

5km NSW ACT Border Zone Planning Group Inc.

A non-profit Association of NSW ratepayers in the 5km area along the ACT NSW border.
Facebook @5kzplanninggroup, ccepl.com.au, 5kzplanninggroup@gmail.com



29 January 2021

Professor Zada Lipman
Chair, IPC Committee on the Springdale Solar Farm (SSD-8703)
Andrew Hutton

Professor Lipman, Mr. Hutton, thank you for allowing me to address the IPC today.

I represent the 5km NSW ACT Border Zone Planning Committee. A community organization set up by ratepayers in NSW for the purpose of trying to get better planning outcomes in Yass Valley for the benefit of the whole community.

By now it should be clear to the Commissioners that there is a problem with this development. There is also a problem with the way the Commission has managed the process of assessing the Springdale Solar Farm proposal.

The issues of environmental damage and loss of amenity for neighbours has been clearly stated. That should be enough for the IPC to reconsider its draft decision on the proposal. However, there is a bigger reason why the IPC should terminate this project as I will outline below.

The IPC's draft approval of the Springdale Solar Farm was published on the IPC website on Wednesday.

Does the publication of the IPC's decision mean that the public input today will not be taken into consideration?

Why did the IPC remove the draft approval from the website?

Is the IPC embarrassed that it has disclosed its decision to approve the project before the public have had a chance to have their say?

Is this meeting today merely a box ticking exercise before rubber stamping the NSW Government's support for the project?

Also, on Wednesday this week I wrote to the IPC and requested that the meeting be postponed for 2 weeks.

This request was to allow members of the public to prepare their presentation based on the instructions given in Monday's email and also to give people time to digest the copy of the NSW Government's report on the Springdale proposal.

None of those that have made a submission on the Springdale Solar Farm today are professional planners so are unfamiliar with the process or where to find documents.

Unlike the Commissioners, army of experts in the IPC and executives and consultants from RES who deal with the IPC for a living, we the general public, the people that the IPC should be representing, need some assistance in preparing a submission.

We should have been given an assessment criterion for the public submissions to the IPC decision making process.

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How does the IPC assess the public input, or the NSW Government report?

Is the assessment subjective or objective? Is IPC decision making process based on Commissioner's opinion or an objective assessment of the facts presented?

The basis for the IPC's decision should be clearly laid out so that the public can respond accordingly.

Professor Lipman, I'm sure your law students would soon revolt if you handed out an assignment that did not have an assessment criterion included with it. Why treat the assessment of public input any different?

You may be wondering when I am going to get around to addressing the issues in the NSW Government report on the Springdale project. I will but I think it is in everyone's interest that the IPC to be transparent about its decision-making process and act and to be seen to act independently of the State Government.

Page 8 of the NSW Government report states that the project is a "State significant development" under Section 4.36 of the Planning and Assessment Act 1979. No one would object to the classification of a 100-megawatt solar power station as state significant.

However, only Bruce Hall the landowner and perhaps the ACT Government wanting to look green, but not in my backyard, would claim that the location of the Springdale Solar Farm is a vital part of the overall NSW Government approach to solar power.

RES most likely doesn't care where the solar power farm is located. It will generate the same power and profit wherever it is. The costs would most likely be lower if RES put the solar farm in one of the three NSW Government designated Renewable Energy Zones at New England, Central West and South West regions of NSW.

While the State Environmental Planning Policy (infrastructure) 2007 might apply and override the LEP, that policy should not be used as a blunt instrument to override the community and state approved Local Environmental Plan just for the sake of profit for the ACT Government and the landowner.

The Independent Planning Commission should show respect for the community's Local Environmental Plan and only agree to override it in extreme circumstances. This is not an extreme circumstance.

The NSW Government report on the Springdale proposal carefully steps around the fact that the production of solar energy in this case is not critically dependent on having it at Springdale.

The NSW Government report makes lots of unsubstantiated claims that in many cases contradicts its own policy. A good example is the South East and Tablelands Regional Plan identifying the peri urban area should not be used for purposes that would conflict with "future urban outcomes". Clearly the proposed solar farm would prevent future urban outcomes and therefore conflict with both the NSW Government policy and the Local environmental plan.

If the IPC decides that community concerns are not sufficient to reject the RES proposal and that the location is the only viable place in the state to put this state significant development, then presumably the IPC will approve all other solar power farm development applications from other landowners in the area.

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Professor Lipman and Mr. Hutton, I urge you to act independently of the NSW Government and refuse the Springdale Solar Farm development application. Refuse it for all the reasons you heard today and most importantly because the benefits of solar power are not dependent on it being located at Springdale. Also the LEP and community wishes should not be overridden for the benefit of ACT Government and Mr. Hall.

State Government may not have the talent or the integrity to do an honest and reasoned assessment of planning proposals, it is therefore up to the IPC to detect that and protect the public interest.

The IPC is the last line of defence for the community from poor planning decisions by the State Government. Please respect this authority and stop this development.

Thank you for listening to my presentation. A transcript of my presentation will be forwarded to Jane Anderson for inclusion in your public documents.

Yours faithfully,

William Ginn

Secretary, 5km NSW ACT Border Zone Planning Group

Attachment

Copy of Development Consent from IPC website Wednesday 28 January 2020

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Development Consent

Section 4.38 of the *Environmental Planning & Assessment Act 1979*

The Independent Planning Commission of NSW grants consent to the development application referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

- prevent, minimise and/or offset any adverse environmental impacts of the development;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the development.

Member of the Commission

Member of the Commission

Sydney

2020

SCHEDULE 1

Application Number:

SSD 8703

Applicant:

RES Australia Pty Ltd

Consent Authority:

Independent Planning Commission

Land:

See Appendix 2

Development:

Springdale Solar Farm