

SUSTAINABILITY OF ENERGY SUPPLY AND RESOURCES IN NSW

Organisation: Sutton Solar Action Group

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Sutton Solar Action Group

Our aim is to protect our rural landscape and the biodiversity of this area for the benefit of all.

The Secretary
The Committee on Environment and Planning

Inquiry into the sustainability of energy supply and resources in NSW

The Sutton Solar Action Group (SSAG) thanks the Committee for an opportunity to make this submission to your Inquiry.

The SSAG is a community group who believe the Springdale Solar development (SSD8703) fails to meet commonwealth and state legislation, guidelines and policies (where relevant), and we believe it is not an economically sustainable development.

Our submission will focus on the key elements of the committee's Terms of Reference including the effects on regional communities and the environment and our view that any proposed renewable energy development should meet the requirements of economical sustainable development, which is the effective integration of economic, social and environmental considerations in the decision-making process.

Firstly, we note that the Environmental Impact Assessment Improvement Project for State Significant Developments (SSD) has been active since 2016, but here we are, almost 3 years on and no final outcome! Also, the Large-scale solar energy guidelines were only finalised in November 2018, yet the exponential rise in renewable energy developments prior to this was done without any real certainty about how these developments should progress. <https://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/Environmental-Impact-Assessment-Improvement-Project>

Community Consultation

By the developer – Renew Estate P/L

Drop in Sessions:

- 7 December 2017; and
- 8 August 2018.

Newsletters (on developers' website):

- November 2017;
- December 2017;
- April 2018;
- July 2018; and
- August 201

Submissions on the Springdale Solar project Environmental Impact Assessment (EIA) closed on 29 August 2018, and now, 12 months on and no one has heard anything from either the developer or the NSW Department of Planning, Industry and the Environment (DPIE). This is far from an acceptable process when you consider that 78 objections to the development were lodged by residents in the Sutton and Gundaroo areas alone, the two communities most affected and closest to the proposed site.

By the SSAG

The lack of consultation from developers and the DPIE has left the local community in a state of despair and sense of helplessness. In an attempt to support our local community and fill this void the SSAG has been researching the Springdale EIA to help people understand where we see the issues that cause concern regarding the development and provide information of relevance to the project, be it an inquiry such as this, or events that relate to renewable energy etc. The SSAG also contributes a monthly update in our local publication the Sutton Chatter and has now also been picked up by the Gundaroo Gazette. It is our understanding that the developer has been offered the same opportunities but has declined to provide any information.

After numerous inquiries from local residents for more information, the SSAG decided to develop its own website <https://suttonsolaractiongroup.com/> we could concentrate all the information that we have compiled. The website gives us an ideal place to allow general access to Sutton Chatter articles going back to May 2018 and all other information including posts and information relevant to this and other like developments. (See Sutton Chatter articles as attachments to this submission).

The website has become a focal point for community information however the Inquiry Committee should understand that most regional communities do not have the capacity or time available to undertake research or create a website, which unfortunately means they are struggling to get their concerns out into their wider local community.

By NSW Government

After reviewing and reading the DPIE website it has confirmed in our minds the EIA process is heavily weighted in favour of the developer and in particular, if it is a State Significant Development (SSD), to the detriment of the regional communities, the environment and biodiversity of the area.

The Secretary's Environmental Assessment Requirements for the Springdale Solar project was issued on 26 September 2017 and the EIA was lodged on 18 July 2018.

The developers had 9 months and 22 days to compile the almost 700 pages and the services of 19 various consultants to assist them. The local community on the other hand had only 28 days in which to respond, which was extended to 42 days at the request of the community. We had no assistance from 'experts' or anyone familiar with the SSD development application process.

The opportunity afforded to the community to provide a submission is nothing more than lip-service. The SSAG has been reviewing the Springdale EIA for over 12 months and it has taken this long to get our heads around some of the issues, the 'average' member of the community may struggle to make a meaningful submission in 28 days.

At a recent forum on large-scale solar in Wagga Wagga on 3 July 2019, David Kitto, (Executive Director, Resource Assessments and Business Systems, NSW DPIE) stated that there are not a lot of submissions received in relation to these types of developments. He also said that they don't expect

everyone to read the whole EIA, it is enough that they provide a submission expressing what their objections are. We believe there are several reasons why DPIE probably see so few submissions. They include:

1. Regional communities are less densely populated than metropolitan areas, the number of responses doesn't lessen the level of concern.
2. The EIA process is written by and designed to serve the needs of government and developers, not the regional communities.
3. The complexity of government processes can be overwhelming to the average person, hence the sense that it's all too hard, so they just don't bother, again this doesn't lessen the level of concern.

Our view is that community consultation overall is disingenuous and tokenistic.

RECOMMENDATION 1:

Developers have 12 months to respond to submissions.

In the interests of transparency and fairness to the community, the developer should be given a timeframe in which to respond to submissions. We suggest 12 months maximum. If the developer requires more time, then they should make application to DPIE at least one month prior to the deadline and state why they require more time. This information should be made available on the DPIE website and communicated to those who are registered to receive updates about a project. The present process allows the developer an indefinite amount of time and the community is left in a state of anxiety.

Should the developer fail to comply with these requirements, then it should be noted on the departments project website that the due date has passed, and the developer is in default. The developer should then have to state their intentions regarding the development to the Secretary, that they are either going to withdraw or re-apply. This would give the community some assurance that the EIA process has rigour by requiring developers to meet timeframes and if they don't, there are consequences.

RECOMMENDATION 2:

That a panel of suitably qualified independent community advocates be established.

These could be funded through a levy on developers, similar to the Community Enhancement Fund scheme, to enable local communities, confronted by such development applications, to engage the services of a suitably qualified community advocate to help and advise them through the process.

The SSAG has now spent over 12 months analysing the EIA and have found numerous inconsistencies and inaccuracies in the document (note the numerous issues identified in the Sutton Chatter articles and see further details below). We have only been able to do this because some members of the community have the time and the expertise to carry out such work. That is not possible in every community and those communities are being adversely impacted as a result.

Environmental issues and state significant development

It also became apparent to the SSAG, that once the development was listed as a SSD, then many of the normal environmental checks and balances were over-ridden to the advantage of the developer.

As already pointed out, the SSAG has now uncovered (after 12 months of analysis of the EIA) numerous issues in the EIA that have missed appropriate scrutiny.

It should also be noted that the Springdale development was determined to be a '**controlled action**' for impacts on the following matter of national environmental significance (MNES) protected under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*:

- threatened species and communities (sections 18 and 18A): including the Superb Parrot, Golden Sun Moth and the Striped Legless Lizard.

The Committee may not be aware, that when a development is listed as a SSD then a number of relevant Acts, Guidelines and policies appear to be ignored, disregarded or deemed not applicable. These include:

- Saving our Species, NSW flagship threatened species conservation program
- NSW Key Threatening Processes Strategy
- *Protection of the Environment Operations Act 1997 No.56 (NSW)*
- NSW Threatened Species, Test of Significance Guidelines
- Matters of National Environmental Significance, Significant impact guidelines 1.1 *EPBC Act 1999 (Cth)*

SSD's also significantly diminish the role of local Councils in such developments.

Again, the SSAG has written about numerous environmental concerns, including:

- The proposed site's proximity to Mulligans Flat & Goorooyaroo Nature Reserves
- The site's proximity to regionally significant biodiversity corridors
- Bird flight paths from the Great Eastern Ranges that cross the area
- The number of threatened species in the location and the lack of consideration of those species that are not included in the controlled action
- The focus is on the 'Paris Agreement'
- No consideration of Australia's other international obligations such as the:
 - *UN Convention on Biological Diversity* – WWF regard NSW as the worst place to live in Australia if you need a tree to survive.
 - *UN Sustainable Development Goals*, in 2017 Australia received 17 red lights, 11 relate directly to the management and preservation of the natural environment
- Australia's Fauna Extinction Crisis Senate Inquiry – current and ongoing (note on the SSAG website SAAG's submission to that Inquiry)
- United Nations Sustainable Development Goals Senate Inquiry – report tabled. Australia has dropped to 37th in the world from 26th in 2017.
- The EIA is making the site fit the development not the development fit the site
- The EIA makes light of the various watercourses on the site, which effectively is a floodplain for a catchment area of 3,500 hectares

All of the above issues have been covered in the various Sutton Chatter articles which are all attached and on the SSAG website.

RECOMMENDATION 3:

When a development is determined to be a SSD, this designation should not prevail over other Acts, guidelines or policies.

These developments should have to undergo the same scrutiny as any other development.

Renewable Energy Zones

It seems interesting to the SSAG that the NSW government has proudly boasted over the establishment of Renewable Energy Zones (REZ) in the state, yet much of the current development in renewable energy is based outside those zones.

Again, the SSAG has written about this in several of its Sutton Chatter articles.

Poorly developed EIA's

As previously indicated, the SSAG believes the developers EIA has been poorly presented. We have found numerous inconsistencies, inaccuracies and unsubstantiated claims in the document, many of which we have written about.

We have also found one crucial claim in the document, that is contrary to earlier research published by the same consultants. We believe this goes to the crux of the problem with this, and likely many other EIA's produced in support of such developments. They are complex and voluminous documents that often stand little scrutiny. It appears that the consultants acting for the developers have experience at producing documents that they know are unlikely to be challenged by the DPIE or the Independent Planning Commission (IPC).

As consultants are paid by developers, it is highly unlikely that they will include issues that are not supportive of the developers' proposals. All the more reason for a rigorous review of EIA documents and the need to provide support to the regional communities to help them undertake a thorough review of such development proposals.

Government Departments, agencies not providing frank and fearless advice

In 2017 the NSW Office of Environment and Heritage (OEH) provided a submission in response to Yass Valley Council's, Yass Valley Settlement Strategy Consultation (YVSS) regarding a 5km wide RU6 Transition or Buffer Zone around the ACT. In OEH's submission to YVSS it highlighted the importance of this area, particularly its proximity to the largest remaining areas of box-gum woodland in Australia and its importance for biodiversity. It also talked about being a regionally significant biodiversity corridor to connect with other regions throughout NSW.

The OEH's 2018 response to the Springdale Solar EIA mentioned none of this. We are advised that this was a different submission and that OEH was only asked to comment on the EIA. This makes absolutely no sense. How can a development be adequately assessed if it only tells part of a story? We also understand that departments are not to object to a development application, they are only to provide advice and options for developers.

RECOMMENDATION 4:

Departments/agencies responses to development applications should include all advice that has been provided on a particular area, not just respond to the specifics of the EIA.

Considering that there have been a large number of renewable energy developments approved over the last several years in the state, the SSAG believes the Committee should, as a starting point, review a number of the developments and the objections lodged by local communities.

Representatives of the SSAG attended a forum hosted by NSW Farmers in the Riverina in July this year where a range of issues were raised by attendees. Many of those issues were identical to those being raised by our local community regarding the Springdale development, so our issues are not unique.

RECOMMENDATION 5:

That the Committee contact NSW Farmers and request a copy of the records of the Riverina forum to gain an understanding of the issues that were raised in various parts of NSW about such developments.

We also think it important for this Committee to hold hearings in regional communities where large scale renewable energy developments have taken place and where local communities have lodged concerns in their submissions to those developments.

The SSAG would be happy to appear before the Committee to expand on its submission.

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On behalf of
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