude growth and development of these cities in the future.

Given that there is some flexibility in the location and layout of solar and wind farms, land immediately surrounding regional cities should be afforded additional protections in the planning process.

The proposed amendments to the Infrastructure SEPP would ensure that:

- consent authorities consider land use conflicts in the assessment and decision-making process that may be caused by utility-scale solar and wind farm development near regional cities.
- land identified for future uses in Regional Plans and Local Strategic Planning Statements is protected from long term use and land use conflicts from utility-scale solar and wind development.

- regional cities can continue to grow to support ongoing growth and development needs including housing, industrial uses, and infrastructure and services.

These amendments would apply to land within 10 kilometres of the commercial centre and 5 kilometres from residential land. This would preserve land on the fringe of regional cities for future residential expansion and would provide a buffer to limit any land use conflicts with other important land uses in the commercial centre of the regional cities.

Visual elements and landscape features of these regional cities are also an important contributor to the social and economic value of these areas and provide a vital contribution to the rural character of these areas. This character is important to the identity of the communities and can help strengthen and promote the growth of tourism and the economy.

The natural landscapes surround regional cities can also support the natural environment, create lifestyle and leisure opportunities and sustain productive agriculture.

It is therefore important to preserve any significant landscape qualities, values and features identified by the community, particularly on the entrance to regional cities, to preserve their local and visual characteristics in the face of increasing growth and development.

Solar and wind energy development can have significant visual impacts and the proposed amendments will ensure that any impact on the scenic quality, visual character and setting of regional cities is considered in the assessment process.

While it is possible to mitigate visual impacts from these developments, particularly from residential receivers, it can be difficult to mitigate impacts on broader landscape values and viewsheds, including the approach to regional cities. The proposed amendments will protect these values by requiring consent authorities to carefully consider any impacts, including those identified by the community, and the efficacy of any mitigation measures.

These changes will encourage development of large-scale infrastructure in the right locations that are away from areas suitable for the growth of regional cities and areas that are important for their scenic value. This would ensure a balance between the growing need for renewable energy supply and the future of regional cities in NSW.

In addition to these proposed amendments, the NSW Government is also reviewing and updating the existing Large-scale Solar Energy Guidelines and Wind Energy Framework. These guidelines currently aim to ensure that:

- impacts are assessed with best practice methods and in a consistent manner;
- effective stakeholder engagement is undertaken that encourages community input on solar and wind energy development; and
- there is a balance between attracting investment and considering the interests of the community.

The guidelines will be updated to address emerging land use conflicts, including visual impacts and compatibility with agricultural land, and provide guidance on benefit sharing and other key issues. The NSW Government will be seeking comments on the revised guidelines separate to the proposed amendments to the Infrastructure SEPP.

## Aims of the Infrastructure SEPP

The Department considers the proposed amendments would continue to ensure the efficient delivery of electricity generating infrastructure in NSW whilst ensuring emerging land use conflict issues in regional centres of the State are appropriately considered in the planning process.

As detailed in **Table 2**, the proposed amendments would be consistent with the aims of the Infrastructure SEPP:



**Table 2. Analysis of the proposed amendments against the aims of the Infrastructure SEPP**

Infrastructure SEPP Aim	Analysis of Proposed Amendments
(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services	The proposed amendments will improve regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services.
(b) providing greater flexibility in the location of infrastructure and service facilities	The proposed amendments will not alter any planning pathway or prescribed location for permissibility of utility-scale solar and wind energy developments.
(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land	The proposed amendments will not alter any existing allowances for development, redevelopment or disposal of surplus government owned land.
(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development)	The proposed amendments will not alter the environmental assessment category into which the utility-scale solar and wind energy developments fall.
(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development	Whilst matters of consideration are being introduced as part of the proposed amendments, these are intended to apply to the land subject of a utility-scale solar or wind energy proposal, not an adjacent property.
(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing	The proposed amendments will not impose additional, or reduce existing, requirements for consultation with public authorities in relation to utility-scale solar and wind energy developments
(g) providing opportunities for infrastructure to demonstrate good design outcomes	The proposed amendments would enhance the opportunities to demonstrate and achieve good design outcomes through the inclusion of additional matters of consideration for these development types to ensure compatibility with surrounding land uses and regional cities into the future.

## How to get involved

This document is exhibited in line with the Department's Community Participation Plan.

To make a submission on the proposed amendments complete the submission form at [www.planningportal.nsw.gov.au/ISEPP-renewable-energy](http://www.planningportal.nsw.gov.au/ISEPP-renewable-energy) by 11 October 2021.





**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Sunday, 10 October 2021 8:54:21 PM  
**Attachments:** [electricity-generated-facilities.docx](#)

---

Submitted on Sun, 10/10/2021 - 20:53

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

**Name**

**First name**

Kristyne

**Last name**

Smith

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

Locksley, 2795

**Submission file**

[electricity-generated-facilities.docx](#)

**Submission**

See attached

**I agree to the above statement**

Yes

Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

8 October 2021

Dear Sir,

<https://www.planningportal.nsw.gov.au/ISEPP-renewable-energy>

You have invited submissions to inform the third tranche of regulations for the Electricity Infrastructure Investment Act. Submissions close on 11 October.

On exhibition is your paper “Renewable Energy and Regional Cities”, dealing with proposed changes to the rules for where renewable energy projects can be built. These changes will amend the SEPP (Infrastructure) 2007 to require consent authorities to consider if a proposed development will:

- conflict with existing or approved uses of the land, such as land zoned for residential use
- significantly impact or conflict with land needed to support the growth of a regional city (identified in local and regional strategic plans or on the advice of the relevant council)
- significantly impact the scenic quality and landscape of the regional city
- consider adjacent matters in the assessment of development adjacent to particular types of infrastructure development, whilst matters of consideration are intended for the land subject of a utility scale, solar or wind energy proposal, not an adjacent property (e)

The Explanation of Intended Effect on page 6 defines Electricity Generating Works as including Pumped Hydro, and as including “Electricity Storage”.

**My submissions are as follows:**

1. The impact of the development on different zones precincts needs to be considered within the context of the proposal. The impact of a development of this kind needs to be measured depending on the zone. For example, a hydro dam being built in RU1 should consider a distance greater than 5km from existing residences, perhaps 10km, as the impact on the local amenity I feel is more significant than a built-up residential area. This type of development has significant impact on adjacent properties, specifically in our area zoned RU1.
2. The Pumped Hydro Roadmap is based on topography, places with deep valleys and nearby high mountains, not on the availability of water and not in consideration of existing bodies of water, nor impact of waterways. My property, zoned RU1, is impacted by the proposed Central West Hydro Dam. This project is not consistent with our zone and will impact significantly upon the scenic quality and landscape. Whilst this submission is not about the proposal I urge you to consider adjacent landholders up to at least 10kms when measuring impact of electricity generating facilities. In our personal circumstances our property is less than 100m from a significant \$500m development, yet we are considered a neighbouring property.
3. Strategic policy needs to be established with regards to pumped hydro projects, specifically with consideration of water supplies west of the Great Dividing Range when considering establishment of electricity energy facilities.

Yours sincerely,

Kristyne Smith  
Locksley NSW 2795  
0414677410



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Sunday, 10 October 2021 9:01:43 PM  
**Attachments:** [aaron-smith-submission-10-oct-2021.pdf](#)

---

Submitted on Sun, 10/10/2021 - 21:00

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

**Name**

**First name**

Aaron

**Last name**

Smith

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

Locksley

**Submission file**

[aaron-smith-submission-10-oct-2021.pdf](#)

**Submission**

Hello Matthew,

My submission letter is here as an attachment.

**I agree to the above statement**

Yes

Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

10 October 2021

also by email to [electricity.roadmap@dpie.nsw.gov.au](mailto:electricity.roadmap@dpie.nsw.gov.au)

Dear Sir,

<https://www.planningportal.nsw.gov.au/ISEPP-renewable-energy>

You have invited submissions to inform the third tranche of regulations for the Electricity Infrastructure Investment Act. Submissions close on 11 October.

On exhibition is your paper “Renewable Energy and Regional Cities”, dealing with proposed changes to the rules for where renewable energy projects can be built. These changes will amend the SEPP (Infrastructure) 2007 to require consent authorities to consider if a proposed development will:

- conflict with existing or approved uses of the land, such as land zoned for residential use
- significantly impact or conflict with land needed to support the growth of a regional city (identified in local and regional strategic plans or on the advice of the relevant council)
- significantly impact the scenic quality and landscape of the regional city

The Explanation of Intended Effect on page 6 defines Electricity Generating Works as including Pumped Hydro, and as including “Electricity Storage”.

Page 5 says “the matters of consideration would apply to land within 10 kilometres of land zoned B3 - Commercial Core, and within 5 kilometres of any residential land zoned R1 – General Residential, R2 – Low Density Residential and R3 – Medium Density Residential.”

**My submissions are as follows:**

- I do not see why the distances of proposed infrastructure from residential and commercial core are treated differently. The impacts on residents regardless of the zoning are just as significant. To this end I suggest that the distance to residential land zoned R1 – General Residential, R2 – Low Density Residential and R3 – Medium Density Residential also be expanded to 10km.
- It is important to note that these large-scale projects are often being proposed in a landscape which has distinct scenic qualities that are arguably more important to the residents of these areas than those linked to already heavily modified landscapes. The impact of this should be treated with no less importance than heavily populated areas.
- I note that there is comment within the paper that specifically mentions “*whether the proposed development would significantly impact the scenic quality and landscape character of a regional city, including on any approaches to the city, taking into consideration any values identified by the community and Council.*” This should not be restricted to the approaches to a city. For example, a tourist or visitor to a city might see development for a short period as they are passing by, while a resident in a rural area adjacent to a new development would have to live with the impact on both the scenic character and potential negative impacts on land value and lifestyle forever. I also note that this impact is not only related to the completed development but includes the often intense and long duration construction and rehabilitation stages of a project.
- Consideration of the LEP and related zoning. I note the Bathurst LEP RU1,2,4 and 5 zonings specifically allow residential development. I believe these zonings should not be treated any differently to any other zoning which allows or, more importantly, already has residential use with the same distances as mentioned in the paper being applied to existing residences.
- I note that all the specific objectives of the RU1 LEP, below for ease of reference, seem to be at odds with proposed electricity generation developments, including pumped hydro facilities.

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
  - *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
  - *To minimise the fragmentation and alienation of resource lands.*
  - *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
  - *To maintain the rural and scenic character of the land.*
  - *To provide for a range of compatible land uses that are in keeping with the rural character of the locality, do not unnecessarily convert rural land resources to non-agricultural land uses, minimise impacts on the environmental qualities of the land and avoid land use conflicts.*
- I would like to seek clarity on the excerpt from the paper below. Why is adjacent property specifically not being considered? I note that the land that is subject to the development will have undoubtedly been acquired for the purposes of the development while adjacent properties are left to deal with the impacts.

(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development	Whilst matters of consideration are being introduced as part of the proposed amendments, these are intended to apply to the land subject of a utility-scale solar or wind energy proposal, <b>not an adjacent property</b> .
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- Speaking from personal experience in these matters, it seems the small land holder is left completely on their own regarding these large-scale developments with no legal support or guidance from government or other agencies.

Yours sincerely,

Aaron Smith

350 Molybdenite Road Locksley

NSW 2795

Mob- 0407 492 095

[aaronballardsmith@gmail.com](mailto:aaronballardsmith@gmail.com)



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Monday, 11 October 2021 8:48:03 AM  
**Attachments:** [waternsw-submission-isepp---renewable-energy-and-regional-cities.pdf](#)

---

Submitted on Mon, 11/10/2021 - 08:46

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

**Name**

**First name**

Stuart

**Last name**

Little

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

Parramatta 2150

**Submission file**

[waternsw-submission-isepp---renewable-energy-and-regional-cities.pdf](#)

**Submission**

Please see attached submission.

**I agree to the above statement**

Yes

10 October 2021

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2021/109261*

Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Dear Mr Riley

**RE: Renewable Energy and Regional Cities - Infrastructure SEPP Amendments**

I refer to the public exhibition of the Explanation of Intended Effect (EIE) concerning proposed provisions for Renewable Energy and Regional Cities of *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). The EIE supports proposed changes to the Infrastructure SEPP to give effect to certain matters of consideration for utility-scale solar and wind energy developments.

The amendments to the Infrastructure SEPP are relevant to WaterNSW as we have a number of renewable energy proposals for our land, including both utility-scale solar and wind energy developments, in particular on land surrounding the impoundments of the rural dams we own and manage. The proposed amendments may inhibit or affect the delivery of utility-scale renewable energy developments where such proposals lie on the outskirts of regional towns and cities. To this end, the location of a proposed wind energy development at Hume Dam appears to lie well within the 5 km radius of residentially zoned land proposed for additional matters of consideration as proposed by the EIE. We do not, in principle, oppose the proposed Infrastructure SEPP amendments, but they may influence the delivery of this proposal.

WaterNSW is also responsible for protecting water quality within the Sydney Drinking Water Catchment (SDWC) and a number of renewable energy development already occur in the SDWC, including both solar farms and wind farms. With regard to planning and development control, WaterNSW has a concurrence role for developments within the SDWC under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (SDWC SEPP). The SDWC SEPP also requires new development within the SDWC to have a neutral or beneficial effect (NorBE) on water quality and to engage practice and standards no less than the those advised by WaterNSW's current recommended practices (CRPs). This would include any utility-scale renewable energy development proposed in the SDWC. WaterNSW also has responsibilities for water quality protection and a referral role for Planning Proposals under Section 9.1 Direction 5.2 Sydney Drinking Water Catchment. WaterNSW believes that there is no conflict between the proposed Infrastructure SEPP and the provisions of Direction 5.2 and the SDWC SEPP. With respect to water quality, the main impacts likely to arise from renewable energy developments are the construction of access roads and the need for erosion and sediment control during excavation and construction. These are matters that can be managed through the development application (DA) and consent process and in accordance with the requirements of the SDWC SEPP.

WaterNSW is interested as to whether the Department of Planning, Industry and Environment (DPIE) is looking to prepare Guidelines for utility-scale solar and wind energy developments. If so, we request the opportunity to comment on any draft Guidelines and the opportunity to consider them with respect to listing such Guidelines as a CRP for use under clause 9 of the SDWC SEPP.

The EIE also mentions that Renewable Energy Zones (REZs) have been identified across various areas of NSW, although the proposed amendments are not related to these zones. The REZs are designed to will focus transmission and generation capabilities in strategic areas across NSW including the Central-West Orana, Illawarra, New England, South-West and Hunter-Central Coast regions of NSW. We note that these areas do not currently implicate the SDWC. However, we would ask that WaterNSW be kept updated regarding the designation of these zones and that we be advised when new areas are being considered for such designation.

More detailed comments are provided in Attachment 1. Should you have any questions regarding comments raised in this letter, please contact Stuart Little at [stuart.little@waternsw.com.au](mailto:stuart.little@waternsw.com.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Daryl Gilchrist'.

**DARYL GILCHRIST**  
**Manager Catchment Protection**



## **ATTACHMENT 1 - DETAIL**

### **Heads of Consideration**

New heads of consideration are proposed for utility-scale solar and wind energy development which will be subject to their own, new, definitions. The matters of consideration include:

- whether the development is located so as to avoid land use conflicts with existing and approved uses of land
- whether the proposed development is likely to have a significant impact on, or conflict with, land that would be required to support the growth of a regional city having regard to any future growth areas identified in Regional Plans and Local Strategic Planning Statements (LSPSs) and advice from Council, and
- whether the proposed development would significantly impact the scenic quality and landscape character of a regional city, including on any approaches to the city, taking into consideration any values identified by the community and Council.

We understand that in evaluating these considerations, the consent authority would be required to consider mitigation measures that propose to avoid and minimise the incompatibility of land uses and any scenic and landscape values of the area. However, it is unclear whether the 'avoid and minimise' requirement is proposed to be given effect through an additional head of consideration or not. WaterNSW makes the following comments on the proposed heads of consideration:

- We support the intent of avoiding land use conflicts based on existing and approved uses of the land.
- We believe the consideration of future growth areas should extend to include the provisions of any endorsed and current Local Housing or Local Settlement Strategy as well as Regional Plans and LSPSs.
- Regarding the consideration as to 'whether the proposed development would significantly impact the scenic quality and landscape character of a regional city ...', we believe that the qualifying provision 'taking into consideration any values identified by the community and Council' is unwarranted. We hold a concern that the term 'any values' may be taken to mean 'all values' in which case any Council oversight of a particular 'value' raised in a public submission, however tangential to 'scenic quality and landscape character', may risk invalidating a consent on appeal. There is also already a separate requirement for submissions to be taken into account under s 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- We support the 'avoid and minimise' requirement being given effect through a separate subclause, and for this requirement to be read in conjunction with, and taking into account, the other aforementioned provisions.

### **Where the Heads of Consideration will Apply**

It is not fully clear where and when the provisions will operate. The EIE (page 4) suggests that the matters of consideration 'would apply to utility-scale solar and wind energy development that are identified in the NSW Government's Department's regional plans and are at risk of encroaching solar and wind development due to their proximity to areas of relatively high solar and wind resource potential'. This sentence does not make sense. However, it is qualified by listing ten regional cities where the provisions would apply including Dubbo and Albury. It is unclear whether the proposed provisions would be limited to these ten listed regional centres or whether the provisions would only apply to areas identified in regional plans as being at risk of encroaching solar and wind development, or whether the Infrastructure SEPP provisions will be crafted in some other locational perspective. More clarity is required regarding the exact locations where the SEPP will apply or whether the intended heads of consideration will apply across a broader area than indicated in the EIE.

The EIE identifies that the matters of consideration would apply to land within 10 kilometres of land zoned B3 - Commercial Core, and within 5 kilometres of any residential land zoned R1 – General Residential, R2 – Low Density Residential and R3 – Medium Density Residential. WaterNSW is currently in the planning phase for a number of wind and solar development projects. An initial examination of these has identified that the 5 km buffer distances and the residential zones to which they apply may affect a proposed wind energy development proposal at Hume Dam, Albury. Several points are relevant here:

- There needs to be an opportunity for proponents to take into account and respond to scenic amenity and landscape scale constraints in the design and siting of wind and solar energy development, and for such mitigation measures to be taken into account when responding to the proposed heads of consideration.
- If community and agency feedback from the public exhibition process leads to any increase in these buffer distances or in the range of zones to which these buffer distances apply, we ask that we be further consulted. We have based our assessment of the implications of the EIE for us, and feedback on this EIE, based on the provisions only applying to the zones and buffer distances stated in the EIE. If these change, we would like the opportunity to consider the implications of the proposed changes on the renewable energy projects currently being planned.

### **Standalone Definitions for Utility-scale Solar and Wind**

We understand that the proposed amendment intends to add standalone definitions for utility-scale solar and wind energy developments as follows:

- Utility-scale Solar Energy System – means a photovoltaic electricity system used for the purpose of generating electricity for export to the electricity grid.
- Utility-scale Wind Turbine System - means a system comprising wind turbines used for the purpose of generating electricity for export to the electricity grid.

The addition of these definitions will allow the proposed matters for consideration to be applied to utility-scale solar and wind development without impacting other electricity generating works. WaterNSW has no objection to the new definitions proposed. We also understand that all utility-scale solar and wind energy development, which have a primary purpose of exporting electricity to the grid, would fall under the definition of ‘electricity generating works’. Electricity generating works include other types of development including pumped-hydro and energy storage systems.

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**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Monday, 11 October 2021 12:39:47 PM  
**Attachments:** [sepp-submission.docx](#)

---

Submitted on Mon, 11/10/2021 - 12:38

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

**Name**

**First name**

Sally

**Last name**

Newton-Chandler

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted]

**Suburb/Town & Postcode**

Bathurst 2795

**Submission file**

[sepp-submission.docx](#)

**Submission**

Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124  
11 October 2021

We welcome the desperately needed proposed amendments regarding Renewable Energy and Regional Cities.

It is critical to retain the rural nature of our regional cities by supporting the continued agricultural character of their location to enhance their potential for future population growth and tourism.

Renewable energy installations are very long-term projects, often up to 40 years. Local government authorities should have planning flexibility over this long period of time without the constraints of large renewable energy projects potentially placing limitations on future expansion on gateways to regional cities.

Amendments should be drafted to ensure development of utility scale renewable energy proposals are effectively precluded within the stated 5/10km buffer zones of regional cities.

The changes should ensure there is an appropriate buffer to infrastructure corridors such as highways, railways and airports to take for potential future expansion and development whether or not this is within the 5/10km buffer of the regional cities.

The proposed amendments must relate to all existing and future applications.

Land use conflicts should be avoided, including measures to ensure neighbours are not adversely affected through recognition of incompatible uses, for example, neighbouring agricultural properties inability to access appropriate Public Liability insurance when an extensive industrial site in the form of a Utility Scale Renewable Energy installation is located next door.

All Utility Scale Renewable Energy developments proposed to be located outside the defined Renewable Energy Zones should be required to prove why the project is unable to be accommodated within a zone, that the selected site has a Social Licence from impacted parties and that any potential conflicts with neighbouring properties are fully mitigated.

Sally Newton-Chandler  
Newton Rural Pty Ltd  
PO Box 111 Bathurst NSW 2795

**I agree to the above statement**

Yes

Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

11 October 2021

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Sally Newton-Chandler

Newton Rural Pty Ltd

PO Box 111 Bathurst NSW 2795



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Monday, 11 October 2021 3:44:19 PM  
**Attachments:** [211011-submission-re.-renewable-energy-regional-cities---signed.pdf](#)

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Submitted on Mon, 11/10/2021 - 15:42

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

**Name**

**First name**

Audrey

**Last name**

Marsh

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

2015

**Submission file**

[211011-submission-re.-renewable-energy-regional-cities---signed.pdf](#)

**Submission**

Please see attached.

**I agree to the above statement**

Yes

11 October 2021

Mr Matthew Riley  
Director, Energy and Resources Policy  
Department of Planning, Industry and Environment

*Via online portal*

Dear Mr Riley,

### **Planning Institute of Australia Submission - Renewable Energy and Regional Cities**

Thank you for the opportunity to provide feedback on the proposed Infrastructure SEPP amendments regarding renewable energy and regional cities.

The Planning Institute of Australia (PIA) NSW Division appreciates the increased policy certainty offered by the proposed amendments. PIA understands the need to balance renewable energy projects with community amenity, landscape values and the growth of regional cities.

As this policy identifies, the appropriate place to make trade-offs between regional growth and renewable energy projects is in Regional Plans and Local Strategic Planning Statements. It is critical that these documents set expectations and create pathways for the right kind of regional development in the right places.

To ensure that the policy does not have unintended consequences and that planners are well-equipped to apply the matters for consideration outlined in the Explanation of Intended Effects, PIA recommends the following amendments or supporting actions:

- Inclusion of an additional matter for consideration, whether the land is identified in Regional Plans or Local Strategic Planning Statements as an **area for renewable energy generation**.
- Provision of advice on the **preparation and amendment of Regional Plan and Local Strategic Planning Statements** to directly address regionally and locally significant landscape values and areas suitable for renewable energy generation (including proximity to necessary transmission utilities etc).
- Preparation or endorsement of existing **Visual Impact Assessment (VIA) Guidelines** to improve the quality of VIAs and allow planners to better assess the impact of proposed projects. These guidelines should be in force as soon as practical with input from PIA and other industry experts.

- Insertion of a **mechanism to vary the 5km/10km radii** to another appropriate distance or in relation to visual catchment where this is identified as an important factor in an adopted Regional Plan or other strategic plan. Additionally, consider whether smaller regional centres or towns with unique visual or heritage characteristics should be afforded similar considerations.
- Clarification of how land use conflicts are to be assessed via an **assessment guideline**, particularly consideration of buffers etc.
- A **two-year review of the SEPP amendments** to understand how they have been applied in assessments and the impact on approval rates.

The rapid decarbonisation of the electricity grid is a critical step in addressing climate change. While this policy is necessary to address conflicts between land uses, any policy which negatively impacts grid decarbonisation should not be pursued.

As part of PIA NSW's climate-conscious planning systems campaign, it is proposed that streamlined assessment pathways be created for renewable energy projects in Renewable Energy Zones. You can read more about this reform proposal and other campaign elements [here](#).

PIA would be pleased to discuss this reform proposal or this submission further at any time. I can be contacted on 0431 019 989 or by email at [audrey.marsh@planning.org.au](mailto:audrey.marsh@planning.org.au).

Yours sincerely



Audrey Marsh  
**Senior Policy and Campaigns Officer**



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Monday, 11 October 2021 5:32:25 PM  
**Attachments:** [submission---infrastructure-sepp-eie-submission\\_final.pdf](#)

---

Submitted on Mon, 11/10/2021 - 17:31

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

**Name**

**First name**

Cara

**Last name**

Layton

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

3000

**Submission file**

[submission---infrastructure-sepp-eie-submission\\_final.pdf](#)

**Submission**

Please refer to attached letter.

**I agree to the above statement**

Yes





Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
**Department of Planning, Industry and Environment**  
Locked Bag 5022  
Parramatta NSW 2124

Via: [Planning Portal](#)

11/10/2021

Dear Mr Riley,

**PROPOSED INFRASTRUCTURE SEPP AMENDMENTS: RENEWABLE ENERGY AND REGIONAL CITIES**

**1.0 Introduction**

Tilt Renewables welcomes the opportunity to provide a submission on the proposed amendments to the State Environmental Planning Policy (Infrastructure) 2007 (**SEPP**) published by the Department of Planning and Environment (**DPIE**), as set out in the Explanation of Intended Effect (**EIE**), in September 2021.

Tilt Renewables has continued to grow as a leading renewable energy developer, owner and operator since its inception in late 2016 and aims to continue to grow its portfolio and development pipeline. This has been reinforced by the recent acquisition of Tilt Renewables by Powering Australian Renewables (**PowAR**) in August 2021, resulting in Tilt Renewables now being the largest owner of wind and solar generation in Australia – and the largest renewable energy generator after Snowy Hydro.

Tilt Renewables (as part of the PowAR group) owns and operates five wind farms and two solar farms across Australia (within SA, VIC and NSW), with a further two wind farms under construction/commissioning (in Victoria and Queensland) and are about to commence construction on the Rye Park Wind Farm in NSW. Up until the recent acquisition, Tilt Renewables also developed, owned and operated within New Zealand, including three operating wind farms and a number of sites under development.

Tilt Renewables also has a very significant pipeline of over 4,000 MW of wind and solar projects in Australia (within SA, WA, VIC, NSW and QLD) of which more than 2,000 MW have secured the required planning approvals. Over one third of that pipeline is located in NSW, namely the Rye Park Wind Farm, near Yass and the Liverpool Range Wind Farm in the Central-West and Orana REZ. These are substantial opportunities which together will deliver well over 1,000 MW of new, clean, renewable energy for NSW, from private investment of almost \$3 billion.

Tilt Renewables has over 20 years of experience in the consenting, construction and operation of renewable electricity generation infrastructure in Australia and New Zealand. As a long-term asset owner Tilt Renewables know that local community and stakeholder support is critical to our success. Our values are centered around the importance of people, including doing what we say we will, for all stakeholders.

Tilt Renewables is able to draw on a wealth of directly relevant experience to provide feedback on the proposed amendments.

Tilt Renewables  
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Collins Street West  
Melbourne  
Victoria, 8007  
Australia

Phone: +61 3 9654 3066

**tiltrenewables.com**

## 2.0 Overview

Tilt Renewables broadly supports the EIE's objectives but has some concerns regarding unintended consequences and uncertainties.

Tilt Renewables recognises the importance of renewable energy-related infrastructure in helping the NSW Government achieve net zero emissions, whilst balancing this with strategically important and growing regional development. Tilt Renewables broadly supports the objectives of the EIE in addressing this balance. However, Tilt Renewables is concerned that the EIE (if enacted as is) would place an unreasonable burden on utility-scale solar and wind farms and would not necessarily achieve the desired outcome, because the proposed additional mandatory matters for consideration:

- provide significant uncertainty as to how (and on what) potential impacts from utility-scale solar and wind farms will be assessed and whether they will ultimately be approved;
- do not contemplate a balancing exercise between project benefits (e.g., economic and climate change benefits) and project impacts and may, consequently, place undue weight on potential negative impacts; and
- apply uniquely to these renewable developments but have no corresponding application to other developments that may have an equal or more significant adverse impact on the growth of regional cities and the scenic quality and landscape character.

In addition, recognising the importance of utility-scale renewables to the State, Tilt Renewables has identified other changes to the SEPP that could be made to encourage appropriate and sustainable renewables development.

The table below sets out an overview of matters that Tilt Renewables submit DPIE should consider in making any changes to the SEPP. These matters are addressed more fully in the sections following the table.

Proposed amendment/ issue		Tilt Renewables submission
<b>Strategic justification and application</b>		
1	Application to utility-scale solar and utility-scale wind only	DPIE should consider whether it would be appropriate to apply the proposed additional mandatory matters of consideration to other categories of development with similar impacts such as transport infrastructure, industrial development, and utilities (where not forming part of utility-scale solar and wind developments).
<b>Amendment 1: Matters of consideration for utility-scale solar and wind</b>		
2	Proposal to include the following as a mandatory relevant consideration for a consent authority: <i>"whether the development is located so as to avoid land use conflicts with existing and approved uses of land"</i> .	Land use conflict is sufficiently dealt with under the existing aspects of the mandatory relevant considerations set out in section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW) ( <b>EP&amp;A Act</b> ). DPIE should not include this additional consideration in the SEPP.

Proposed amendment/ issue		Tilt Renewables submission
3	Proposal to include the following as a mandatory relevant consideration for a consent authority: <i>"whether the proposed development is likely to have a significant impact on, or conflict with, land that would be required to support the growth of a regional city having regard to any future growth areas identified in Regional Plans and Local Strategic Planning Statements and advice from Council"</i> .	Documents to which a proponent must have regard should be publicly available, readily identifiable, sufficiently certain and formal/approved. <i>"Advice from Council"</i> is uncertain and at risk of subjectivity and inaccuracy. DPIE should consider removing that aspect of the requirement.
4	Proposal to include the following as a mandatory relevant consideration: <i>"whether the proposed development would significantly impact the scenic quality and landscape character of a regional city, including on any approaches to the city, taking into consideration any values identified by the community and Council"</i> .	This criterion poses significant uncertainty because, in NSW, particular scenic landscapes are not currently identified in a systematic way. Tilt Renewables submits that there is more work to do on identifying and recording particular scenic landscapes before criteria of this nature should be included in the SEPP.
<b>Amendment 2: Definitions for utility-scale solar and wind</b>		
5	Proposed definitions of Utility-scale Solar Energy System and Utility-scale Wind Turbine System.	Tilt Renewables agrees with the proposed definitions.
<b>Additional amendments not covered by the EIE</b>		
6	Additional mandatory relevant consideration – climate change impacts and economic significance	Tilt Renewables submits that project benefits are equally important to consider as impacts to regional cities and landscapes. To that end, Tilt Renewables submits that DPIE should consider including in the SEPP additional mandatory relevant considerations for utility-scale renewables projects, including: <ul style="list-style-type: none"> <li>the economic significance/benefits of the development; and</li> <li>the climate change impacts/benefits of the development.</li> </ul>
7	Meteorological masts	DPIE should consider removing the 110m height limit in clause 39(2)(b)(ii) of the SEPP in relation to meteorological monitoring masts which are exempt development.

### 3.0 Strategic justification for and application of amendments

The EIE states that solar and wind projects have unique visual characteristics that can impact on the scenic qualities of an area. It further states that while it is possible to mitigate visual impacts from these developments from residential receivers, it is difficult to mitigate impacts on broader landscape values and viewsheds.

Tilt Renewables notes that the strategic justification for the proposed amendments to the does not specify how the current framework for considering potential landscape and visual impacts associated with utility-scale wind farm developments<sup>1</sup> is inadequate to protect the scenic and visual qualities of regional cities. Moreover, the EIE does not recognise that scenic qualities will typically change over time as regional cities grow and expand. Ultimately, the EIE does not clarify why an amendment to the SEPP is the appropriate mechanism to protect the scenic and visual qualities of regional cities.

Tilt Renewables does not disagree that utility-scale wind and solar projects can have visual impacts. However, if the proposed additional mandatory relevant considerations are to be imposed on utility-scale solar and wind, so as not to unfairly disadvantage the renewables industry and to achieve the stated objectives with regard to maintaining scenic quality and landscape character, DPIE should consider whether it would be appropriate to apply the proposed additional mandatory matters of consideration to other similarly impactful development such as transport infrastructure, industrial development, and utilities (where not forming part of utility-scale solar and wind developments).

### 4.0 Matters of consideration for utility-scale solar and wind

#### 4.1 *Whether the development is located so as to avoid land use conflicts with existing and approved uses of land*

Tilt Renewables submits that this requirement should not be included in the SEPP.

Land use conflict is a matter that is already considered under various aspects of section 4.15 of the EP&A Act. Elevating it to a specific consideration under the SEPP is likely to unreasonably inhibit renewables development because:

- it may give undue weight to the non-renewables approved use without considering and balancing the risks and benefits of each of the proposed renewables use and the existing/approved use;
- it is expressed as an absolute requirement without taking into account any concept of practicability, including:
  - whether an approved use will actually be developed, and the timing of that development;
  - whether reasonable and practicable attempts have been made to modify the proposed project to avoid the land use conflict, or negotiate with impacted landholders or adopt other solutions; and
  - options and solutions that could be presented as conditions of consent, including that certain aspects of the proposed renewables development cannot be constructed unless an appropriate agreement is entered into with the impacted landholders or owner-led acquisition clauses; and
- there is no balancing exercise between the land use conflict on the one hand and the project benefits (economic and environmental) on the other hand (discussed further below). A balancing exercise would be more consistent with NSW Government policy and the net zero emissions target.

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<sup>1</sup> *The Wind Energy: Visual Assessment Bulletin for State significant wind energy development (OEH, 2016) sets out the guidelines for the assessment of potential landscape and visual impacts associated with State significant wind farm developments.*

**4.2     *Whether the proposed development is likely to have a significant impact on, or conflict with, land that would be required to support the growth of a regional city having regard to any future growth areas identified in Regional Plans and Local Strategic Planning Statements and advice from Council***

Tilt Renewables submits that as the EIE stands, the second additional matter of consideration is too broad in its wording. Renewables proponents need certainty on which planning instruments must be considered. Documents to which a proponent and consent authority must have regard should be publicly available, readily identifiable, sufficiently certain and formal/approved. "Advice from Council" is uncertain and at risk of subjectivity and inaccuracy.

DPIE could provide additional certainty by:

- referring to a list of specific publicly available planning documents or requiring that documents to which regard must be had are identified in a planning certificate; or
- at least, removing "advice from Council" from the criterion.

**4.3     *Whether the proposed development would significantly impact the scenic quality and landscape character of a regional city, including on any approaches to the city, taking into consideration any values identified by the community and Council.***

This criteria poses significant uncertainty for proponents and for communities/ regional cities because:

- neither the SEPP nor other instruments define areas of particular landscape significance; and
- the assessment is subjective.

Tilt Renewables submits that DPIE should consider amending this consideration to provide additional guidance for proponents, including by providing a mechanism by which land with scenic quality and character is formally identified prior to this criterion applying.

Local environmental plans (LEPs) present an appropriate place to identify areas of landscape significance (in the same way that, for example, local heritage areas are identified). The inclusion of a form of scenic landscape overlay within LEPs (similar to how this is applied in other jurisdictions such as Victoria or New Zealand) would allow significant landscapes to be identified and preserved, not only in relation to utility-scale renewables developments but in relation to any development that will impact on that landscape.

Drawing on the line of cases that started with *Taralga*<sup>2</sup>, judicial guidance indicates the risk in placing undue emphasis on not changing landscapes which do not have any great scenic or other significance and which would otherwise evolve over time as a result of a range of development activities (not just renewables). Limiting renewables development from a whole landscape perspective should only be done in a considered way.

Tilt Renewables submits that there is more work to do on identifying and recording particular scenic landscapes before a criteria of this nature should be included in the SEPP.

**5.0     *Additional amendments not covered by the EIE***

**5.1     *Additional mandatory relevant considerations: Project benefits – economic and climate change***

The EIE proposes that additional impact considerations apply in relation to utility-scale projects. Notwithstanding Tilt Renewables' specific comments on those three additional considerations, if they are to be included in the SEPP, Tilt Renewables submits that project benefits should also be mandatory relevant considerations for the consent

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<sup>2</sup> *Taralga Landscape Guardians Inc v Minister for Planning and RES Southern Cross Pty Ltd* [2007] NSWLEC 59.



authority, including:

- **Economic significance:** Utility-scale wind and solar farms bring economic growth and employment opportunities to regional cities, aligning with the purpose of the EIE to support strategically important and growing regional development.

At a time when there was a greater focus on the benefits of mining to the NSW economy, in determining a development application for mining, the consent authority was required to consider the significance of the mineral resource having regard to the economic benefits to the State and the region.<sup>3</sup>

- **Climate change:** The NSW Government has set a net zero emissions goal. A utility-scale renewables project's contribution towards achieving this goal, i.e., its climate change impact should be a mandatory consideration for the consent authority.

A balancing exercise between the impacts of the project, competing land-uses and project benefits would be consistent with the NSW Government's policy to encourage renewable development – in a sustainable way and within appropriate areas.

## **5.2 Exempt or complying provision for meteorological masts for large-scale renewables**

Meteorological monitoring masts typically have a negligible environmental impact when compared with the impact of the overall utility-scale wind development. Recognising this, certain masts are classified as exempt development under clause 29 of the SEPP. However, there is a height limit of 110m imposed by clause 39(2)(b)(ii).

Tilt Renewables submits that DPIE should consider removing the 110m height limit in clause 39(2)(b)(ii) of the SEPP in relation to meteorological monitoring masts which are exempt development. The intention of this clause is to permit investigation into the suitability of a location for a wind farm. However, with advances in wind turbine technology, 110m is not sufficiently high (as the height of monitoring masts should be similar to the proposed hub height of a wind turbine). Removing the height limit would not increase the impacts of a mast but would facilitate more efficient development of utility-scale wind farm projects.

Tilt Renewables submits that this small change could be easily wrapped up into the other proposed changes to the SEPP for utility-scale solar and wind project

## **6.0 Conclusion**

Tilt Renewables appreciates the opportunity to provide comment on the proposed amendments to the State Environmental Planning Policy (Infrastructure) 2007.

Tilt Renewables recognises the importance of renewable energy-related infrastructure in helping the NSW Government achieve net zero emissions, whilst balancing this with strategically important and growing regional development. Tilt Renewables broadly supports the objectives of the EIE in addressing this balance. However, Tilt Renewables is concerned that the EIE (if enacted as is) would place an unreasonable burden on utility-scale solar and wind farms and would not necessarily achieve the desired outcome.

In addition, recognising the importance of utility-scale renewables to the State, Tilt Renewables has identified other changes to the SEPP that could be made to encourage appropriate and sustainable renewables development.

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<sup>3</sup> State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, clause 12AA (now repealed).



We would be willing to provide any further information that would assist DPIE with their review. Please do not hesitate to contact the undersigned should you wish to discuss any aspect of the above submission further.

Regards,

A handwritten signature in black ink, appearing to read "Cara Layton", written over a light grey rectangular background.

Cara Layton

**Stakeholders and Environment Manager**

0409 262 039

[cara.layton@tiltrenewables.com](mailto:cara.layton@tiltrenewables.com)

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**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Monday, 11 October 2021 6:22:16 PM  
**Attachments:** [providence-asset-group-sepp-eie-submission.pdf](#)

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Submitted on Mon, 11/10/2021 - 18:21

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

**Name**

**First name**

Jeremy

**Last name**

Every

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

Sydney 2000

**Submission file**

[providence-asset-group-sepp-eie-submission.pdf](#)

**Submission**

Please refer to the attached submission file.

**I agree to the above statement**

Yes



**Providence Asset Group**  
Level 9, 120 Sussex Street, Sydney NSW 2000  
www.providences.com.au



Monday, 11 October 2021

NSW Department of Planning, Industry and Environment  
4 Parramatta Square  
12 Darcy Street  
Parramatta NSW 2150

To whom it may concern,

Re: Submission to Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities

Providence Asset Group (PAG) is an Australian innovation led investment and asset management firm focusing on ethical investment within an environmental, social and corporate governance framework. Through collaborative partnerships, PAG supports and invests in projects aligned to new forms of renewable and clean energy. PAG is working with leading universities to accelerate Australia's shift towards affordable and reliable renewable energy. As part of this transition, PAG is developing a portfolio of forty 5 Megawatt (MW) community-scale solar farms across NSW and Victoria.

PAG's projects are vastly different in scale to the 100 MW projects currently installed and proposed throughout the three NSW Renewable Energy Zones for which it may be reasonably interpreted the proposed amendments to the Infrastructure SEPP are primarily intended to address. PAG's portfolio of smaller-scale 5MW projects have been carefully sized to minimise project footprint (occupying just 15 hectares), minimise visual impact and simplify development and connection approval pathways.

Within PAG's portfolio, three projects have received development approval within the LGA of the regional city of the Tamworth, two of which lie within 5km of R1, R2, R3 zoned land. A fourth project, located near Dubbo, is currently in the development final stages, awaiting a determination date.

While PAG supports the overall objective of the Infrastructure SEPP amendments, which will prevent large renewable energy developments from constricting growth of regional cities given their vast scale, the proposed changes in their currently explained form may have the unintended effect of materially impacting smaller-scale project viability.

The purpose of this submission is to outline a number of inconsistencies and potential conflicts in the Explanation of Intended Effect (EIE) with a view towards consideration in the final form of amendments. Additional contextual background is provided for smaller-scale utility solar projects, focusing on the development and connection requirements in the context of the proposed Infrastructure SEPP amendments. In this submission, three different solar system sizes are referenced, defined as follows:

1. Solar Energy System (household and commercial rooftop systems)
2. Large-scale Utility Solar (>5MW)
3. Small-scale Utility Solar (<5MW)

The first term, 'solar energy system' relates to small-scale rooftop systems which, in the proposed Infrastructure SEPP amendments, shall be distinctly separated from systems primarily intended to generate revenue through electricity production, i.e. 'electricity generating works'. PAG considers this amendment as a welcome clarification.

The second term relates to 'power station' scale projects, being typically 50-100MW or more in size, for which PAG has no opposition to the proposed Infrastructure SEPP amendments regarding regional cities.

However, the third term requires further consideration in the context of the amendments as subsequently outlined in this submission.

## **What is Utility-Scale Solar?**

As stated in the EIE 'Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities':

*"The proposed matters of consideration would apply only to utility-scale solar and wind energy developments which would be separately defined in the Infrastructure SEPP".*

*"This means that all utility-scale solar and wind energy development, which have a primary purpose of exporting electricity to the grid, would fall under the definition of electricity generating works. Electricity generating works are defined as meaning a building or place used for the purpose of making or generating electricity or electricity storage".*

Firstly, in the context of the proposed 'utility-scale solar and wind' definition, care should be taken to ensure both grid-connected and off-grid systems are equally captured, and the definition of is not limited to the **"primary purpose of exporting electricity to the grid"**. Currently off-grid solar energy systems are not clearly captured under the definition of utility-scale as they do not 'export electricity' however off-grid developments are ostensibly the same as grid-connected projects from a community impact perspective. The transition to a hydrogen economy and uptake of microgrids indicates off-grid networks will become more relevant to the planning framework in coming decades. Any changes to the Infrastructure SEPP should give due consideration to off-grid systems.

Furthermore, the term 'Utility-scale Solar Energy System' under the definition of **"primary purpose of exporting electricity to the grid"**, not only encompasses **Large-scale Utility Solar** as defined in this submission but also **Small-scale Utility Solar** in the 100kW to 5MW size range. While PAG holds a position that regional cities should not be unreasonable restricted in terms of growth potential, the intended effect of the proposed amendments appear to overreach the mark, preventing "smaller-scale" and therefore lower impact generation assets from achieving commercial viability.

Under current Australian Energy Market Operator (AEMO) classifications, generation systems less than 5MW receive automatic exemption from the requirement to register as a generator. However, participation in the National Electricity Market is made available through the Small-scale Generator Aggregator participant category. Consequently, generators less than 5MW are capable of exporting energy to the National Electricity Market, therefore having the “**primary purpose of exporting electricity to the grid**” and therefore lie within the newly proposed definition of ‘Utility-Scale Solar Energy System’ under ‘electricity generating works’.

The Australian Renewable Energy Target includes two frameworks for participation, small-scale and large-scale. The small-scale definition largely aligns with the solar generating system definition proposed for refinement in the Infrastructure SEPP amendments, being an installation with a nameplate rating less than 100kW.

Under the Australian Renewable Energy Target, large-scale solar is defined as anything over 100kW. Such a system can be achieved through the installation of just 250 solar panels, covering an area 0.05 hectares. The viability of such projects are typically linked to revenue streams linked to the generation of large-scale generation certificates and export of energy through a power purchase agreement or otherwise. Consequently, all solar installations larger than 100kW are likely to be captured under the proposed SEPP amendments. The subsequent impact on project viability is explored below.

### **Smaller-scale Utility (<5MW) Project Grid Connection Requirements**

Due their relatively small-size, solar energy systems less than 5MW must connect at a location relatively close to existing zone substation infrastructure (when intended to be grid-connected). Grid-connection is only commercially viable through connection to low voltage and medium voltage infrastructure, i.e. 33 kilovolts or less. This is in contrast to 100MW-scale developments which typically connect to sub-transmission and transmission networks of 66 kilovolts and higher, enabling greater location flexibility given the vast distances transmission infrastructure covers and the relative insensitivity to transmission substation proximity.

Smaller-scale Utility Solar systems connecting to the distribution are reliant on either:

1. direct zone substation connections; or
2. access to high-capacity distribution lines.

The proposed Infrastructure SEPP amendments will preclude the first option as zone substations associated with regional cities are, by necessity, located relatively close to load centres and therefore R1, R2, R3 and B3 zoned land.

The second option to utilise high-capacity distribution lines therefore presents the only option for Smaller-scale Utility Solar projects for regional cities. However, based on PAGs detailed knowledge of distribution networks in regional NSW, forged through extensive due diligence activities and detailed electrical network assessments, access to existing

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distribution line infrastructure of the required strength to support Smaller-scale Utility Solar projects is severely limited within 5 km of a regional city, let alone further than 5 km. High-capacity lines, similar to zone substations, are typically located near load centres. Without access to high-capacity lines, costly network upgrades are required, paid for by the connection applicant and then gifted to the network service provider. Such upgrades are typically commercially unviable for renewable energy projects where investment returns are already highly sensitive to capital cost.

Consequently, preclusion from development within 5km of R1, R2, R3 zoned land, which are typically collocated with viable network infrastructure, will in effect preclude the commercial viability for solar projects less than 5MW.

### **Regional City Definition and Extension of Interpretation**

The definition of regional city is not well-defined in the EIE, nor is the list of locations comprehensively articulated. The EIE states the following:

*“These regional cities include:*

- *Albury*
- *Armidale*
- *Bathurst*
- *Dubbo*
- *Griffith*
- *Orange*
- *Tamworth*
- *Wagga Wagga”*

It appears the intention is to limit the application to the above specific regional cities however the EIE does not adequately achieve this due to use of the word *“include”* rather than definitive terminology. Therefore, a consent authority may reasonably infer that the list includes, but is not necessarily limited to, the above locations and may therefore apply the proposed amendments to other regional locations.

Furthermore, the EIE also makes reference to coastal regional cities but moves to remove them from consideration on the basis that:

*“Other regional cities, which include Coffs Harbor, Gosford, Lismore, Nowra, Port Macquarie, Shellharbour and Tweed Heads, have relatively low solar and wind energy resource potential...” and therefore “... they are not at risk of encroaching solar and wind development and therefore the matters of consideration would not apply to these areas.”*

The assertion that coastal Regional Cities, such as those listed above, have low solar and wind energy resource potential is incorrect. As an example, the solar irradiation yield at Coffs Harbour, as found through the National Map database of the Australian Government, is 18.064 MJ/m<sup>2</sup>. In comparison, the solar irradiation yield at the 720 MW New England

**Providence Asset Group**  
Level 9, 120 Sussex Street, Sydney NSW 2000  
www.providences.com.au



Solar Farm, Australia's largest hybrid solar and battery storage facility, is 18.163 MJ/m<sup>2</sup>. It is clear Coffs Harbour, as coastal regional city, has solar irradiation exposure relatively similar to the New England Solar Farm project.

Therefore, the commercial viability of large-scale installations in coastal areas is not necessarily related to solar yield but rather it is fundamentally related to a combination of high land values, higher flood risk and the presence of high value native vegetation and ecosystems.

The reference to low potential coastal regional cities and subsequent exclusion from the list of regional cities proposed for the SEPP amendments, further highlights the potential for subjective interpretation and the possible conflict with regional location growth, whether real or perceived, creating a lack of clarity around development permissibility.

In the current form of the EIE, a consent authority opposing a development may claim impermissibility on the grounds of future growth conflict for any regional city or possibly, any regional town.

### **Recommended Amendments and Considerations:**

1. Include a further sub-category within 'Utility-Scale Solar Energy System' encompassing 'Smaller-scale Utility Solar' – notionally defined as systems less than 5 MW. A 5MW limit provides a clear and consistent alignment with the exempt generator category as defined by AEMO.
2. Exclude 'Smaller-scale Utility Solar' from the proposed Infrastructure SEPP instrument amendments with respect to regional cities.
3. Include an exhaustive and final list of regional cities to which the proposed changes to the Infrastructure SEPP apply.
4. The exhaustive list should be defined and explained so as to prevent interpretation extension to other regional cities, towns and villages not included in the list.

Yours Sincerely,

DocuSigned by:  
A handwritten signature in black ink, appearing to read "Henry Sun".  
0BE44625C0F248F...

**Henry Sun**  
Chief Executive Officer  
Providence Asset Group



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Monday, 11 October 2021 10:33:21 PM  
**Attachments:** [letter-to-department-regarding-isepp-amendments---11-october-2021.pdf](#)

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Submitted on Mon, 11/10/2021 - 22:30

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

**Name**

**First name**

Ray

**Last name**

Waterhouse

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

Bathurst

**Submission file**

[letter-to-department-regarding-isepp-amendments---11-october-2021.pdf](#)

**Submission**

Please see attached.

**I agree to the above statement**

Yes

11 October 2021

Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry &  
Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

By Email

Dear Sir

**Submission on Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities 2021**

I refer to the Explanation of Intended Effect (**EIE**) dated September 2021 in relation to the proposed amendments to the *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) (ISEPP Amendments)*.

**Background**

I am the owner of significant holdings of rural-zoned land within the Bathurst region. My farm is located on the Bathurst Plains approximately 10kms from the Bathurst City Centre.

I am also a member of the Glanmire Action Group, the aims of which are, amongst other things, to protect the interests of the local community.

Like many other rural areas, the productive agricultural land in Bathurst is coming under threat from prospective solar developments with little regard for the immediate and long term impacts of such developments on the neighbouring land and livelihoods of those individuals that occupy those lands.

Accordingly, I welcome and am encouraged by the Department of Planning, Industry and Environment's underlying intention of the ISEPP Amendments, being to mitigate the land use conflicts that are inherent in poorly considered solar developments.

**Executive Summary**

I support the inclusion of additional considerations for solar and wind farm proposals in close proximity to regional cities. It is understood that solar and wind farms play an important role in the diversity of energy production, and that such development may take place outside of the proposed NSW Renewable Energy Zones (**REZs**).

However, planning policy support for renewable energy facilities is not unconstrained, and should not trump other important considerations. These important considerations include regard to the livelihood of agricultural communities, and the character of its cities and the surrounding regions.

As detailed below, my submissions are summarised as follows:

1. a greater degree of certainty for decision-makers and regional communities for the assessment of utility-scale solar and wind facilities. The proposed radii of 10km from land zoned B3 - Commercial Core or 5km from land zoned R1 - General Residential, R2 - Low

Density Residential and R3 - Medium Density Residential, should be made uniform so that the additional matters for consideration are applicable of any commercial solar or wind energy generation facility proposed within 10km from any R1, R2 or R3 zoned land.

2. Clarification of prescribed matters of consideration for consent authorities under the ISEPP Amendments. This should include, but not be limited to, visual impact, acoustic impact and a dedicated social impact assessment.

### **Proposed Radii of Application**

The ISEPP Amendments are proposed to apply to utility-scale solar and wind projects (**utility-scale facilities**) located near a number of regional cities that have good renewable energy resources, including Albury, Armidale, Bathurst, Dubbo, Griffith, Orange, Tamworth and Wagga.

Pursuant to the EIE, the ISEPP Amendments are intended to *'ensure the efficient delivery of electricity generating infrastructure in NSW whilst ensuring emerging land use conflict issues in regional centres of the State are appropriately considered in the planning process'*.

The EIE indicates that a consent authority is to have regard to additional matters of consideration for development applications for sites located in proximity to these cities and that are within 10 kilometres of the land zoned commercial core (B3), or within five kilometres of residential land (R1, R2 or R3) (**Proposed Radii**).

On my understanding of the ISEPP Amendments, the difference in the assessment criteria for proposals within REZs, and those outside REZs, is not clearly defined. A divergent approach for applications outside REZs, that are subject instead to the ISEPP Amendments, may cause uncertainty for developers, consent authorities and members of the public.

Given the strategic planning documents published by many regional councils, it is clear that there is a drive to push residential development to areas outside the current limits of those regional centres, the permanent siting of utility-scale energy facilities close to regional cities is an undesirable planning outcome. These growth plans, include, but are not limited to:

1. Vision Bathurst 2040: Bathurst Region Local Strategic Planning Statement;
2. Dubbo Region Community Strategic Plan; and
3. Tamworth Regional Blueprint 100.

Additionally, NSW State Government planning documents such as 'A 20-Year Economic Vision for Regional NSW' identifies a long-term trend of migration from Sydney towards growing regional centres, and establishes a Regional Development Framework to ensure amenity, growth and potential for regional centres.

The future growth of NSW's regional cities should not be underestimated, and long-term planning of utility-scale facilities should identify appropriate siting locations. This is critical considering the long-term life of a solar or wind farm is up to 20-30 years, which can be further extended by lease renewals, repowering and subsequent site restorations.

Accordingly, in order to safeguard the with the future expansion of our regional centres, the proposed radii should be mandated as 10km from any land currently subject to residential zoning (R1, R2 or R3), or indicated as future residential land in a strategic planning document.

### **Mandatory Matters of Consideration**



Pursuant to the EIE, the ISEPP Amendments will apply such that if a proposed utility-scale facility is located within the Proposed Radii, a consent authority is to have consideration to the following 'additional matters of consideration':

1. whether the development is located so as to avoid land use conflicts with existing and approved uses of land;
2. whether the proposed development is likely to have a significant impact on, or conflict with, land that would be required to support the growth of a regional city having regard to any future growth areas identified in Regional Plans and Local Strategic Planning Statements and advice from Council; and
3. whether the proposed development would significantly impact the scenic quality and landscape character of a regional city, including on any approaches to the city, taking into consideration any values identified by the community and Council.

In reviewing any utility-scale facilities, the consent authority is required to '*consider any mitigation measures that are proposed to avoid and minimise the incompatibility of land uses and any scenic and landscape values of the area*'.

To safeguard the future growth of regional cities in NSW, appropriate *mandatory considerations* should be incorporated into the development application process for utility-scale facilities. This should include early consultation mechanisms for meaningful community engagement and a range of compulsory impact assessments.

For the reasons stated above, the ISEPP Amendments should mandate the following impact assessments:

1. **Acoustic impacts** of utility-scale facilities, including:
  - a. wind turbines;
  - b. battery storage systems;
  - c. noise and vibration assessments of solar farms; and
  - d. identification of sensitive receivers.
2. **Visual impacts** of utility-scale facilities, including:
  - a. siting requirements, which consider the key scenic viewpoints of regional importance as viewed not only from the regional centre, but from other locations;
  - b. the requirement for screening measures to protect scenic and landscape values of regional cities; and
  - c. topographical considerations, including the suitability of terrain height;
3. **Land use incompatibility**, including:
  - a. avoidance of flood-prone land;
  - b. consideration of the agricultural values of the land;
  - c. bushfire risk (especially with solar farm battery installations); and

- d. proximity of the proposed utility-scale facility to the grid, and associated impacts of transmission.

It is important, consistent with long-standing judicial authority, that the totality of utility-scale facilities be assessed as a whole. It should not be possible for different elements of such facilities to be broken off for separate assessment, so as to avoid a full assessment of all cumulative impacts. For example, elements such as battery storage systems and infrastructure linkage to the grid should all be assessed as part of the Environmental Impact Statement (**EIS**) for the proposed facility.

### Social Impact Assessment

A consent authority should have an ability to comprehensively evaluate utility-scale facilities, whilst effectively balancing community considerations and the growth of NSW's regional cities.

The 2021 Social Impact Assessment Guideline (**Guideline**) was developed by the NSW Government to mandate that all State significant projects are subject to a Social Impact Assessment (**SIA**).

According to the Guideline, a SIA should be targeted and proportionate to the likely project impacts, and to the project's context. 'Social impacts' generally refer to the consequences that people experience when a new project brings change. For the purposes of a SIA, 'people' are classed as individuals, households, groups, communities, or organisations.

The SIA aims to identify, predict and evaluate likely social impacts arising from a project and propose responses to the predicted impacts. Given the long-term nature of utility-scale facilities and significant land use impacts, a SIA should be mandated under the ISEPP Amendments to fully understand the impacts to regional cities at the beginning of the planning process.

In considering the social impact of a proposed development, the proponent must demonstrate that the proposal will cause minimal financial impact on the neighbouring land and the occupiers of that land. By way of example, if the cost of insurance is likely to increase due to the presence of a solar development, that development should be refused as it cannot be in the public interest to allow development to generate profit to the detriment to those surrounding it where such detriment is not a result of market forces.

A SIA will address this and other stakeholder and community concerns, whilst supplementing a proposal's EIS to create socially sustainable outcomes.

### **Consistency with NSW Renewable Energy Zones**

The regional cities to which the ISEPP Amendments apply have not been included in the proposed REZs. This is the case for Bathurst, which is located to the south of the proposed Central-West Orana Renewable Energy Zone currently on public exhibition.

To provide certainty for consent authorities, the ISEPP Amendments must be consistent with the planning pathways for renewable energy facilities in REZs. The NSW planning framework would not benefit from a fragmented approach to decision-making for utility-scale facilities.

Specifically, the 'additional matters of consideration' under the ISEPP Amendments must be consistent with the planning framework for the proposed REZs under the *Electricity Infrastructure Investment Act 2020* (**Infrastructure Act**).

The ISEPP Amendments do not identify any role for the NSW Energy Corporation (**EnergyCo**), which has been defined as the body which will 'seek to achieve a balance between electricity, agriculture,

heritage, visual amenity, mining and other land uses within the proposed REZs'.<sup>1</sup> EnergyCo is also defined as the 'infrastructure planner' for REZs pursuant to section 23(5) of the Infrastructure Act.

Under section 63 of the Infrastructure Act, the infrastructure planner has the following functions:

*(4)(b) to investigate, plan, co-ordinate and carry out planning and design of generation infrastructure,*

*(4)(c) to investigate, plan, co-ordinate and carry out planning, design, construction and operation of storage and network infrastructure,*

...

*(5)(b) achieve the objects of this Act*

Section 3 of the Infrastructure Act defines these objects as including 'to foster local community support for investment in new generation, storage, network and related infrastructure'.

The ISEPP Amendments should at a minimum reflect the same standards and considerations given to proposed facilities for REZs under the Infrastructure Act. Given the absence of any dedicated regulatory oversight for areas outside REZs, the mandatory considerations outlined above are critical for ensuring the sustainable growth of NSW's regional cities.

Differing standards for utility-scale facilities would also impact on the ability of a consent authority to undertake an evaluation of relevant matters under s4.15 of the *Environmental Planning and Assessment Act 1979*, particularly:

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.*

Thank you for your consideration and I look forward to the exhibition of the draft amended ISEPP.

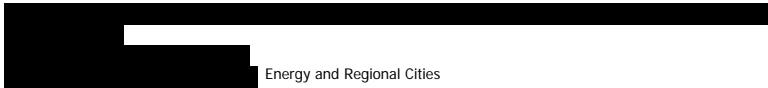
Yours faithfully



Ray Waterhouse

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<sup>1</sup> NSW DPIE, 'NSW Electricity Infrastructure Roadmap - Building an Energy Superpower: Overview' (November 2020), 17.



**Date:**

Monday, 11 October 2021 8:07:09 PM

Energy and Regional Cities

**Attachments:**

[submission-on-isepp-amendments-\(explanation-of-intended-effect-dated-11-october-2021.pdf\)](#)

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Submitted on Mon, 11/10/2021 - 19:52

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

**Name**

**First name**

Andrew

**Last name**

Scully

**I would like my submission to remain confidential**

No

**Info**

**Email**



**Suburb/Town & Postcode**

2000

**Submission file**

[submission-on-isepp-amendments-\(explanation-of-intended-effect-dated-11-october-2021.pdf\)](#)

**Submission**

Please see attached.

**I agree to the above statement**

Yes

Our Ref: PNL:ACS:1002900

11 October 2021

Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry & Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

**By Email**

Dear Sir/Madam

**Fitzsummer Pty Ltd**  
**Submission on Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities 2021**

We act for Fitzsummer Pty Ltd (**Fitzsummer**).

We refer to the Explanation of Intended Effect (**EIE**) dated September 2021 in relation to the proposed amendments to the *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) (ISEPP Amendments)*.

**Background**

Fitzsummer is the owner of significant holdings of rural-zoned land (located within 10kms of the Bathurst town centre) within the Bathurst region. Our client also has major landholdings in other areas of NSW, which are currently used for agricultural purposes and are proximate to major centres.

**Executive Summary**

Fitzsummer supports the inclusion of additional considerations for solar and wind farm proposals in close proximity to cities in regional NSW. Fitzsummer understands that solar and wind farms play an important role in diversifying energy production in regional NSW, and that such development may take place outside of the proposed NSW Renewable Energy Zones (**REZs**).

However, planning policy support for renewable energy facilities is not unconstrained, and should not trump other important considerations. These important considerations include regard to the livelihood of regional communities, and the character of its cities.

Fitzsummer's submission to the ISEPP Amendments are summarised as follows:

1. A greater degree of certainty for decision-makers and regional communities for the assessment of utility-scale solar and wind facilities. The proposed radii of 5-10km

Doc ID 885505073/v1

Doc ID 885505073/v1

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Hobart  
Melbourne  
Norwest  
Perth  
Sydney

ABN 37 246 549 189

from B3 or residential zoning should be mandated as 10km from any land currently subject to residential zoning (R1, R2 or R3).

2. Clarification of specific matters of consideration for consent authorities under the ISEPP Amendments. This should include visual impact, acoustic impact and a dedicated social impact assessment.

### **Proposed Radii of Application**

We understand that the ISEPP Amendments are proposed to apply to utility-scale solar and wind projects (**utility-scale facilities**) located near a number of regional cities that have good renewable energy resources, including Albury, Armidale, Bathurst, Dubbo, Griffith, Orange, Tamworth and Wagga.

Pursuant to the EIE, the ISEPP Amendments are intended to '*ensure the efficient delivery of electricity generating infrastructure in NSW whilst ensuring emerging land use conflict issues in regional centres of the State are appropriately considered in the planning process*'.

Of these changes, a proposed tool for consent authorities is regard to additional matters of consideration for development applications for sites located near these cities and that are within 10 kilometres of the land zoned commercial core (B3), or within five kilometres of residential land (R1, R2 or R3) (**Proposed Radii**).

Based on our review of the ISEPP Amendments, the difference in planning regulations for proposals in REZs, and those outside REZs, are not clearly defined. A divergent approach for applications outside REZs, that are subject instead to the ISEPP Amendments, may cause uncertainty for developers and consent authorities.

Given the growth plans submitted for many cities in regional NSW, where residential land may follow urban sprawl and consideration, the permanent siting of utility-scale energy facilities close to regional cities is an undesirable planning outcome. These growth plans, include, but are not limited to:

1. Vision Bathurst 2040: Bathurst Region Local Strategic Planning Statement;
2. Dubbo Region Community Strategic Plan; and
3. Tamworth Regional Blueprint 100.

Additionally, NSW State Government planning documents such as 'A 20-Year Economic Vision for Regional NSW' identifies a long-term trend of migration from Sydney towards growing regional centres, and establishes a Regional Development Framework to ensure amenity, growth and potential for regional centres.

The future growth of NSW's regional cities should not be underestimated, and long-term planning of utility-scale facilities should identify appropriate siting locations. This is critical considering the long-term life of a solar or wind farm is up to 20-30 years, which can be further extended by lease renewals, repowering and subsequent site restorations.

In accordance with the future growth expectations for regional centres in NSW, the proposed radii should be mandated as 10km from any land currently subject to residential zoning (R1, R2 or R3).

### **Specific Mandatory Matters of Consideration**

Pursuant to the EIE, the ISEPP Amendments are to apply such that if a proposed utility-scale facility is located within the proposed radii, a consent authority is to have consideration to the following 'additional matters of consideration':

1. whether the development is located so as to avoid land use conflicts with existing and approved uses of land;
2. whether the proposed development is likely to have a significant impact on, or conflict with, land that would be required to support the growth of a regional city having regard to any future growth areas identified in Regional Plans and Local Strategic Planning Statements and advice from Council; and
3. whether the proposed development would significantly impact the scenic quality and landscape character of a regional city, including on any approaches to the city, taking into consideration any values identified by the community and Council.

In reviewing any utility-scale facilities, the consent authority would also be required to 'consider any mitigation measures that are proposed to avoid and minimise the incompatibility of land uses and any scenic and landscape values of the area'.

To ensure the future growth of regional cities in NSW, appropriate *mandatory considerations* should be incorporated into the development application process for utility-scale facilities. This should include early consultation mechanisms for community engagement and a range of compulsory impact assessments. The protection of scenic and landscape values in proximity to regional cities is of paramount importance for considered planning outcomes.

For the reasons stated above, the ISEPP Amendments should mandate the following impact assessments:

1. **Acoustic impacts** of utility-scale facilities, including:
  - a. Wind turbines;
  - b. Battery storage systems;
  - c. Noise and vibration assessments of solar farms; and
  - d. Identification of sensitive receivers.
2. **Visual impacts** of utility-scale facilities, including:
  - a. Siting requirements, which consider the key scenic viewpoints in regional cities;
  - b. The requirement for screening measures to protect scenic and landscape values of regional cities; and

- c. Topographical considerations, including the suitability of terrain height;
- 3. **Land use incompatibility**, including:
  - a. Avoidance of flood-prone land;
  - b. Consideration of the agricultural values of the land;
  - c. Bushfire risk (especially with solar farm battery installations); and
  - d. Proximity of the proposed utility-scale facility to the grid, and associated impacts of transmission.

It is important, consistent with long-standing judicial authority, that the totality of utility-scale facilities be assessed as a whole. It should not be possible for different elements of such facilities to be broken off for separate assessment, so as to avoid a full assessment of all cumulative impacts. For example, elements such as battery storage systems and infrastructure linkage to the grid should all be assessed as part of the Environmental Impact Statement (**EIS**) for the proposed facility.

#### Social Impact Assessment

Consent authorities should have an ability to comprehensively evaluate utility-scale facilities, whilst effectively balancing community considerations and the growth of NSW's regional cities.

The 2021 Social Impact Assessment Guideline (**Guideline**) was developed by the NSW Government to mandate that all State significant projects are subject to a Social Impact Assessment (**SIA**).

According to the Guideline, a SIA should be targeted and proportionate to the likely project impacts, and to the project's context. 'Social impacts' generally refer to the consequences that people experience when a new project brings change. For the purposes of a SIA, 'people' are classed as individuals, households, groups, communities, or organisations.

The SIA aims to identify, predict and evaluate likely social impacts arising from a project and propose responses to the predicted impacts. Given the long-term nature of utility-scale facilities and significant land use impacts, a SIA should be mandated under the ISEPP Amendments to fully understand the impacts to regional cities at the beginning of the planning process.

A SIA will address stakeholder and community concerns, whilst supplementing a proposal's EIS to create socially sustainable outcomes.

#### **Consistency with NSW Renewable Energy Zones**

The regional cities to which the ISEPP Amendments apply have not been included in the proposed REZs. This is the case for Bathurst, which is located to the south of the proposed Central-West Orana Renewable Energy Zone currently on public exhibition.

To provide certainty for consent authorities, the ISEPP Amendments must be consistent with the planning pathways for renewable energy facilities in REZs. The NSW planning



framework would not benefit from a fragmented approach to decision-making for utility-scale facilities.

Specifically, the 'additional matters of consideration' under the ISEPP Amendments must be consistent with the planning framework for the proposed REZs under the *Electricity Infrastructure Investment Act 2020* (NSW) (**Infrastructure Act**).

The ISEPP Amendments do not identify any role for the NSW Energy Corporation (**EnergyCo**), which has been defined as the body which will 'seek to achieve a balance between electricity, agriculture, heritage, visual amenity, mining and other land uses within the proposed REZs'.<sup>1</sup> EnergyCo is also defined as the 'infrastructure planner' for REZs pursuant to section 23(5) of the Infrastructure Act.

Under section 63 of the Infrastructure Act, the infrastructure planner has the following functions:

*(4)(b) to investigate, plan, co-ordinate and carry out planning and design of generation infrastructure,*

*(4)(c) to investigate, plan, co-ordinate and carry out planning, design, construction and operation of storage and network infrastructure,*

...

*(5)(b) achieve the objects of this Act*

Section 3 of the Infrastructure Act defines these objects as including 'to foster local community support for investment in new generation, storage, network and related infrastructure'.

The ISEPP Amendments should at a minimum reflect the same standards and considerations given to proposed facilities for REZs under the Infrastructure Act. Given the absence of any dedicated regulatory oversight for areas outside REZs, the mandatory considerations outlined above are critical for ensuring the sustainable growth of NSW's regional cities.

Differing standards for utility-scale facilities would also impact on the ability of a consent authority to undertake an evaluation of relevant matters under s4.15 of the *Environmental Planning and Assessment Act 1979* (NSW), particularly:

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.*

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<sup>1</sup> NSW DPIE, 'NSW Electricity Infrastructure Roadmap - Building an Energy Superpower: Overview' (November 2020), 17.

Fitzsummer welcomes the Department's consideration of its submission on the EIE and awaits the exhibition of the draft ISEPP Amendments.

Yours faithfully



**Paul Lalich**  
Partner  
HWL Ebsworth Lawyers

+61 2 9334 8830  
plalich@hwle.com.au

**Andrew Scully**  
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**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Monday, 11 October 2021 8:38:34 PM  
**Attachments:** [terrain-solar---infrastructure-sepp-amendments\\_final.pdf](#)

---

Submitted on Mon, 11/10/2021 - 20:35

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

**Name**

**First name**

[Redacted]

**Last name**

[Redacted]

**I would like my submission to remain confidential**

Yes

**Info**

**Email**

[Redacted]

**Suburb/Town & Postcode**

2000

**Submission file**

[terrain-solar---infrastructure-sepp-amendments\\_final.pdf](#)

**Submission**

Dear Department of Planning, Industry and Environment,

Please find attached our submission to the proposed amendment to the Infrastructure SEPP regarding Renewable Energy and Regional Cities, dated 13 September 2021. Please don't hesitate to contact me if you have any questions regarding our submission.

Kind regards,

[Redacted]

**I agree to the above statement**

Yes



TERRAIN SOLAR

Mr Matthew Riley  
Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

11 October 2021

Dear Matthew Riley,

***Terrain Solar - DPIE Submission re Infrastructure SEPP Amendments: Renewable Energy and Regional Cities, dated 13 September 2021***

Terrain Solar is pleased to provide a submission to the Department of Planning, Industry and Environment (DPIE) proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities, dated 13 September 2021, (Amendment).

Terrain Solar is an intending participant in the National Electricity Market (NEM) as a generator and has developed a number of renewable energy projects in NSW which are currently operational, including:

- the Corowa Solar Farm;
- Junee Solar Farm;
- Wagga North Solar Farm; and
- Molong Solar Farm.

Terrain Solar is supportive of the NSW Government's Net Zero Plan and the objectives to achieve net zero emission by 2050 while also creating jobs, reducing household costs and attracting investment to NSW. Terrain Solar's projects have attracted over \$250m in private investment in regional NSW. Many of these projects are providing clean renewable energy to leading end-customers, such as Coles group (see media release here: <https://www.colesgroup.com.au/media-releases/?page=coles-agreement-secures-three-new-solar-power-plants>).

Our main concern with the proposed Amendment is that it creates additional barriers to providing the people of NSW, including those who choose to live in our regional centres, with clean and affordable energy. This will ultimately stymie economic growth in regional cities, and encourage renewable energy proponents to develop projects in other States, where they see less investment risk. Solar and wind projects will be forced to develop in areas far away from regional centres, which increases losses via the electricity transmission system, makes it more expensive to construct and operate these renewable energy assets given the remoteness of locations, increases project connection costs and ergo the levelised cost of energy for NSW consumers, and adds further risk to investing in renewable energy projects in NSW.

In light of these concerns, Terrain Solar seeks to highlight the following key considerations of the proposed Amendment:

### **Amendment 1 – Matters of consideration for utility-scale solar and wind**

Solar and wind farms, whilst having operational lives measured in decades, are ultimately temporary in nature, thus allowing land to be returned to its previous state at the end of the solar or wind farm's life. Often, solar and wind farms can therefore serve as a way of preserving rural and agricultural use, and soil quality, by acting as a buffer against encroachment of other forms of development. These other forms of development may not contribute to the urgent prerogative of decarbonisation of our economy, and may, due to the permanence, permanently destroy prime agricultural land.

Given the relative temporary nature of solar and wind farms, we provide the following comments regarding Amendment 1:

1. By defining specific regional cities to be excluded from solar and wind farm development, an additional investment risk is created for renewable energy proponents developing near any regional city. The ISEPP can easily be further amended to list additional regional cities with little transparency or notice. This will encourage proponents to develop projects in other States in which they see less investment risk. At a more localised level, as renewable energy projects look to locate elsewhere, economic development, jobs, and private investment for these regional cities will all be negatively impacted and economic development stymied.
2. We do not support a 10km "matter of consideration" buffer around commercially zoned land, and 5km buffer around residentially zoned land. Interposing land (for example, industrial or agriculturally zoned land) between a proposed solar or wind project, and commercial or residential zoned land, can provide a sufficient buffer to prevent encroachment. Matters of consideration should therefore only apply to land which is located directly adjacent or adjoining to commercial or residential zoned land.
3. "Land use conflicts" with existing and approved uses of land should be better defined in the ISEPP. As mentioned above, wind and solar projects are temporary in nature and can act as a way of preserving rural and agricultural use of land and soil quality. In addition, industrially zoned land should not be considered a land use conflict as wind and solar farms are sympathetic to the form and nature of industrially zoned land. The ISEPP should clearly define what a land use conflict would be, otherwise this creates additional investment risk for renewables proponents.
4. When having regard to any future growth areas identified in Regional Plans and Local Strategic Planning Statements, the timescale for future growth areas should be taken into consideration. This is especially pertinent to renewable energy projects given the relative temporary nature of wind and solar farms. For example, a maximum 30-year time horizon should be considered when having regard to future growth areas for the relevant.
5. When taking into consideration any values identified by the community and Council, these values should be explicitly captured in Regional Plans and Local Strategic Planning Statements to provide transparency to proponents and minimise risk of investment. In addition, when considering the scenic quality of solar and wind farms, these should be assessed against future land uses, not just current land uses. For example, if the surrounding land is zoned industrial or planned to become industrially zoned (as identified in Regional Plans or Local Strategic Planning Statements), then the scenic quality of this future land use when fully developed (factories, warehouses, logistics yards, etc.) should be considered when being compared against the solar or wind farm scenic quality.

**Amendment 2 – Standalone definition for utility-scale solar and wind**

Terrain Solar is supportive of having a separate definition for utility-scale solar and wind development and to have these definitions fall under the definition of electricity generating works.

In light of the above and as an intending participant, we thank you for the opportunity to provide a submission to DPIE's proposed amendment to the ISEPP.

If you have any questions in relation to this submission, please don't hesitate to contact [REDACTED] at [REDACTED]

Yours sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]



**Subject:** Webform submission from: Renewable Energy and Regional Cities  
**Date:** Monday, 11 October 2021 9:17:16 PM  
**Attachments:** [nsw-young-lawyers---submission---environment-and-planning-committee---proposed-infrastructure-sepp-amendments-renewable-energy-and-regional-cities.pdf](#)

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Submitted on Mon, 11/10/2021 - 21:15

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

**Name**

**First name**

Simon

**Last name**

Bruck

**I would like my submission to remain confidential**

No

**Info**

**Email**

[Redacted email address]

**Suburb/Town & Postcode**

Sydney 2000

**Submission file**

[nsw-young-lawyers---submission---environment-and-planning-committee---proposed-infrastructure-sepp-amendments-renewable-energy-and-regional-cities.pdf](#)

**Submission**

Dear DPIE,  
Please find our submission attached.  
Kind regards,  
Simon

**I agree to the above statement**

Yes

# **Submission on the *Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities***

**11 October 2021**

Director, Energy and Resources Policy  
Planning & Assessment  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

**Contact:**       **Simon Bruck**  
President, NSW Young Lawyers

**Peter Clarke**  
Chair, NSW Young Lawyers Environment and Planning Committee

**Contributors:** Peter Clarke, Jessica Lighton, Jessica Baldwin and Stephanie Fawcett

**Coordinators:** Ola Moucharrafi



The NSW Young Lawyers Environment and Planning Committee (**Committee**) make the following submission in response to the *‘Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities’*.

## **NSW Young Lawyers**

NSW Young Lawyers is a division of The Law Society of New South Wales. NSW Young Lawyers supports practitioners in their professional and career development in numerous ways, including by encouraging active participation in its 15 separate committees, each dedicated to particular areas of practice. Membership is automatic for all NSW lawyers (solicitors and barristers) under 36 years and/or in their first five years of practice, as well as law students. NSW Young Lawyers currently has over 15,000 members.

NSW Young Lawyers accepts the science and wide-ranging effects of climate change, including as outlined by the United Nations Intergovernmental Panel on Climate Change in its leading expert reports. NSW Young Lawyers considers that Australia has the ability and a responsibility to rapidly reduce emissions and actively help to keep the world’s emissions within its remaining ‘carbon budget’.

NSW Young Lawyers recognises that there is a climate emergency, posing an unprecedented challenge for human rights and the rule of law. In order for there to be intergenerational equity and climate justice, as well as interspecies equity and ecological sustainability, the law needs to enable and require Australia to rapidly decrease CO<sub>2</sub> (and other greenhouse gas) emissions and to be legally accountable for their adverse contributions to the impacts of climate change.

The NSW Young Lawyers Environment and Planning Committee comprises of a group of approximately 250 members interested in our natural and built environment. The Committee focuses on environmental and planning law issues, raising awareness in the profession and the community about developments in legislation, case law and policy. The Committee also concentrates on international environment and climate change laws and their impact within Australia.

## Introduction

The Committee welcomes the opportunity to comment on the State Environmental Planning Policy (Infrastructure) 2007 (**Infrastructure SEPP**) of the proposed amendments 1 and 2 of the *Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities - Explanation of Intended Effects* dated September 2021 (**EIE**).

### Summary of Recommendations

1. That the Renewable Energy Zones and proposals as set out in the EIE should not create disproportionate 'red tape' for utility scale renewable projects.
2. That the proponent should not be required to address utility scale renewable projects considerations in two separate instruments, as well as during the consultation process.
3. That consideration for utility-scale solar and wind energy proponents are better addressed under Local Environmental Plans (**LEPs**).
4. That amendments should be informed by local knowledge.
5. That the NSW Right to Farm Policy be taken into account in this review and agriculture land use conflicts be taken into account as part of the proposed amendments to the Infrastructure SEPP.
6. That that the two standalone definitions in the Proposal be expressly stated as nominate permissible uses rather than merely included as part of a group term.
7. That the two standalone definitions in the Proposal be rephrased as follows:
  - a. *Utility-scale Solar Energy System* – means a photovoltaic electricity system used for the purpose of generating electricity **primarily** for export to the electricity grid.
  - b. *Utility-scale Wind Turbine System* - means a system comprising wind turbines used for the purpose of generating electricity **primarily** for export to the electricity grid.

## **Amendment 1 – Matters of Consideration for Utility-Scale Solar and Wind**

### **Whether the role of concurrence should be retained**

1. The Committee welcomes the shift towards renewables from fossil fuels, especially coal, as part of the NSW Net Zero Plan. However, the Committee is concerned that the proposed amendments to the Infrastructure SEPP in the EIE may be superfluous and represent disproportionate "red tape" for utility scale renewable projects that are already forced to take into account planning controls under the specific LEPs when seeking development consent.
2. The Committee sees a potential conflict between the development of the Renewable Energy Zones (**REZs**) and the proposals as set out in the EIE.

**Recommendation 1: That the Renewable Energy Zones and proposals as set out in the EIE should not create disproportionate 'red tape' for utility scale renewable projects.**

### **Are the additional considerations put forward by the proposed amendment already protected in other instruments?**

3. While it may be important for planning purposes to ensure that utility-scale solar and wind energy developments are not situated so closely to regional cities that it does not provide those cities with any room to expand, the additional considerations proposed by amendment 1 of the EIE appear to be unnecessary.
4. Firstly, the proposed amendments appear to duplicate the considerations contained in the provisions of LEPs, that proponents are required to address and consent authorities are required to take into consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**).
5. LEPs set out a number of aims and objectives which are desirable of developments within a specified area. These aims and objectives will differ depending on the area for which the LEP applies, which take into account the uniqueness of each area the subject of an LEP.
6. Proponents are expected to address the aims of the applicable LEP and the objectives of the zone in the application process, including how a proposal promotes or preserves these aims and objectives. Similarly, consent authorities are required to take into consideration the provisions of such instruments when determining a development application.

7. For example, in the RU1 – Primary Production zone of the *Mid-Western Regional Local Environmental Plan 2012 (MWLEP)*, a zone within which electricity generating works is permitted, the objectives include:
- (a) *To minimise the fragmentation and alienation of resource lands.*
  - (b) *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
  - (c) *To maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.*
  - (d) *To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.*
8. These objectives are in addition to the aims of the MWLEP. The aims of the MWLEP are broad and apply to the land regardless of the zoning, for example, protecting expansive areas by 'conserving the significant visual elements that contribute to the character of the towns, such as elevated land and the rural character of the main entry corridors into the towns'.
9. It is not unusual for proposed solar and wind developments to be determined by way of refusal where the reasons for refusal include that the proposed development was contrary to the aims or objectives of the relevant LEP.
10. LEPs are therefore uniquely positioned to capture the necessary considerations to reflect the values of a zone within a particular area. In relation to land which contains an important scenic quality or landscape character, some LEPs contain maps which identify certain land as 'Visually Sensitive Land'. In areas mapped as 'visually sensitive', consent authorities must be satisfied that the proposal will complement the visual setting before they may grant consent.
11. If the proposed amendment is implemented, then proponents will be required to address such considerations in two separate instruments, including during the consultation process. This is simply unnecessary.

**Recommendation 2: That the proponent should not be required to address utility scale renewable projects considerations in two separate instruments, as well as during the consultation process.**

#### **Land use conflicts**

12. Amendment 1 in the EIE is focused towards avoiding land use conflicts as regional cities sprawl and expand.



13. The Committee welcomes a forward planning approach to land use planning in order to reduce land use conflicts, but requests that the Department consider whether this should be incorporated into LEPs rather than using an amendment to the Infrastructure SEPP.
14. In the Committee's view, the amendments should be informed by local knowledge as the EIE is focused on considerations of local character, scenic quality, and people's enjoyment of the landscape. The Committee recommends that local knowledge and consultation should include engagement with local Indigenous communities.
15. Additionally, the Committee understands that the NSW Agriculture Commissioner will lead a review of the NSW Right to Farm Policy in the last 12 months. The Committee would welcome the consideration of this review and agricultural land use conflicts as part of the proposed amendments to the Infrastructure SEPP.
16. In summary, the Committee submits that the proposed amendment 1 of the EIE creates unnecessary hurdles for utility-scale solar and wind energy proponents. LEPs are better placed to address land use conflicts, future growth areas, and the impact a proposed development will have on the scenic quality and landscape character of a regional city.

**Recommendation 4: That the NSW Right to Farm Policy be taken into consideration in this review and agriculture land use conflicts be taken into account as part of the proposed amendments to the Infrastructure SEPP.**

**Recommendation 5: That consideration for utility-scale solar and wind energy proponents are better addressed under LEPs.**

## **Amendment 2 - Standalone Definitions for Utility-Scale Solar and Wind**

17. The Committee welcomes and agrees with the proposal to add stand-alone definitions for utility-scale solar and wind energy development (**Proposal**) to encourage the orderly and economic use of land for renewable energy generation outside of the nominated REZs throughout NSW.
18. The Committee appreciates that the Proposal is intended to work alongside proposed Amendment 2 comprising part of the "Proposed Infrastructure SEPP amendments: Electricity generating works or solar energy systems" released by the Department for exhibition last month, specifically to amend the definition of 'solar energy systems' in the Infrastructure SEPP (**Prior Amendment**). It is entirely

reasonable and sensible for a household energy system to be treated differently to a commercial solar farm.

19. However, the Committee recommends that the wording of the amendment set out in the Proposal be rephrased. For instance, [Planning Circular PN 11-003](#) contains a 'group term definition' concept that the EIE appears to contemplate being adopted in the Proposal, such that the group term 'electricity generating works' includes both 'Utility-scale Solar Energy Systems' and 'Utility-scale Wind Turbine Systems' as innominate permitted uses.
20. Therefore, to ensure there can be no ambiguity that 'electricity generating works' are permissible on certain land pursuant to the Infrastructure SEPP, the Committee believes that both 'Utility-scale Solar Energy Systems' and 'Utility-scale Wind Turbine Systems' should be clearly expressed as being nominate permitted uses (rather than as innominate permitted uses if 'electricity generating works' is a nominate permitted use).
21. This ambiguity has, in the context of other SEPPs, led to considerable uncertainty and unnecessary litigation (for example, the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* which contains Precinct Plans that adopt the 'group terms' concept in an ambiguous way and have led to a spate of current Court proceedings).

**Recommendation 6: That the two standalone definitions in the Proposal be expressly stated as nominate permissible uses rather than merely included as part of a group term.**

22. The Committee recommends that the definitions in the Proposal be amended to reflect the fact that many medium-scale PV arrays (to use the example in the Prior Amendment, 'large warehouses or industries with a significant number of solar panels used to generate electricity for their own use') do not have sufficient space for (or are unable to feasibly purchase sufficient numbers of) batteries to store excess electricity.
23. Many of these medium scale systems have been installed primarily on the basis that all of their running costs, and eventually the entirety of their installation costs, will be paid back over a number of years by way of directly selling surplus electricity back to the grid. It is important, therefore, to ensure that such medium scale systems are not caught by the limitations inherent in the definitions set out in the Proposal (specifically in relation to solar energy systems).
24. Although similar medium-scale wind turbine systems are incredibly rare, the Committee recommends that the wind turbine system definition be similarly amended to ensure consistency between the two definitions and to establish an element of 'future-proofing' to the wind turbine system definition in the event of future technologies generating an increased demand for medium-scale systems.

25. The Committee therefore recommends that the Proposal be amended such that the standalone definitions are worded as follows:

- **Utility-scale Solar Energy System** – means a photovoltaic electricity system used for the purpose of generating electricity **primarily** for export to the electricity grid.
- **Utility-scale Wind Turbine System** - means a system comprising wind turbines used for the purpose of generating electricity **primarily** for export to the electricity grid.

26. This is an important distinction to the wording proposed in the Prior Amendment, in which the meaning of ‘electricity generating works’ has been refined to mean development where ‘the primary purpose of the solar farm is exporting electricity to the grid’. The Proposal needs to ensure that medium scale systems which have the ancillary purpose of exporting energy to the grid are not captured within either of the two standalone definitions in the Proposal (and thereby preventing such medium scale systems from being installed across the Regional Cities).

**Recommendation 7: That the two standalone definitions in the Proposal be rephrased as follows:**

- **Utility-scale Solar Energy System** – means a photovoltaic electricity system used for the purpose of generating electricity **primarily** for export to the electricity grid.
- **Utility-scale Wind Turbine System** - means a system comprising wind turbines used for the purpose of generating electricity **primarily** for export to the electricity grid.

## Concluding Comments

NSW Young Lawyers and the Committees thank you for the opportunity to make this submission. If you have any queries or require further submissions please contact the undersigned at your convenience.

**Contact:**



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President

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