

From: [Planning Portal - Department of Planning and Environment](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Tuesday, 21 November 2023 9:46:16 AM
Attachments: [submission---energy-policy-framework.pdf](#)

Submitted on Tue, 21/11/2023 - 09:41

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Chris

Last name

Berry

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Yass 2582

Please provide your view on the project

I am just providing comments

Submission file

[submission---energy-policy-framework.pdf](#) (260.59 KB)

Submission

Please find attached Yass Valley Council's submission on the Draft Energy Policy Framework and associated Guidelines

I agree to the above statement

Yes

Doc Id: 656409

21 November 2023

Matthew Riley
Director Energy & Resource Policy
Department of Planning & Environment
4 Paramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Matthew

Draft Energy Policy Framework and Associated Guidelines

I refer to the range of documents under the Draft Energy Policy Framework.

This is something Yass Valley Council has been advocating for the past 10 years for the Department to take a lead approach. As a result of the Department's policy vacuum and ignoring issues raised by Local Government, Council developed its own policy response on renewable energy projects.

In our experience the DPE assessment of these projects has often set aside, or watered-down Council's requirements aimed at mitigating impacts on Yass Valley.

While the development of a suite of documents for renewable energy projects is welcome there are some shortcomings from a Local Government perspective. Council's following suggestions would strengthen the guidelines proposed by DPE.

1. Wind Energy Guideline

Section 5.5 Traffic and Transport

Over dimensional vehicles have not been the problem in the Yass Valley region as these vehicles are largely confined to the National highways and State/Regional roads and the axel configuration of these vehicles disperses the loads over the pavement.

The most significant damage to local roads is caused by heavy vehicles involved with sand, gravel, water and cement transport. Typically, these are truck and dog arrangements.

Council's approach has been to insist that the condition of local roads are suitable for these heavy vehicle and if not they need to be upgraded prior to any on site construction. In addition, it is important that the condition of the road is maintain by the proponent throughout the construction phase rather than the roads being restored following construction.

Section 5.6 Benefit Sharing

Yass Valley Council has advocating for DPE to develop a Statewide approach to benefit sharing for the past 10 years. In the absence of a DPE policy approach it has been left to Local Councils to negotiate with proponents which has resulted in different contribution between each facility.

Yass Valley Council, with its neighbouring Councils of Hilltops and Upper Lachlan Shire, decided to developed its own policy base. These are known as Community Enhancement Funds and operate under a Voluntary Planning Agreement with Council as the administering organisation. The schemes are based on s7.12 Fix Levy contributions (i.e. 1% of the estimated capital value). Council recognises that an up-front payment can be problematic for a proponent, so Council has accepted an annual contribution based on the estimated asset life of the turbines. This annual payment is adjusted in line with CPI and continues to apply while ever the turbines operate (even if it is beyond the estimated asset life). This approach also ensures that both current residents and future residents share in the benefits.

Under the schemes the first priority for funding is usually within 10 -20 kms of the turbines. Due to the location of turbines in farming areas and somewhat remote from towns and villages, there is often little need for community improvements and facilities. These facilities are better located in nearby towns and villages, so the funding is structured to enable benefits to be shared in these localities.

It is noted that it is now proposed to be based on the energy generation of \$1,050 per megawatt per annum for wind energy development. There should be a comparison between the DPE proposed approach to benefit sharing and Council's existing approach – whichever is the greater generation of funding should apply.

2. Transmission Guideline

Section 6.6 Other Assessment Issues – Traffic and Transport

The construction impacts of heavy vehicles on local roads should be more detailed. It is essential that the condition of local roads are suitable for heavy vehicles and if not they need to be upgraded prior to any on site construction. In addition, it is important that the condition of the road is maintain by the proponent throughout the construction phase rather than the roads being restored following construction.

Section 8 Strategic Benefit Payments

This is not a strategic benefits scheme – it is directed to landowners only.

The impacts of transmission lines on the rural landscapes are not dissimilar to wind turbines and extensive solar panels. A strategic benefits scheme/community enhancement fund should be similar to that of solar and wind energy projects. As transmission lines do not generate energy the benefits should be based on 1% of the capital cost of the infrastructure payable annually and adjusted in line with CPI over the estimated asset life of the infrastructure. While ever the transmission lines are in use the annual contribution should apply.

3. Large Scale Solar Energy Guideline

Benefit Sharing

It is noted that it is now proposed to be based on the energy generation of \$850 per megawatt per annum for solar energy development. There should be a comparison between the DPE proposed approach to benefit sharing and Council's existing approach – whichever is the greater generation of funding should apply.

Traffic and Transport

Council's approach has been to insist that the condition of local roads are suitable for these heavy vehicle and if not they need to be upgraded prior to any on site construction. In

addition, it is important that the condition of the road is maintain by the proponent throughout the construction phase rather than the roads being restored following construction.

4. Benefit Sharing Guideline

It is noted that the total funding for benefit sharing is proposed to be:

- \$850 per megawatt per annum for solar energy development, or
- \$1,050 per megawatt per annum for wind energy development,

paid over the life of the development and indexed to CPI.

There should be a comparison between the DPE proposed approach to benefit sharing and Council's existing approach – whichever is the greater generation of funding should apply.

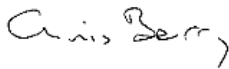
There should be a benefit sharing arrangement for transmission lines. As transmission lines do not generate energy the benefits should be based on 1% of the capital cost of the infrastructure payable annually and adjusted in line with CPI over the estimated asset life of the infrastructure. While ever the transmission lines are in use the annual contribution should apply.

5. Private Agreement Guideline

Host Agreements and Impact Agreements are private commercial arrangements and should not be part of any benefit sharing/community enhancement scheme.

If you wish to discuss any of the above matters further, please contact me on 6226 1477.

Yours faithfully



Chris Berry
Chief Executive Officer

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Wednesday, 17 January 2024 2:33:55 PM
Attachments: [council-report---december-2023.pdf](#)

Submitted on Wed, 17/01/2024 - 14:24

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 name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Inverell

Please provide your view on the project

I am just providing comments

Submission file

[council-report---december-2023.pdf](#) (1.27 MB)

Submission

Inverell Shire provides the following broad comments :

Draft Wind Energy Guideline – The intention to provide clear and, where necessary, definitive guidance in regard to the development of wind energy developments is positive. This includes the development of technical guidance regarding landscape and visual impacts as well as noise impacts. The guideline and technical supplements should assist in providing clarity for developers, landowners, the community and consent authorities. In particular clarification around aviation safety and lighting is positive.

Transmission Guidelines – At this point in time it is understood that there are no proposed transmission projects within the Inverell Shire. Notwithstanding this, the development of clear guidelines and a technical supplement for landscape and visual assessment is supported.

Solar Energy Guideline – In 2022 the NSW Department of Planning and Environment released the revised “Large-scale Solar Energy Guideline (Solar Energy Guideline). As part of this exhibition package a new “Solar Energy Decommissioning Calculator” has been developed. This will assist landowners and applicants in estimating the likely costs of decommissioning. Considering decommissioning impacts of large-scale solar developments is currently a topic of significant interest for many regional Councils. Developing a clear and transparent methodology for decommissioning of solar projects is supported.

Benefit Sharing Guideline – Benefit sharing is currently a matter of significant interest for all Councils who are impacted by large scale renewable projects. The guideline acknowledges that while communities can benefit from employment and investment, they can also experience negative impacts and changes from the renewable energy transition. In time it is envisaged that Inverell Shire Council will develop a specific policy (based on the guideline) which will outline the mechanisms to establish “community benefit funds” via Voluntary Planning Agreements (VPAs) in addition to “community enhancement funds”. Section 4 of the guideline provides standard “benefit sharing rates”. Before determining a position on the standard rates, it is considered that further investigation and collaboration with other Councils in the region is required. It is understood, however, that the standard “benefit sharing rates” are generally consistent with Coalition for Regional Energy Mayors expectations.

Private Agreement Guideline – it is understood that this guideline is targeted at private landowners either hosting a project or entering into an impact agreement with a renewable energy developer.

See also, attached Council Report.

I agree to the above statement

Yes

10.8 EXHIBITION - DRAFT ENERGY POLICY FRAMEWORK

File Number: S18.6.52/10 / 23/40740

Author: Anthony Alliston, Manager Development Services

SUMMARY:

The NSW Department of Planning and Environment are proposing to implement an Energy Policy Framework to *“help achieve the transition to renewable energy, reduce emissions and secure an affordable supply of electricity for the people of NSW”*. The Draft Energy Policy Framework is currently on public exhibition until 29 January, 2024.

The purpose of this report is to provide Council with an overview of the Energy Policy Framework and the specific documents on exhibition.

It is recommended that Council endorse the intent of a submission to NSW Department of Planning and Environment as outlined in the report.

RECOMMENDATION:

That Council endorse the intent of a submission to NSW Department of Planning and Environment as outlined in the report.

COMMENTARY:**Background**

The NSW Department of Planning and Environment (DPE) are proposing to implement an Energy Policy Framework to *“help achieve the transition to renewable energy, reduce emissions and secure an affordable supply of electricity for the people of NSW”*.

DPE intend on doing this through a suite of planning policies and guidelines for wind, solar, and transmission infrastructure. DPE consider that the Energy Policy Framework will support faster and more consistent decisions, provide industry greater investment certainty, and give communities more transparency about how renewable energy will be assessed and impacts managed.

The framework is intended to help ensure that communities benefit from renewable energy projects and it is estimated to generate \$413M in benefits for host communities over a 25-year period.

The DPE placed the Draft Energy Policy Framework on public exhibition in November 2023. Originally the time-frame to make comment on the framework was mid December 2023, however after stakeholder feedback the public exhibition period has been extended by six (6) weeks until 29 January 2024.

What is the Draft Energy Policy Framework?

The Draft Energy Policy Framework comprises a series of guidelines for wind and solar energy generation and transmission infrastructure.

The Draft Energy Policy Framework is specifically designed to:

- Provide clearer, more transparent assessment requirements and policy settings to ensure the level of assessment matches the level of risk and to help speed up the assessment process;
- Help the industry make informed investment decisions by providing more objective development standards;
- Allow communities to anticipate changes to their areas more readily by identifying the most desirable locations for large-scale solar and wind energy development;
- Ensure that development is guided by meaningful consultation with affected communities;

- Introduce clear setbacks to avoid significant visual impacts from wind energy and transmission infrastructure and to set clear expectations for the industry and communities;
- Provide more transparency about the likely costs of decommissioning solar and wind energy development so the industry and landowners can make more informed investment decisions;
- Provide greater support to applicants and landowners entering into agreements to host infrastructure or manage the impacts of development; and
- Ensure the benefits of energy development are directly realised by the localities and regions that host the infrastructure.

The guidelines and the key components of the framework are summarised in **Figure 1** below.

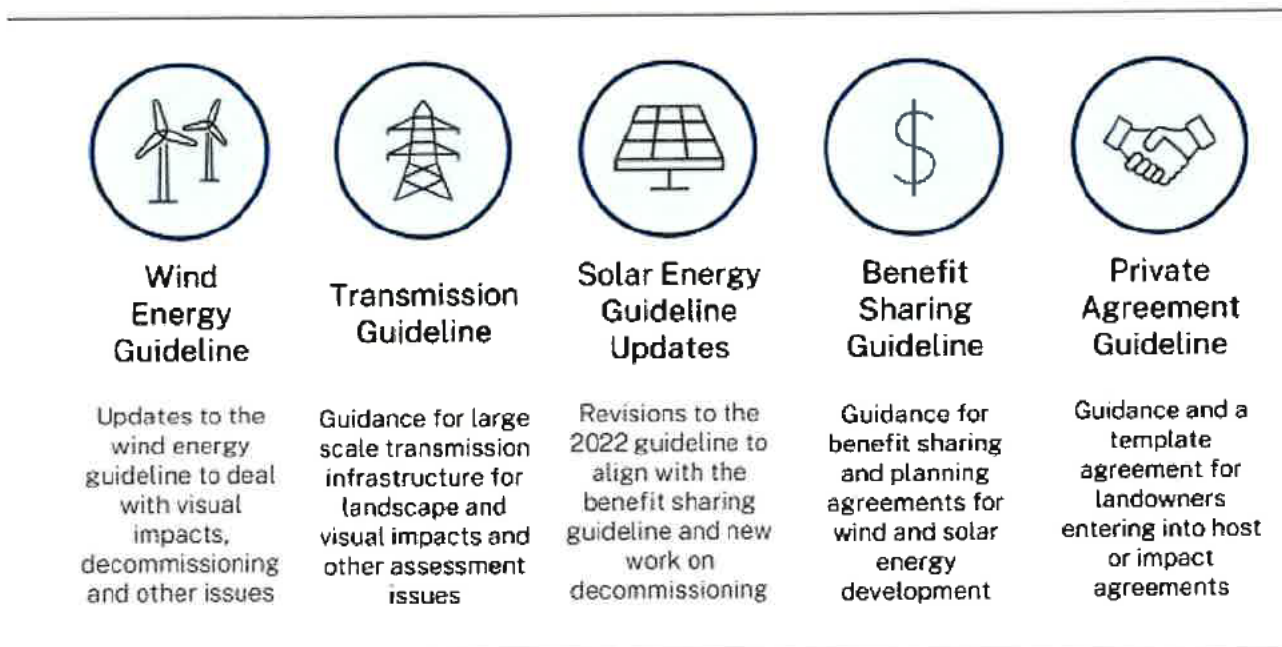


Figure 1 – Key Components of the Framework

Attachment 1 includes a copy of the “Draft Energy Policy Framework” which is a high-level overview of the new policy framework for the assessment of energy development and infrastructure in NSW.

For more detailed information in regard to each component of the framework, there are a series of “guidelines” and “calculators”. A summary is as follows:

- **Wind Energy Guideline**
 - Wind Energy Guideline
 - Technical Supplement for Landscape and Visual Impact Assessment
 - Technical Supplement for Noise Assessment
 - Wind Energy Decommissioning Calculator
- **Transmission Guideline**
 - Transmission Guideline
 - Technical Supplement for Landscape and Visual Impact Assessment
- **Solar Energy Guideline**
 - Solar Energy Decommissioning Calculator

- **Benefit Sharing Guideline**
 - Benefit Sharing Guideline
- **Private Agreement Guideline**
 - Private Agreement Guideline

A link to the full consultation package, including the series of “guidelines” and “calculators” is included below:

<https://www.planningportal.nsw.gov.au/draftplans/exhibition/draft-energy-policy-framework>

Mapping Discrepancy

Soon after the release of the Draft Energy Policy Framework there was a media release from Adam Marshall MP’s office on 15 November, 2023. It was titled, “*draft wind guidelines rule out new projects in New England REZ - Government called on to ‘please explain’ contradiction*”. The media release was a result of the mapping contained within the Draft Wind Energy Guideline, which forms part of the Draft Energy Policy Framework suit of documents. The mapping indicated that the New England Renewable Energy Zone was “less suitable” for wind projects.

Mr Marshall highlighted the contradiction between the NSW Department of Planning’s mapping and the Government’s Energy Corporations intention to “*expend hundreds of millions of taxpayers’ dollars constructing new high voltage transmission lines across our region for new projects to connect to*”. A copy of the media release is contained in **Attachment 2**.

On Monday 20 November, 2023 there was a second media release from Adam Marshall MP’s office, titled “*Blunder sees sudden correction of draft wind energy guideline*”. The media release highlights the fact that the Draft Wind Energy Guideline now indicates that the New England Renewable Energy Zone is “suitable” for renewable wind projects. A copy of the media release is contained in **Attachment 3**.

In discussions with NSW Department of Planning, Council’s Manager Development Services has been advised that it was a mapping discrepancy. The discrepancy has now been rectified.

Draft Energy Policy Framework Briefing

On 6 December, 2023 NSW Department of Planning and Environment held an on-line briefing session in regard to the Draft Energy Policy Framework. The briefing was presented by Matt Riley, Director Energy and Resources Policy.

Council’s Manager Development Services attended the on-line briefing. The briefing was a high-level summary of the exhibition material. The briefing did not provide any significant additional insights in regard to the Draft Energy Policy Framework.

The Mayor and General Manager were also provided with a similar briefing at the Coalition for Regional Energy Mayors meeting on 23 November, 2023.

Discussion

Council staff have only had a short time to review and analyse the exhibition material. Based on this review and consideration of the potential implications of the Draft Energy Policy Framework, the following broad comments are as follows:

- **Draft Wind Energy Guideline** – The intention to provide clear and, where necessary, definitive guidance in regard to the development of wind energy developments is positive. This includes the development of technical guidance regarding landscape and visual impacts as well as noise impacts. The guideline and technical supplements should assist in providing clarity for developers, landowners, the community and consent authorities. In particular clarification around aviation safety and lighting is positive.
- **Transmission Guidelines** – At this point in time it is understood that there are no proposed transmission projects within the Inverell Shire. Notwithstanding this, the

development of clear guidelines and a technical supplement for landscape and visual assessment is supported.

- **Solar Energy Guideline** – In 2022 the NSW Department of Planning and Environment released the revised “Large-scale Solar Energy Guideline (Solar Energy Guideline). As part of this exhibition package a new “Solar Energy Decommissioning Calculator” has been developed. This will assist landowners and applicants in estimating the likely costs of decommissioning. Considering decommissioning impacts of large-scale solar developments is currently a topic of significant interest for many regional Councils. Developing a clear and transparent methodology for decommissioning of solar projects is supported.
- **Benefit Sharing Guideline** – Benefit sharing is currently a matter of significant interest for all Councils who are impacted by large scale renewable projects. The guideline acknowledges that while communities can benefit from employment and investment, they can also experience negative impacts and changes from the renewable energy transition. In time it is envisaged that Inverell Shire Council will develop a specific policy (based on the guideline) which will outline the mechanisms to establish “community benefit funds” via Voluntary Planning Agreements (VPAs) in addition to “community enhancement funds”. Section 4 of the guideline provides standard “benefit sharing rates”. Before determining a position on the standard rates, it is considered that further investigation and collaboration with other Councils in the region is required. It is understood, however, that the standard “benefit sharing rates” are generally consistent with Coalition for Regional Energy Mayors expectations.
- **Private Agreement Guideline** – it is understood that this guideline is targeted at private landowners either hosting a project or entering into an impact agreement with a renewable energy developer.

In regard to the above points, it should be noted that most large-scale renewable energy projects will be classed as “State Significant Development”. As such, local Councils will not be the consent authority. Therefore, the technical rules, requirements and standards (such as setbacks) will be assessed, managed and enforced by the NSW Department of Planning and Environment throughout the Development Assessment process. Councils, during the Development Assessment process, will have the ability to comment on a project’s compliance (or non-compliance) with the guidelines, however ultimately the final decisions will be at the discretion of the NSW Department of Planning and Environment, as the consent authority.

It is intended that Manager Development Services continue to monitor the public exhibition phase and stay informed of stakeholder, other Councils and industry feedback. Closer to the end of the exhibition (29 January 2024) it is intended to prepare an on-line submission, on behalf of Inverell Shire Council, to NSW Department of Planning and Environment consistent with the intent of the above discussion.

Any Councillors with specific issues or concerns are encouraged to liaise with the Manager Development Services to feed into the submission process. A Copy of the submission will be provided to the Councillors upon completion.

Conclusion

The NSW Department of Planning and Environment are proposing to implement an Energy Policy Framework. The Draft Energy Policy Framework is currently on public exhibition until 29 January, 2024.

Council’s Manager Development Services will continue to monitor the public exhibition phase and stay informed of stakeholder, other Councils and industry feedback. It is recommended that

Council endorse the intent of a submission to NSW Department of Planning and Environment as outlined in the report.

Council's Manager Development Services is available should any Councillor wish to discuss the submission prior to 29 January, 2024.

RISK ASSESSMENT:

Nil.

POLICY IMPLICATIONS:

Nil.

CHIEF FINANCIAL OFFICERS COMMENT:

Nil.

LEGAL IMPLICATIONS:

Nil.

ATTACHMENTS:

1. **Draft Energy Policy Framework - NSW Department of Planning and Environment** [↓](#)
2. **Media Release - Draft Wind Guidelines Rule out New Projects in New England REZ - 15 November 2023** [↓](#)
3. **Media Release - Blunder Sees Sudden Correction of Draft Wind Energy Guideline - 20 November 2023** [↓](#)

Department of Planning and Environment
dpie.nsw.gov.au



Draft Energy Policy Framework



An overview of the new policy framework
for the assessment of energy development
and infrastructure in NSW

November 2023



Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Draft Energy Policy Framework

Draft published: November 2023

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TMP-MC-R-DC-V1.2

Introduction

We're implementing an Energy Policy Framework to help achieve the transition to renewable energy, reduce emissions and secure an affordable supply of electricity for the people of NSW.

We're doing this through a suite of planning policies and guidelines for wind, solar, and transmission infrastructure.

These will support faster and more consistent decisions, provide industry greater investment certainty, and give communities more transparency about how we will assess and manage impacts.

The framework will also ensure that communities benefit from renewable energy projects and is estimated to generate \$413 million in benefits for host communities over 25 years.

The Department of Planning and Environment's (the department) draft Energy Policy Framework aims to support the transition to renewable energy in NSW. It aims to do this quickly enough to futureproof a cheap and reliable supply of renewable energy for the people of NSW.

A significant amount of new transmission infrastructure, renewable energy generation and storage and firming infrastructure will be required over the coming decades to meet the NSW Government's net zero target. By 2035, 4 of the state's 5 coal-fired power stations

(which currently generate approximately 75% of NSW's annual electricity) will come to their scheduled end of life. Because of this, we will need to rapidly build a new renewable network. The NSW Government's [Electricity Infrastructure Roadmap](#) sets out a 20-year plan to deliver the necessary infrastructure.

It will be increasingly important for the NSW planning system to operate efficiently to ensure a fast and measured rollout of energy generation and transmission infrastructure while giving certainty to investors and the community. It must do this by providing clear guidance and robust planning policy.

With that said, renewable energy development is not without impacts, and it must enable infrastructure while also managing land use conflict, balancing environmental and social impacts, addressing community concerns and supporting robust and meaningful community engagement.

The NSW Government recently commissioned the [Electricity Supply and Reliability Check-Up](#) to review progress and policy settings of the NSW Electricity Infrastructure Roadmap. The Check-Up identified the need to enhance the planning system by standardising the assessment of key issues and providing clearer guidelines.

We have developed the Energy Policy Framework (the Framework) to address the recommendations of the Check-Up and emerging issues raised by communities and the industry.

Policy Framework

The Energy Policy Framework comprises a series of guidelines for wind and solar energy generation and transmission infrastructure. These are summarised in Figure 1 and described in further detail throughout this document. The framework focuses on the development assessment process under the *Environmental Planning and Assessment Act 1979*. It provides guidance to help the industry, communities and consent authorities in identifying, assessing, avoiding, and mitigating impacts. The framework is designed to:

- provide clearer, more transparent assessment requirements and policy settings to ensure the level of assessment matches the level of risk and to help speed up the assessment process
- help the industry make informed investment decisions by providing more objective development standards
- allow communities to anticipate changes to their areas more readily by identifying the

most desirable locations for large-scale solar and wind energy development

- ensure that development is guided by meaningful consultation with affected communities
- introduce clear setbacks to avoid significant visual impacts from wind energy and transmission infrastructure and to set clear expectations for the industry and communities
- provide more transparency about the likely costs of decommissioning solar and wind energy development so the industry and landowners can make more informed investment decisions
- provide greater support to applicants and landowners entering into agreements to host infrastructure or manage the impacts of development
- ensure the benefits of energy development are directly realised by the localities and regions that host the infrastructure

Through these measures, we expect the framework to support the accelerated delivery of infrastructure and host communities.

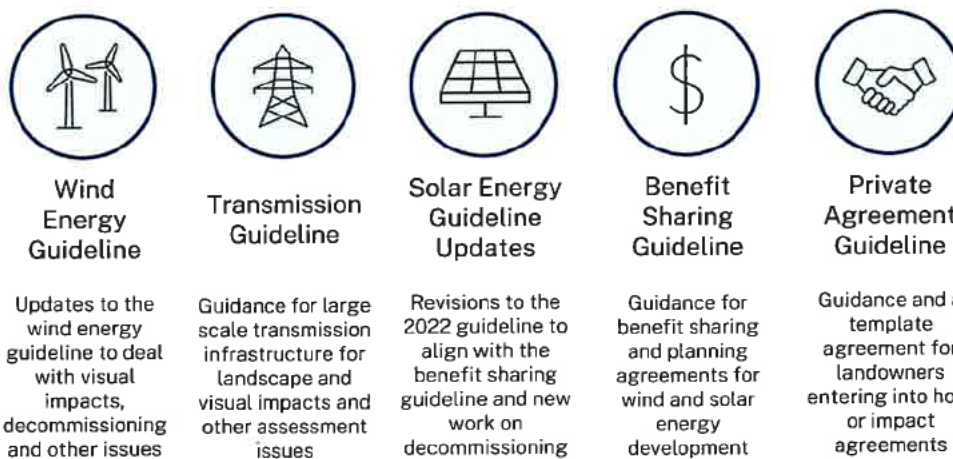


Figure 1. Key components of the framework

Relationship between documents and tools

A range of documents, guidelines and tools fit together to form the framework. Their relationship to wind, solar and transmission infrastructure is shown in Figure 2 below.

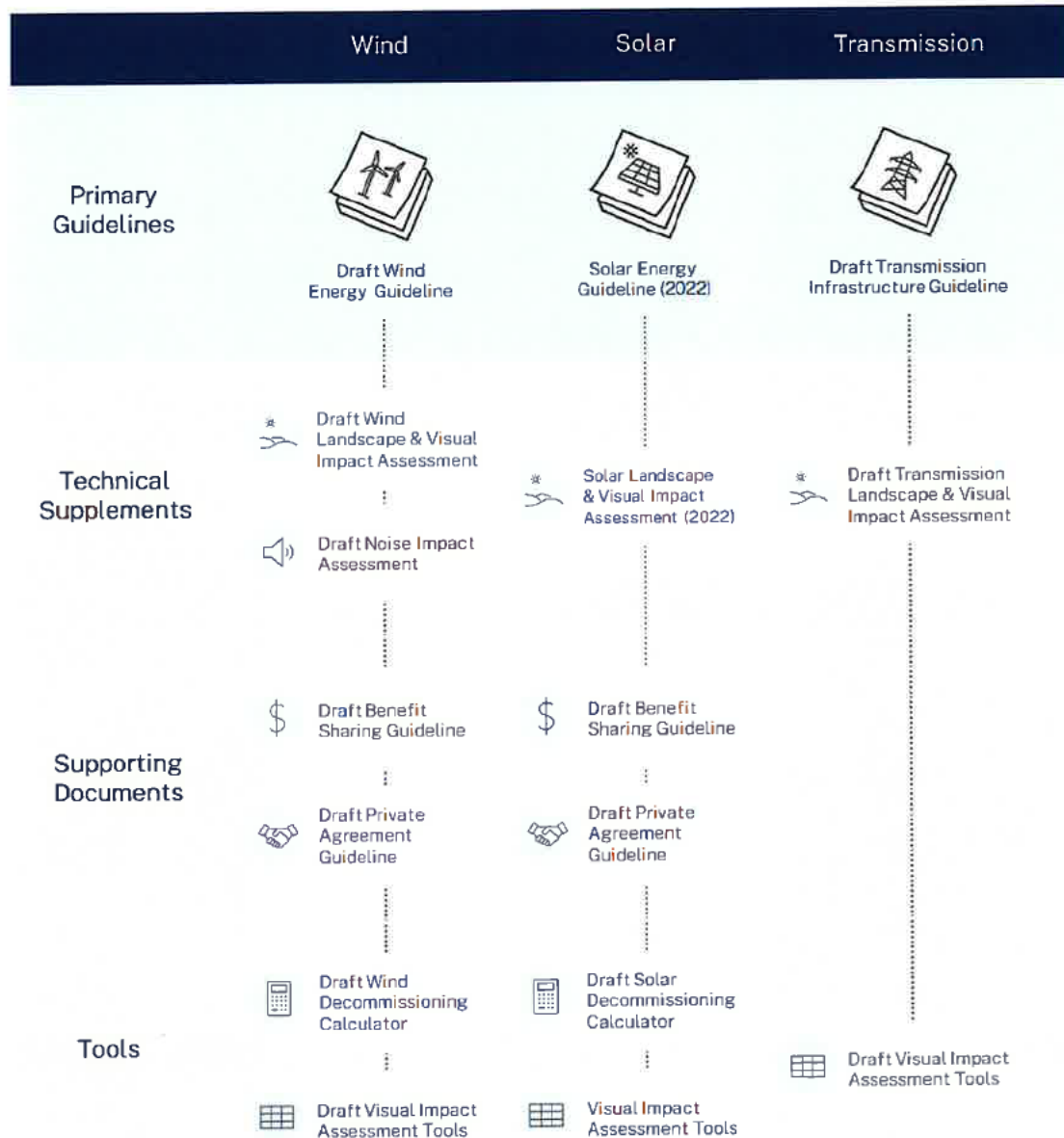


Figure 2. Relationship between elements of the Framework

Wind Energy Guideline



In 2016, the department released the current Wind Energy Guideline (2016) and technical guidance for noise and visual impact assessment. Since then, the industry has developed rapidly, and the heights of turbines have increased considerably.

This necessitates a review and update of the guideline and provides an opportunity to address emerging issues and feedback from the industry and communities.

The new guideline builds on the policy directions and intent of the existing guideline and will improve the way in which the planning system can manage landscape and visual amenity impacts, decommissioning and a range of other issues.

The draft Wind Energy Guideline:

- identifies desirable areas for wind energy development based on a range of considerations including wind resource potential, proximity to transmission, and land use constraints.
- provides advice to assist the industry in selecting sites and designing projects
- includes new guidance on landscape and visual impact assessment in a technical supplement.

The new visual impact methodology builds on foundational principles from the existing guideline but provides a wholly revised approach to provide greater certainty and expedite decision-making. This includes a setback for wind turbines that are fully visible from people’s homes (for example 2 km from a turbine 250 m tall).

- includes minor updates to align the noise impact assessment methodology with updates to the South Australian wind farm noise guidelines (2021) (these updates do not change the noise criteria and would not materially change modelling results)
- adopts a new noise criterion of 50dB(A) for passive recreation areas within National Parks to minimise land use conflicts
- includes a calculator for estimating the potential costs of decommissioning to ensure host landowners are well informed about the likely costs, and
- addresses commonly raised concerns including traffic and transport management, aviation risk and night-lighting.



Image: Squadron Energy

Transmission Guideline



A significant amount of transmission infrastructure is needed to connect renewable energy sources to the electricity grid and to ensure NSW has the cleanest and most affordable energy into the future.

The existing transmission network is estimated to have a connection capacity of 16 gigawatts in areas with favourable renewable energy resources. This is much less than the 125 gigawatts of new grid-scale renewable energy required by 2050.

Approximately 4,000km of new transmission infrastructure will need to be built over the next 2 decades to unlock the additional capacity required.



Without investment in new transmission infrastructure, the existing transmission network will reach capacity and new sources of energy generation will not be commercially viable. This will result in higher power prices and an uncertain and unreliable energy future for NSW electricity customers and communities.

We have prepared the draft Transmission Guideline to support major upgrades and expansions of the State’s transmission network. It aims to provide communities, industry and regulators with clear and consistent information and guidance on the planning and development of this infrastructure.

The guideline is supported by a technical supplement for landscape and visual impact assessment. The supplement adopts a visual assessment methodology consistent with the revised Wind Energy Guideline to assess visual impacts more consistently and objectively.

The guideline clearly outlines when measures may be required to avoid or mitigate visual impacts on private landowners. It includes a setback for fully visible transmission towers (for example, 380 m from a tower 80 m tall).

The draft Transmission Guideline also includes advice on route selection, community engagement, biodiversity impacts, agricultural impacts, bushfire risk and other issues.

Updates to the Solar Energy Guideline



In 2022, the department released the revised Large-scale Solar Energy Guideline (Solar Energy Guideline) and its supporting technical supplement for landscape and visual impacts.

The Solar Energy Guideline provides the community, industry and regulators with guidance on the assessment framework, site

selection process, landscape and visual impacts and agricultural land use conflicts.

We are proposing minor updates to the Solar Energy Guideline to reflect the key policy changes under the draft Energy Policy Framework. The key changes are described in Table 1.

Table 1. Changes to the Large-scale Solar Energy Guideline

Area of Change	Proposed Change
Planning framework	<ul style="list-style-type: none"> Consistent with section 2.6 of the draft Wind Energy Guideline, identify that the Minister will consider requests to declare solar energy development as Critical State Significant Infrastructure if it includes a significant energy storage system (for example, a delivery capacity of 750 megawatts or more).
Site selection	<ul style="list-style-type: none"> Update section 4.2 of the existing Solar Energy Guideline to identify suitable locations for solar energy development (as shown in Figure 3) to help communities anticipate development and change.
Decommissioning	<ul style="list-style-type: none"> Provide a calculator for estimating decommissioning costs to ensure landholders are well informed about the likely costs.
Benefit sharing	<ul style="list-style-type: none"> Repeal existing guidance on benefit sharing in section 5.3.2 of the Solar Guideline and replace with a reference to the draft Benefit Sharing Guideline (2023). This encourages applicants to pay \$850 per megawatt per annum (in 2023 dollars) in benefit sharing.
Private agreements	<ul style="list-style-type: none"> Repeal existing guidance on private agreements in section 5.3.3 and Appendix B of the Solar Energy Guideline and replace it with a reference to the draft Private Agreement Guideline (2023).
Landscape and visual impact assessment	<ul style="list-style-type: none"> Define dwelling and clarify assessment requirements for dwelling entitlements, in accordance with the draft Wind Energy Guidelines (2023), where relevant. Update the assessment methodology in line with the proposed approach for wind and transmission to allow a more proportionate approach that does not rely exclusively on photomontages.

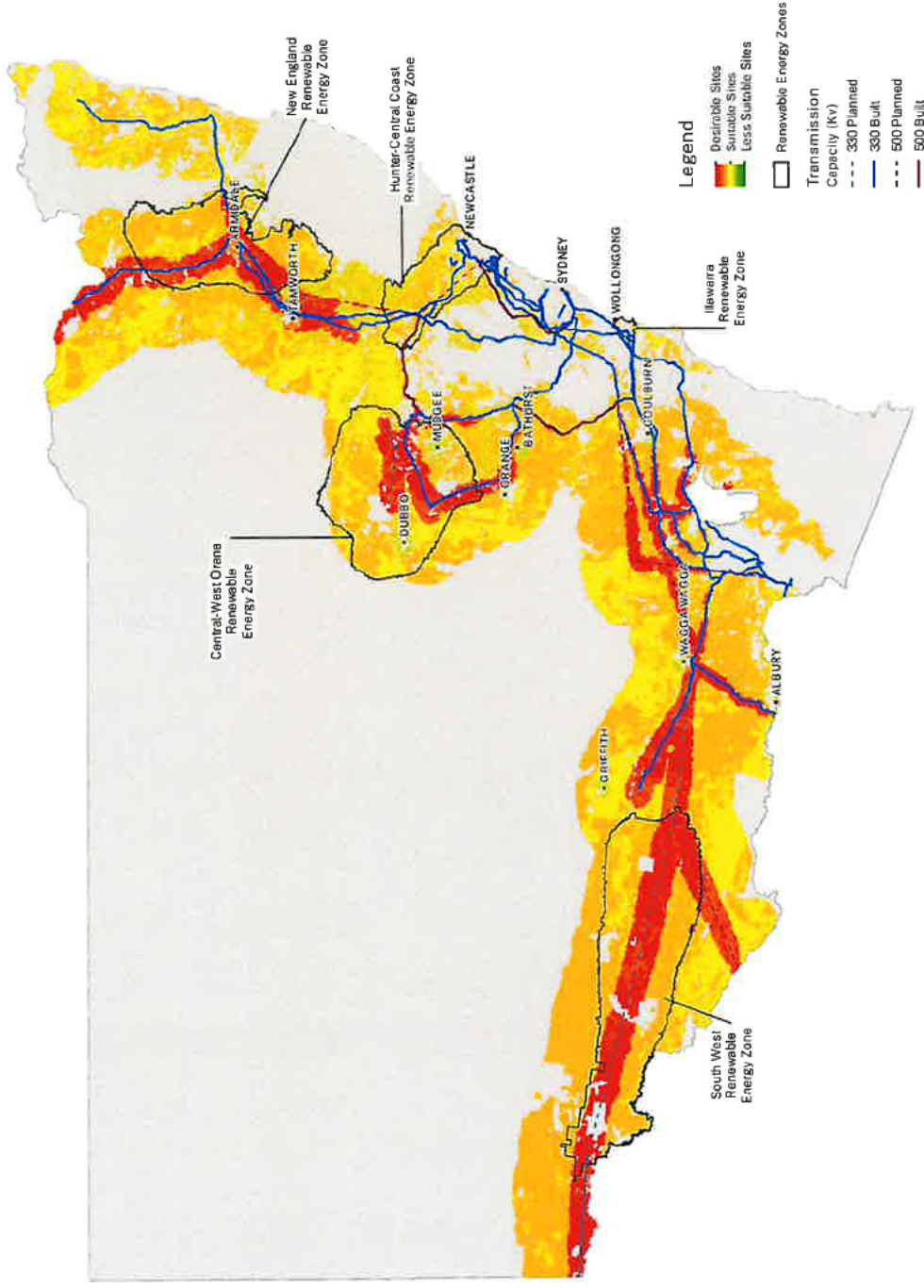


Figure 3. Desirable locations for solar development

Department of Planning and Environment | Draft Energy Policy Framework Overview

Benefit Sharing Guideline



The uptake of large-scale renewable energy development provides significant benefits for the state, including reduced reliance on fossil fuels, reduced emissions, and a secure and affordable power supply.

While it also has a range of direct and indirect benefits for host communities (including temporary construction jobs, ongoing operational jobs and lease payments to landholders and neighbours,) it is our regional communities that experience the most pressure and change from the renewable energy transition.

The Benefit Sharing Guideline provides advice on how the industry can share proceeds of solar and wind energy development (financial and other benefits) with host communities to ensure they benefit from the transition to renewable energy.

The guideline sets out a range of principles to ensure that benefit sharing is transparent, focussed on communities, and delivers positive, tangible and long term social and economic benefits.

There is a growing practice in Australia and internationally of developing community benefit sharing initiatives for renewable energy projects. These help foster greater local acceptance and support.

The draft Benefit Sharing Guidelines will help local communities be more resilient to change and will deliver estimated benefits of up to \$413 million over 25-years (in present value terms).

The guideline proposes a rate for benefit sharing of:

- \$850 per megawatt per annum for solar energy development, or
- \$1050 per megawatt per annum for wind energy development,

paid over the life of the development and indexed to the Consumer Price Index.



Private Agreement Guideline



Renewable energy development is usually located or hosted on private land. This typically requires the applicant to enter into a private agreement with the host landowner to allow the project to go ahead.

Renewable energy projects can also impact land surrounding the project. Applicants can enter into agreements with neighbouring landowners when impacts from the project may affect their land or the amenity of their property and when these impacts cannot be managed or mitigated in other ways.

The draft Private Agreement Guideline contains advice on the role of these agreements for solar and wind energy development, including issues that should be considered.

The guideline aims to help the industry and landowners navigate the process in a fair and informed manner. It includes a template that can be used as the basis for any agreement.



Have your say

The Energy Policy Framework is on public exhibition until **18 December 2023**.

To view the contents of framework and provide feedback, please visit our webpage at www.planning.nsw.gov.au/energy-policy-framework.

Your feedback will help us refine the framework before we finalise it.

For more information contact us on energy.resourcespolicy@dpie.nsw.gov.au

Hon. Adam Marshall MP

Member for Northern Tablelands

MEDIA RELEASE

Wednesday, 15 November 2023

DRAFT WIND GUIDELINES RULE OUT NEW PROJECTS IN NEW ENGLAND REZ

Government called on to 'please explain' contradiction

NORTHERN Tablelands MP Adam Marshall has today called on the State Government to urgently explain and clarify why its new draft wind energy guideline effectively rule out any projects within the New England Renewable Energy Zone, despite hundreds of millions of dollars being set aside to construct new electricity transmission infrastructure.

"It's very clear the left hand of government does not know what the right hand is doing," Mr Marshall said.

"We now effectively have two government departments saying two completely contradictory things about the future of our region – it's not only embarrassingly amateurish, but also very concerning for our community."

Mr Marshall said the State Government's new draft wind energy guideline, released by the Planning Department yesterday, includes a map which declares almost the entirety of the New England REZ "less suitable" for wind projects.

"The Planning Department declares us 'less suitable' for wind projects while at the same time the government's Energy Corporation is working to expend hundreds of millions of taxpayers' dollars constructing new high voltage transmission lines across our region for new projects to connect to," he said.

"Who is correct; the planning department or Energy Co, because they cannot both be right. Will there be no new wind projects approved in our region, or has the planning department got it all wrong and doesn't have a clue what's going on in the government?"

"This massive contradiction leaves our communities even more confused about what the future looks like.

"I'm calling on the government to gets its own house in order and urgently clarify who is right and who is wrong and what our region can expect now and in the future.

"Threading the needle to ensure a smooth energy transition, developing new renewables in harmony with our local communities, is difficult enough without this sort of carry on which shatters any confidence we had in the key government agencies.

"Either we have renewable energy zones where these projects are supposed to go or we have a planning system that is now attempting to rule them all out – we cannot have both and this government needs to work out what it's doing and fast.

"Our community is entitled to know the truth and have certainty so we can plan our destiny too."

2

MEDIA: Adam Marshall 0429 440 054

Hon. Adam Marshall MP

Member for Northern Tablelands

MEDIA RELEASE

Monday, 20 November 2023

BLUNDER SEES SUDDEN CORRECTION OF DRAFT WIND ENERGY GUIDELINE

MEMBER for Northern Tablelands Adam Marshall has put the wind up the State Government to urgently explain why its draft wind guideline has been suddenly and quietly changed 180 degrees today, now listing the New England as 'suitable' for renewable wind projects.

Mr Marshall said the correction came after he raised questions about it last week, with the guideline originally mapping the New England as 'less suitable' for wind projects.

"This is just plain confusing," Mr Marshall said.

"How can the New England Renewable Energy Zone go from 'less suitable' to 'suitable' for wind infrastructure within five days?

"I am not sure if someone in the Department of Planning and Infrastructure got the colour-coding wrong on the original map, but it does not provide much confidence.

"It further highlights the miscommunication and dysfunction of the Department and the State Government to manage and control renewable energy projects across our region."

The backflip came after Mr Marshall pressed the Government last week, asking why the New England was deemed unsuitable for wind projects.

"We have already invested hundreds of millions of dollars to construct new electricity transmission infrastructure," he said.

"It's very clear the left hand of Government does not know what the right hand is doing.

"The mixed messaging and the map further erode confidence of developers wanting to step into the industry as well as concerned community members.

"It is critical that we carefully plan a smooth energy transition, developing new renewables in harmony with our local communities.

"I am asking the State Government to 'please explain' this blunder."

MEDIA: Adam Marshall 0429 440 054

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Thursday, 18 January 2024 12:05:16 PM
Attachments: [uralla-shire-council-submission-on-draft-energy-policy-framework-18-january-2024.pdf](#)

Submitted on Thu, 18/01/2024 - 12:03

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

██████████

Last name

██████████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

Uralla

Please provide your view on the project

I am just providing comments

Submission file

[uralla-shire-council-submission-on-draft-energy-policy-framework-18-january-2024.pdf](#)

(375.64 KB)

Submission

Uralla Shire Council has attached the submission on the Draft Energy Policy Framework for your review.

I agree to the above statement

Yes

18 January 2024

NSW Government
Director, Energy and Resources Policy
Mr Matthew Riley
Email: Via planning portal

RE: Submission on Draft Energy Policy Framework

Dear Matt

Uralla Shire Council welcomes the release of the Draft Energy Policy Framework and Guidelines and the opportunity to comment on the various components.

Council is pleased to see the integration of the framework and guidelines relating to the various sectors of renewable energy development.

However, Council continues to have concerns about the following issues:

1. Community engagement prior to the development of the renewable energy zones is historically low, resulting in a consequential lack of social licence for development in some sections of these areas. This also fosters community tension and can destroy community relations between supporting and opposing groups. The framework does not address this issue.
2. Decommissioning and who bears the cost is not adequately addressed by the Guidelines, and consequently the assessment and approval process. Experience in the mining industry demonstrates that no matter what conditions (apart from a financial bond) are put into contracts, if the company that owns the resources at the time of decommissioning does not have the resources, the government or the landowner will be responsible for the costs. The Council effectively becomes the provider of last resort. Renewable energy companies and projects are regularly traded. Under current legislation it is not difficult to on-sell the liability to a company lacking the resources to decommission, thereby leaving the landowner with a worthless contract and obsolete, redundant and/or eventually derelict infrastructure.
3. Accommodation for FIFO workers and workers that are only resident during the construction phase is having a major impact on the local population. The few who have rental properties benefit from the increased rental returns; however, the lower socio-economic section of communities can be adversely affected. The short-term economic boost created by the extra workers in a locality could be a 'sugar hit' with a long-term detrimental impact on housing affordability and tourism. A sound policy approach to this issue is needed. The omission of

accommodation considerations from the draft policy framework is a major oversight and has the potential to adversely impact on communities across the REZ areas. This impact is already being felt in the Central West Orana REZ with a significant unmet housing demand. Similar outcomes in the New England REZ should be averted through the development of sound policy approaches and support for local governments seeking to respond and plan to meet this challenge. Department advice that these matters are being considered by EnergyCo is noted. However, it is considered the 'horse has bolted' given the pace of REZ development. Accommodation matters are really integral to the whole renewable energy roll-out, and accordingly should be part of the policy framework.

4. Council should not be fettered in their discretion to manage community benefit payments negotiated with renewable energy developers through planning agreements. Councils should be free to develop appropriate local community engagement models and strategic approaches to the distribution and disbursement of benefit payments for the long term benefit of the whole community, not just the community immediately affected by the project. The opportunity to collate benefit payments over many years to fund more significant legacy project outcomes for the community should be enshrined to ensure this once in a generation opportunity is not lost.
5. In the Draft Private Agreement Guideline, there is no allowance for the developer to cover any future rates and charges increases that result from the development. Council has separately made representations to the Minister regarding the classification of REZ land for rating purposes once developed and generating. The issue of land classification for rating purposes should be addressed, although Department verbal advice is acknowledged advising that changes to rating categories are not envisioned given the opportunity for landowners to develop private agreements. Council is of the view that the energy generating use once operational is a commercial activity and as such should be appropriately classified for rating purposes.

Specific comments on the components of the Guidelines follow:

Draft Wind Energy Guidelines

Council believes this is generally a good document, however it is deficient in that it fails to adequately address some issues critical to local communities impacted on by these developments. For example:

- a) 1.1 Objectives: Council notes dot point 2 encourages industry to select suitable sites, however dot point 4 only addresses "*stakeholder engagement throughout the development assessment process*". It is important that effective stakeholder engagement takes place at an earlier stage than "*the development assessment process*". In terms of social licence stakeholder engagement is critical in the process of site selection, prior to getting to "*the development assessment process*". Words emphasising the need for active stakeholder participation in site selection should be part of the objectives of these guidelines.
- b) Section 2.5 Regulation of approved wind energy projects lists a number of conditions as dot points. Section 6 Other assessment issues lists other assessment issues. This gives the appearance of a hierarchy. The points listed in 2.5 demonstrate a limited view of the potential impact on local rural industries. In Rural areas access to water is critical to continued livestock production; the impact of erosion and sediment control on neighbours and aquatic ecology can be critical; impact on natural hazards can locally be very significant. These issues should not be devalued by virtually being put in as an addendum.
- c) Chapter 3 Community and stakeholder engagement: The establishment of social licence for these projects is critical. It is currently undermined by the confidential discussions related to

site selection. Proponents then try to overcome the local objections and justify the chosen sites. “Meaningful engagement with stakeholders” must be part of the site selection process, not just the environmental impact assessment process.

- i. I welcome the statements further down in Chapter 3 that talk about community engagement “as early as possible”. This should be at the site selection stage and this must be emphasised up front in these guidelines.
- d) Section 4.2. Processes of site selection and project design: We note there are special conditions applied to passive recreation areas that are more stringent than those applied to other areas. Specifically, the interference with management activities such as feral animal, weed and fire control, or search and rescue operations, and radio communications. These issues are no less important to rural producers than they are to State managers of passive recreation areas. The inclusion of special conditions for sites near passive recreation areas devalues our rural communities emphasising “city centric” nature of the whole of this process: a relatively few individuals are adversely impacted for the benefit of the whole. Council objects most strongly to State managed land being considered more important than privately managed.
- e) Section 5.1 Shadow flicker assessment: Shadow flicker can be extremely annoying. There is a lot of land to select from; turbines should be sited so that shadow flicker should never impact on non-associated residences. 30 hours per year is unacceptable.
- f) Section 5.5 Traffic and transport: The traffic and transport section of environmental impact statements generally consider in detail the proposed route for transporting large components. However, they do not effectively consider the, more significant, local transport of road base, aggregate and water for the construction of roads and concrete. There should be another paragraph in the Guideline to ensure these issues are addressed.
 - i. Also, in section 5.5 the statement that “on site access routes should be designed to utilise existing farm tracks is illogical. Farm tracks are usually two narrow wheel tracks on a natural surface. Access routes need to be at least 4m wide consolidated road base.

Draft Transmission Guidelines

In addition to being used by proponents, this document will be used by individuals and communities impacted by transmission lines to hold government and proponents to account in realistically assessing impacts. In this context it needs to be useable by a non-technical audience not familiar with recent legislation.

Specific Council comments follow:

- a) Major transmission lines will generally be Critical State significant infrastructure. The introduction does not adequately recognise the strategic context of the location of transmission lines. Transmission lines go from point to point. Therefore, there is much more need for trade off in this process (to ensure continuity of the route) than there is with point site nature of wind or solar generators. Hence the need for them to be Critical State Significant Infrastructure. The need for continuity limits the opportunity for effected landholders to influence route decisions and introduces a consequent disingenuous tone to the consultation process. This is not reflected in the guidelines. Basically, as one works through the document

it leads to a feeling that consultation will not be genuine and will have little if any impact on location and mitigation associated with the lines.

- b) Section 1.5 Regulatory approvals: This section presumes a high-level knowledge of the relatively recent legislation impacting on electricity generation and transmission. Whilst the legislative context in terms of planning is explained the significance of this legislation should be a key feature in the introduction.
- c) Section 4, Community and stakeholder engagement. This section is aspirational. The process so far is the route is selected and then impacted landholder will be advised, then the community will be provided an opportunity for “feel good” feedback. The guidelines do provide for feedback on the EIS that will be a valuable opportunity for community input into the need for mitigation
- d) Sections 5 and 6. The separation of assessment issues into key assessment issues (Chapter 5) and others (chapter 6) devalue the potential impact of the very significant factors listed. For example, the impact on Agricultural land-use is dismissed as “agricultural land-use can continue to support grazing and cropping...” demonstrates a poor understanding of modern agriculture and the use of widespread (and growing) aerial operations (including drones) for fire control, weed management and pest animal management. This section also does not demonstrate an understanding of the impact of sediment on aquatic ecosystems or the major impact adequate biodiversity security management (as required by legislation) will have on construction. These chapters should be combined.
- e) Chapter 7 Access arrangements and acquisition agreements. Under biosecurity legislation I understand proponents will require consent from landholders to enter property. This section does not (and should) refer to, or outline, the impact having a project declares critical state significant infrastructure will have on access arrangements.
- f) Chapter 8 Strategic benefit payments. Council welcomes the transparent upfront nature of the determination of payments to landholders. It contrasts with the process adopted by proponents for renewable generator projects.

Draft Benefit Sharing Guidelines

Council welcomes the clarification of State expectations of renewable energy providers in terms of contribution to impacted communities. Sections of our community, while recognising the need to transition to renewable energy and away from fossil fuels, feel disenfranchised and essentially helpless as the local impact of renewable developments are realised.

Council recognises the direct and indirect benefits as outlined in the introduction, however we note (and our experience so far confirms) that these benefits flow mainly to individuals with little benefit to the community as a whole. Our experience to date is that the benefits flow to the suppliers of land, goods and services while the remainder of the community is adversely impacted by the restriction in the availability of these supplies and suppliers. The returns from the beneficiaries do not necessarily flow back to the impacted broader community.

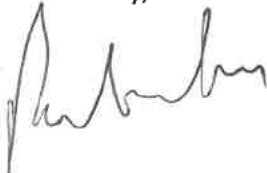
Council appreciates the recognition that the “on-ground effects of the State’s energy transition will be predominantly felt in regional areas” and the recognition that there will be “limited connection to local community enhancement”. Council also appreciates the effort being made to redress this local impact.

Specific council comments follow:

- a) Chapter 2 Benefit Sharing for Renewable Energy. Under 'What is benefit sharing', Council notes that enhancing benefits for neighbours is included in the proposed benefits. The current process for wind energy development included compensation for near neighbour impacted by the development, is it the intention that this compensation for near neighbours come out of the benefits outlined in Chapter 1 (detail in Chapter 3)? This needs clarifying.
- b) Section 2.2 'Why benefit sharing is important for renewable energy'. For benefit sharing to "assist in building community support" the wider community must demonstrably benefit through a transparent and well understood process. This is still not clear or well understood.
 - i. Council is concerned about the statement that "renewable energy projects generally have limited impact on local infrastructure and services". This may be so in our Regional Cities, but is not the case for Rural Shires. Whilst there will be additional 7.11 and 7.12 contributions collected by Council these are required, and fully committed, to maintain the impacted infrastructure and do not represent additional resources available to address wider issues.
- c) Chapter 3 Policy for Benefit Sharing. Council welcomes the recognition of the benefits of administration of these funds through a central body such as council and the recognition different models will be appropriate in different areas and circumstances. Council does not feel adequate recognition has been given to the work involved in developing appropriate, fit-for-purpose models and would appreciate more detail in this section.
 - i. The dot point relating to neighbourhood subsidies does not seem to recognise the electricity distribution and charging system in Australia. The renewable energy providers deliver bulk electricity to the distributors, not to the end consumers. Council does not see how renewable energy providers could provide local subsidies?
- d) Chapter 4 Proposed model and total value of benefit sharing. Council welcomes the upfront clarity on level of contribution expected.

Thank you for consideration of our submission. We look forward to your further advice.

Sincerely,



Robert Bell

Mayor, Uralla Shire Council

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Wednesday, 24 January 2024 12:48:48 PM
Attachments: [draft-energy-policy-framework.pdf](#)

Submitted on Wed, 24/01/2024 - 12:44

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Roger

Last name

Bailey

I would like my name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

Coonabarabran 2357

Please provide your view on the project

I object to it

Submission file

[draft-energy-policy-framework.pdf](#) (1.73 MB)

Submission

Attached is Warrumbungle Shire Council's response to the Draft Energy Policy Framework – Various Guideline Documents.

I agree to the above statement

Yes

Coonabarabran:

14-22 John Street
Coonabarabran NSW 2357

PO Box 191
Coonabarabran NSW 2357

ABN: 63 348 671 239



Calls from within Shire
1300 795 099

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Coonabarabran:
02 6849 2000

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Fax: 02 6842 1337

Email:
info@warrumbungle.nsw.gov.au

Coonabarabran - Coolah - Dunedoo - Baradine - Binnaway - Mendooran

Please address all mail to:
The General Manager

Please refer enquiries to: **R Bailey**
Doc ID: 185944

24 January 2024

Mr Matthew Riley
Director, Energy and Resources Policy
Department of Planning Housing & Infrastructure
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

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David.Gainsford@planning.nsw.gov.au

Dear Matt and Team

Response to Draft Energy Policy Framework – Various Guideline Documents

Council thanks you for the opportunity to provide feedback on the Draft Energy Policy Framework and associated Guideline documents.

As you are aware, Warrumbungle Local Government Area ('LGA') is an integral part of the Central West Orana REZ ('CWO REZ'), currently with eleven proposed generation facilities and a major transmission line planned to be located therein. Across the whole CWO REZ there are 35+ projects.

Council's comments herein relate primarily to the Draft Benefit Sharing Guideline, with an additional comment that relates to both the Draft Wind Guideline and the Draft Solar Guideline.

A. Benefit Sharing Guideline (dated November 2023)

Council, together with its residents and ratepayers, is very much focussed on the transparency of the likely environmental, social, and economic costs and benefits arising from the developments (both singular and cumulative) and to ensuring that such costs reasonably attributable to the developments are carried by the developers and not outsourced to the LGA community to bear. The content of the Draft Benefit Sharing Guideline is thus a key issue for Council.

Council does support some elements of the Draft Benefit Sharing Guideline however, on balance, its strong concerns – thus objections – outweigh the positives and hence this submission is lodged as an objection. Council is keen to engage with the DPE to assist in framing a more acceptable document.

WSC supports the following positions enunciated in the Draft Benefit Sharing Guideline:

- a) The fundamental principle that the application of community benefit programs be centrally administered and distributed through the local council via a planning agreement. However, not as defined; see proviso below in 'objections and recommendations for improvement';
- b) That a financial quantum per megawatt is the most prudent and transparent way to determine community benefit payments. However, see proviso below in 'objections and recommendations for improvement';
- c) That councils can consolidate Development Contributions paid via multiple renewable energy project planning agreements. Consolidation enhances the capacity and opportunity of local government to deliver more substantial legacy-defining community benefit projects or services than would otherwise be possible if funds were managed and allocated separately and in smaller quantum;
- d) That the benefit sharing quantum apply to Modifications to SSD projects in instances where a modification seeks to increase the generating capacity of a project. See proviso below in 'objections and recommendations for improvement';
- e) That details of any council-managed benefit sharing arrangements via a planning agreement be in accordance with the EP&A Act and Regulation and the current Planning Agreement Guideline document. That includes, inter alia, public financial reporting including the result of the expenditure. This reporting should include a public register that identifies:
 - those community projects funded
 - how each community project funded meets or contributes to relevant local government policies and plans
 - the public input that was generated to identify each initiative so funded, and
 - the cost and delivery timeframe of each initiative;
- f) That community benefit funding to Council applies where SEARs have already been issued if the project's EIS has not been submitted within six months from the date of publication of the Guideline;
- g) That community benefit funding applies to all solar and wind energy generation projects, whether they are located within or outside a declared REZ. However, see additions below; and
- h) That visual, noise, etc, impact mitigation measures benefiting nearby landholders such as compensation payments or physical measures, for instance tree planting for visual screening, are outside the scope of benefit sharing.

2. Objections and Recommendations for Improvement. Council strongly opposes the following elements of the Draft Benefit Sharing Guideline:

- a) That a developer can include in the quantum cap of \$850/MW/yr for solar or \$1,050/MW/yr for wind projects funding that is provided for a planning agreement

with a council AND any other community enhancement projects that lie outside the planning agreement it sees fit;

- b) That having three different benefit categories labelled 'neighbourhood', 'local community' and 'council-managed' is appropriate;
- c) That community benefit funding only applies to solar and wind SSD projects, thus excluding pumped hydro and BESS projects, SSI and CSSI wind and solar developments and also excluding non-SSD projects i.e. < \$30Mil CIV; and
- d) That planning agreements should include a provision requiring the agreement to be reviewed and renegotiated in the event of any changes to the local government rating system that would materially affect rates payable for renewable energy development.

The reasons for WSC's position regarding items 2a) to d) above are outlined below.

a) A developer should not be able to include in the quantum cap of \$850/MW/yr for solar or \$1,050/MW/yr for wind projects funding provided for a planning agreement with a council AND any other community enhancement projects outside the planning agreement it sees fit, for the following reasons:

- i. Governance, fiduciary and legal obligations for councils are enshrined in the provisions of the Local Government Act. Under that legislation it is a key responsibility of the Local Government Authority to administer funds that are intended for the benefit of the public. Local Government is also subject to public scrutiny and accountability and public elections of officials which adds additional rigour and transparency not available to either local community groups or private developers.

Providing large sums of money direct to community groups devoid of legally binding governance rules and accountability provisions to spend on public projects intended to provide a public benefit is not only at odds with the Local Government Act but carries with it opaqueness and a high risk of maladministration and self interest.

Furthermore, a disadvantage of Developers allocating the funds directly is that they are focused on their particular investment, so may fail to see the broader picture that a Council, by virtue of their statutory responsibilities, sees and plans for from a management and governance perspective;

- ii. Under the Local Government Act, listening to and planning the needs of the community is formally addressed and reinforced via the mandated Community Strategic Plan;
- iii. The Local Government Act governance responsibilities are even more pronounced in the LGAs that are part of Renewable Energy Zones. For instance, there are some 35 renewable energy generation/BESS/transmission projects planned for the REZ, including eleven in WSC. The environmental, social, and economic costs from said developments will not be isolated or 'one-off', like what occurs with an occasional mine development in the rural landscape, but rather, with the aggregation, will have profound and shire -wide consequences.

The extent of the challenge for local government necessitates very substantial technical and management resourcing to help deliver the hard and soft

infrastructure and services required by residents and ratepayers. Thus, the total sum of \$850/MW/yr for solar or \$1,050/MW/yr for wind projects will be essential to be allocated direct to Local Government via planning agreements;

- iv. The development of the NSW REZs is a once-in-a-century undertaking that will, for better or for worse, impact on a regional population, which, in the case of the CWO REZ, has for 200 years experienced a traditional rural way of life and culture. The scope and extent of the industrialised change and disruption will be profound. Host councils will have a huge task ahead to govern in this time of massive change.

Under Council's leadership, the Development Contributions will be planned and allocated in a transparent and accountable way, to a public purpose that will ensure the provision of public benefits that address the broad, tangible and intangible environmental, social and economic costs arising from REZ developments, in accordance with the EP&A Act and Regulation and the Local Government Act. In accordance with these Acts impacted communities will have a voice in decision-making; and

- v. Funds administered by a community group may also result in additional capital works being undertaken outside the scope of Council's plans, yet Councils may subsequently be expected to maintain and replace them throughout the assets lifecycle. There is no guarantee that such assets would be in accord with Council's four-year Delivery Program and Operational Plan, thus creating an unwanted and unsustainable financial burden.

b) Having three different benefit categories labelled 'neighbourhood', 'local community' and 'council-managed' is overly complicated and is likely to confuse. Furthermore, such a designation is unnecessary if the Development Contributions are assigned to the management of the local council via a planning agreement, for the following reason:

- i. As outlined above, Council opposes the developers usurping the statutory role of local government to manage development contributions usually paid via a planning agreement. However, if a developer wishes to pay additional funds to a community over and above the value of \$850/MW/yr for solar or \$1,050/MW/yr for wind projects then that is their prerogative.

c) Development Contributions should be paid on all renewable energy generation, firming and transmission projects, including pumped hydro and BESS, be they SSD, SSI or CSSI. Furthermore, Local Government should be provided with the discretion to seek Development Contributions on projects below the SSD trigger (i.e. < \$30 Mil CIV), for the following reasons:

- i. On a like-for-like impact basis, there is no justification to exclude SSI and CSSI projects from providing funds for the provision of public benefits. All three categories of development should be required to provide said funds via the planning agreement provisions;
- ii. SSI and CSSI projects often have additional adverse impacts in that landholders are obligated/forced to sell over their land to the Government and the relevant legislation is heavily weighted against landholders having equal power in the negotiations and usually end up with a less than satisfactory deal. Social licence considerations tend to come a poor second when the State Government is allowed to dictate such terms; and

- iii. Smaller scale developments (i.e. below the SSD CIV threshold) can and do generate adverse impacts that should be acknowledged and compensated as required. Local Government should be provided the discretionary power to secure a planning agreement.

d) Planning agreements should not include a provision requiring the agreement to be reviewed and renegotiated in the event of changes to the local government rating system that would materially affect rates payable for renewable energy development, for the following reasons:

- i. Mining projects located on land rated for mining still pay Development Contributions for planning agreements; and
- ii. Renewable energy generation facilities will industrialise agricultural lands yet not deliver the long-term jobs and related economic activity and benefits to a district/region that a mine does. Hence Council sees no reason to allow renewable energy developers scope to reduce their financial contributions in the event that renewable energy generation land rates come to fruition.

B. Draft Wind Guideline

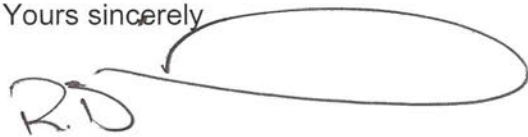
The Draft Wind Guideline is proposing to designate a wind farm as CSSI if it includes a BESS with a delivery capacity of 750+ MW. Council strongly opposes such a move and requests such developments remain SSDs. The reason being that with SSD projects Local Government can have reasonable input into the decision-making process. With SSI and CSSI designations, Local Government and local community input is very much curtailed and such projects tend to be mandated and 'rail-roaded', much to the angst of residents and ratepayers.

C. Draft Solar Guideline

The Draft Solar Guideline is proposing to designate a solar farm as CSSI if it includes a BESS with a delivery capacity of 750+ MW. Council strongly opposes such a move and requests such developments remain SSDs. The reason being that with SSD projects Local Government can have reasonable input into the decision-making process. With SSI and CSSI designations, Local Government and local community input is very much curtailed and such projects tend to be mandated and 'rail-roaded', much to the angst of residents and ratepayers.

Council looks forward to discussing the contents herein with the DPHI. In the first instance please contact Ms Leeanne Ryan on email Leeanne.Ryan@warrumbungle.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Bailey', with a large, loopy flourish extending to the right.

**ROGER BAILEY
GENERAL MANAGER**

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Thursday, 25 January 2024 8:43:47 AM
Attachments: [objection---draft-energy-policy-framework---leeton-shire-council.pdf](#)

Submitted on Thu, 25/01/2024 - 08:41

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Francois

Last name

Van Der Berg

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Leeton

Please provide your view on the project

I object to it

Submission file

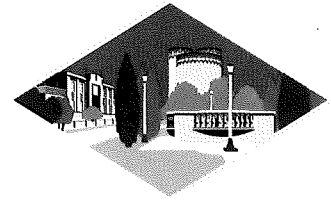
[objection---draft-energy-policy-framework---leeton-shire-council.pdf](#) (258.28 KB)

Submission

Attached please find an objection submission from Leeton Shire Council.

I agree to the above statement

Yes



LEETON SHIRE COUNCIL

Subject: Objection Submission to Draft Energy Policy Framework - Concerns Regarding Solar Farm Locations in NSW

Leeton Shire Council expresses its gratitude for the opportunity to submit feedback on the draft Energy Policy Framework.

Our primary concern pertains to Figure 3, which delineates suitable locations for solar farms in NSW. Particularly within the Riverina region, and specifically within Leeton Shire, we observe an overlap between the identified suitable locations for solar farms and the draft State Significant Agriculture Land Map produced by the NSW Department of Primary Industries.

It is our strong objection to entertain the idea of utilising State Significant Agriculture Land for the establishment of solar farms. The Riverina, and Leeton in particular, serves as the agricultural heartland of NSW and the headquarters for the rice industry in Australia. We firmly believe that there are numerous arid regions across NSW that could serve as viable alternatives for solar farm development.

The potential consequences of implementing solar farms on State Significant Agriculture Land are severe and could detrimentally impact the local economy. The Riverina, including Leeton Shire, plays a crucial role as the food bowl for NSW. The proposed solar farm locations have the potential to disrupt agricultural operations within the shire, posing a threat to the sustainability of our local economy.

Citing the latest Australian Bureau of Statistics data, agriculture alone contributes significantly to the shire's income, accounting for 27.3% (amounting to \$208.9 million). Additionally, it stands as the second-largest employer in the shire, providing jobs for 557 individuals.

Leeton Shire Council respectfully urges the NSW Planning Department to reconsider the current location map and give priority to areas in NSW where land is not primarily dedicated to ensuring food security for Australia. While we acknowledge the necessity of establishing solar farms near major transmission lines, we emphasise that the preservation of State Significant Agricultural Land should be a non-negotiable priority. If necessary, we propose that the State and Federal Government invest in constructing additional transmission lines to more suitable arid regions for solar farm development.

We trust that our concerns will be taken into careful consideration as part of the ongoing deliberations on the draft Energy Policy Framework.

Thank you for your attention to this matter.

FRANCOIS VAN DER BERG
MANAGER PLANNING BUILDING AND HEALTH
LEETON SHIRE COUNCIL

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Thursday, 25 January 2024 1:15:28 PM
Attachments: [dpe---submission---draft-energy-policy-framework---benefit-sharing.pdf](#)

Submitted on Thu, 25/01/2024 - 13:14

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Garry

Last name

Stoll

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Darlington Point 2706

Please provide your view on the project

I am just providing comments

Submission file

[dpe---submission---draft-energy-policy-framework---benefit-sharing.pdf](#) (580.83 KB)

Submission

Please refer to attached submission from Murrumbidgee Council.

I agree to the above statement

Yes



SC212

24 January 2024

Department of Planning & Environment
energy.resourcepolicy@dpie.nsw.gov.au

RE: Murrumbidgee Council Submission – Draft Benefit Sharing Guidelines for state significant renewable energy development

Dear Sir Madam

Murrumbidgee Council is a multipurpose rural council located in south west NSW and covers an area of 6,888 km² with a population of over 4000 which includes the towns of Darlington Point, Coleambally and Jerilderie.

Murrumbidgee Council has an economic based on irrigated agriculture (almonds, rice, cereals, grapes and olives), intensive stock production, dry area agriculture (cereals, beef, sheep and wool) and value adding industries such as wineries, tomato processing and olive oil.

Murrumbidgee Council is also located in the South West Renewable Energy Zone, with the 330 kV Dinawan Substation located approximately 30kms to the south of Coleambally at Bundure on the Kidman Way. The Dinawan substation is the junction of the proposed Project EnergyConnect Wagga to Buronga line and the VNI West 500 kV transmission line to Victoria.

Dinawan is also the location of a 380 person workforce camp.



Around this location is a cluster of proposed renewable energy developments and Battery Storage Systems;

Yanco Delta Wind Farm Virya Energy Pty Ltd	Liddles Lane and Jerrys Lane, 10-40km north-west from Jerilderie	Development of a 1500MW wind farm with up to 208 wind turbines, energy storage and associated infrastructure >\$30 million, development across 42,000ha, disturbed area 230 ha
Bullawah Wind Farm BayWar.e.	Section in MC -South of Oolambeyan National Park Approximately 30km southeast of Hay within Hay, Murrumbidgee and Edward River LGAs	Construction and operation of a 1000MW wind farm with up to 170 wind turbines and associated infrastructure. >\$1 billion, 32,991 ha
Dinawan Wind Farm Spark Renewables	McLennon's Bore Road, Gala Vale	1500MW wind farm with up to 250 wind turbines and associated infrastructure including 300MW BESS. >\$30 million, Site 46,000 ha Development of a 1,000 MW solar farm, associated infrastructure and battery storage. \$1.5 billion, site 4,500 ha
Argoon Wind Farm RES Group	4km west of Bundure, 20km north of Jerilderie, and 30km southwest of Coleambally	477 MW of energy with 106 wind turbine generators and occupy approximately 10,500 hectares of privately owned land

In February 2023 Council amended its Section 7.12 Developer Contribution Levy Plan by removing the exemption from the requirement to pay a developer levy applying to certain Class 10 structures. The amendments also included adding to Schedule 1 Works Program intergenerational community infrastructure including a new medical centre at Jerilderie, an early childhood learning centre at Darlington Point and critical workers accommodation at each town.

Council resolved to make this change in accordance with part 1.2 of the NSW Department of Planning, Industry and Environment Section 7.12 fixed development consent levies Practice Note – February 2021, which states;



Section 7.12.....authorises the imposition of a levy which is calculated as a flat percentage of development cost, and the EP&A Act does not require any connection between individual development which pays the levy and the object of the expenditure of the levy.

Whilst a connection does need to be established, the development of new medical services, childcare facilities, critical workers accommodation and improved telecommunications will also greatly assist renewable energy development both during the construction and ongoing management phases.

To date, Council has been successful with agreements with two of the renewable energy developments listed above to fund a new medical centre at Jerilderie and a new early childhood learning centre at Darlington Point. Council is also currently in discussions with the remaining renewable energy developments in the above table in relation to developer contributions in accordance with our s.7.12 plan.

Council therefore strongly disagrees with comments in the guidelines stating *standard methods of collecting revenue from new development are not always suitable for renewable energy projects or have limited application* as Council has to date funded community based projects that otherwise would not have been funded.

Therefore in this context of the use of section 7.12 and the achievements obtained to date for its community, Council advises that it strongly opposes a number of proposed elements of the Draft Benefit Sharing Guidelines for state significant renewable energy development.

In particular;

1. Section 3.3 sets out how the proposed policy will operate and states that *applicants for large scale renewable energy projects are to consult with the relevant council, community and neighboursto consider options for benefit sharing.....and develop a model for community benefit sharingfor the consideration of the consent authority.....when assessing the application.*

This proposed model completely ignores any existing developer contribution plans established under section 7.12 of the Environment Planning & Assessment Act, which required extensive community involvement in the adoption of what are generally critically needed intergenerational infrastructure projects.

Further, the endorsement and approval of any community benefit scheme appears now to have been transferred from democratically elected community representatives to a state agency influenced by developers.

It is therefore recommended that the policy be amended to include a requirement that any neighbourhood or community benefit scheme have



the endorsement of the relevant council prior to being submitted to the consent authority.

It is also recommended that where a Council has in place a s7.12 contribution plan which provides a levy for renewable energy projects that the relevant consent authority apply the provisions of that contribution plan or alternatively direct the developer to enter into a voluntary planning agreement with the local council.

2. The Draft guidelines propose that the benefit payment per megawatt is to comprise a mixture of neighbourhood and local community benefits determined by the developer in consultation with neighbours *in the direct vicinity of the proposed development* and the local community *hosting the project*.

Neighbourhood benefit schemes *may include minor capital works and improvements....sponsorships.....neighbourhood subsidies (energy discounts)* and local community benefits *which are greater in both financial value and the number of potential recipients and benefactors.*

This area over which these proposed renewable energy developments listed in the table provided in this submission, are broad scale dry land sheep and cattle grazing stations, approximately between 30 to 40kms from Coleambally and Jerilderie townships and as such the number of direct neighbours and communities likely to be directly affected would be limited.

However all neighbours and communities of Darlington Point, Coleambally and Jerilderie need community facilities such as medical centres, pre-schools and early learning centres, good telecommunications and workers accommodation.

The draft Guidelines establish that both benefit schemes may be centrally administered and distributed by the local Council or under a program *directly between the applicant and individuals* in the case of neighbourhood benefits or *by the applicant in partnership with an established community organisation or institution* in the case of local community benefit schemes.

This approach is totally opposed by Council being fragmented, lacking cohesive strategic direction or adequate oversight whilst being open to self interest groups and competition disputes leading to community discord.

Furthermore, and importantly, long term intergenerational community benefits can often only be achieved by pooling contributions until such time as sufficient funds can be raised to complete the project. A scheme that relies upon a disjointed funding approach from individual developments and separate community consultations will only result in short term community “sugar hits” and will never deliver projects underpinned by broad based community consensus.



It is therefore recommended that the policy be amended to that all neighbourhood and local community benefit schemes be approved, administered and distributed by the relevant local Council.

3. The Draft guidelines apply to solar and wind energy generation projects only and not to standalone Battery Energy Storage Systems.

Council has applied a 1% section 7.12 developer contribution levy to both standalone BESSs as well as BESSs that are part of a solar or wind renewable energy development.

However as there is no definition of “stand-alone battery storage infrastructure” in the Guidelines, clarification needs to be established whether BESSs that are part of a solar and wind energy generation projects will be exempt from existing section 7.12 levies.

It is therefore recommended that the policy be amended to clarify that all Battery Energy Storage Systems be subject to section 7.12 Developer Contribution levies.

Thank you for the opportunity to provide a submission, please don't hesitate to contact the below signed if you require further information.

Yours faithfully



Garry Stoll
Director of Planning, Community & Development



From: [Bruce Gibbs](#)
To: [DPE Energy and Resources Policy Mailbox](#)
Cc: [Grace Stapleton](#)
Subject: Department of Planning, Housing and Infrastructure - Draft Energy Policy Framework - Griffith City Council
Date: Thursday, 25 January 2024 2:04:13 PM
Attachments: [ATT00001.png](#)
[ATT00002.png](#)
[Department of Planning, Housing and Infrastructure - Letter - Draft Energy Policy Framework - Kiersten Fishburn - Secretary - 25 Jan 2024.pdf](#)

Dear Ms Fishburn

Please find our letter attached for you attention.

Kind Regards
Bruce Gibbs

Bruce Gibbs
Director Sustainable Development
p 02 6962 8149



Griffith City Council
a 1 Benerembah Street Griffith NSW 2680
p PO Box 485 Griffith NSW 2680
w griffith.nsw.gov.au

Griffith City Council acknowledges and respects the Wiradjuri people as the traditional custodians and ancestors of the land and waters where we work.

OUR CORE VALUES





25 January 2024

Attn: Secretary, Kiersten Fishburn
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street,
PARRAMATTA, NSW 2150

E: energy.resourcespolicy@dpie.nsw.gov.au

Dear Ms Fishburn

Draft Energy Policy Framework

Thank you for providing Griffith City Council (Council) with the opportunity to comment on the above document. Although the City sits just outside the South West Renewable Energy Zone (SWREZ), it is the regional capital of Western Riverina and in turn, a major service centre for a range of inland regional towns which are within the SWREZ. As such, any renewable energy developments and associated infrastructure requirements within the SWREZ are likely to have an impact on the socio-economic fabric of our City.

The Riverina Murray Regional Plan has identified Griffith as one of three Regional Cities which provide commercial, residential, cultural and employment opportunities and higher order services to residents and to surrounding areas. Council has constructed and maintains several facilities which are used by populations throughout the region including residents of councils in the SWREZ. These facilities include:

- St.Vincent's Private Community Hospital Griffith (co-funded by Council)
- Griffith Regional Sports Centre
- Griffith Regional Theatre
- Griffith Regional Aquatic and Leisure Centre
- Griffith Regional Art Gallery
- Country Universities Centre – Western Riverina

Council has reviewed the Draft Benefit Sharing Guideline and note that the following has been proposed in terms of "Regional Benefits":

"EnergyCo is coordinating regional scale mechanisms to share benefits from renewable energy projects across local government areas within the SWREZ. Through the collection of network infrastructure access fees in SWREZ, renewable energy projects will contribute millions of dollars in funding for community benefit sharing and

employment purposes. While these regional initiatives are an important component of benefit sharing for renewable energy projects, their consideration and accounting will be managed separately to the planning assessment process for individual projects.”

It would appear any potential benefit that Council would receive to support regional populations would be through the “community benefit sharing” mentioned above, but not fully explained in the Draft Benefit Sharing Guideline. Council is concerned that there is no clear direction in the draft guideline to provide any surety as to how Regional cities would be acknowledged financially for providing higher order services to smaller Councils in the SWREZ.

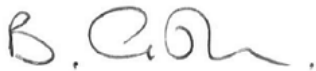
Council requests that the Draft Benefit Sharing Guideline contain a clear direction that regional cities would be eligible to receive funding for community benefit sharing and provide a better indication as to how the funding mechanism will work.

In Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, private infrastructure with a capital investment value of over \$5 million is identified as Regionally Significant Development. Council considers that this is a relatively low threshold and that it should have determination authority for renewable energy applications well above this relatively low value. Notwithstanding, Council considers that any development above this threshold which is not assessed by councils should be subject to the same scrutiny as State Significant Developments.

Should you require any further explanation or clarification of the above comments, please do not hesitate to contact me.

For further information in relation to the above matter, please contact me on 1300 176 077.

Yours faithfully



BRUCE GIBBS
DIRECTOR SUSTAINABLE DEVELOPMENT

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Thursday, 25 January 2024 2:23:33 PM
Attachments: [gmc-submission_final_draft-energy-policy-framework.pdf](#)

Submitted on Thu, 25/01/2024 - 14:21

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Kate

Last name

Wooll

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Goulburn

Please provide your view on the project

I am just providing comments

Submission file

[gmc-submission_final_draft-energy-policy-framework.pdf](#) (281.76 KB)

Submission

Refer to up-loaded document.

I agree to the above statement

Yes

Public Exhibition – Draft Energy Policy Framework

Your Name	Aaron Johansson, Chief Executive Officer
Your Organisation	Goulburn Mulwaree Council
Postcode	2580
Phone	02 4823 4444
Email	council@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 the NSW Planning Portal on Thursday 25 January, 2024

Draft Energy Policy Framework

Like many areas Goulburn Mulwaree is experiencing a significant level of interest in State Significant Developments (SSDs) proposing renewable energy projects (primarily for solar and batteries). Furthermore, surrounding areas such as Upper Lachlan local government area (LGA) also attract wind farms where the access to these sites is primarily via Goulburn Mulwaree’s road network and construction workers are likely to be accommodated in Goulburn (being the regional centre).

Goulburn Mulwaree also contains a number of extractive industries as well as the Veolia site which is proposing expansion via the construction of one of the few “waste to energy” facilities in the State (and is the subject of a SSD application).

The cumulative impact of multiple SSD developments all seeking to use the facilities of Goulburn and Marulan is rarely considered fully in social impact assessments. This is particularly the case with the impact of the construction phase on a tight housing market. The private rental market has had a lower than 0.9% vacancy rate over the last couple of years in the LGA. The low vacancy rate impact is exacerbated by a disproportionate number of households in the rental market in the lower socio-economic cohorts. Council has identified that if all local SSD projects were to be commenced there would be a demand for housing in the order of 1000+ dwellings/rooms which cannot be filled and would have the potential to displace existing residents.

Council’s recent approach to this situation has been to negotiate with the proponents of SSD projects to look at a community fund (managed by Council) to facilitate the development of social or affordable housing. As other opportunities arise the use of these funds to facilitate the acceleration of renewable community power sources such as community batteries etc could also be considered.

Council would be seeking to ensure the timely and proportionate contribution of funds towards genuine areas of community need. Noting that existing SSD development (such as extractive industries) are already supporting local sporting clubs etc. Council is seeking a flexible approach to community benefit funding to allow for a relevant response to local issues which can benefit all involved.

General Comments

Public Exhibition – Draft Energy Policy Framework

Council supports the need for creating a guideline in relation to benefit sharing but considers that the draft guideline could be improved in order to achieve better outcomes for the community.

Scope

The Guidelines are only applicable to SSD and do not offer any advice on small developments i.e., < \$30 Million Capital Improved Value (CIV) are also outside the scope of the Benefit Sharing Guidelines.

It is not clear why the benefit sharing guidelines exclude battery storage. Utility scale batteries are also being identified in the LGA either in association with solar farms or as separate facilities. Where separate utility scale batteries are proposed is limited to a few sites which are likely to have a high density around sub stations which have the capacity for augmentation.

Benefit Sharing Model and Rate

It is unclear where the benefit sharing rates (p.15) of \$850 per megawatt per annum (solar) and \$1050 per megawatt per annum (solar) has come from. Furthermore, tying rates to the Consumer Price Index (CPI) is considered too low. Typically, the inflation rates associated with construction have been considerably higher than the CPI rate.

It is noted that Goulburn Mulwaree Council's Local Infrastructure Contributions Plan (LICP) 2021 includes a 1% levy on all non-residential development (over \$200,000). It is considered that the application of the 7.12 levy or a flat % of development value be used in association with a Planning Agreement (PA) like any other development. Councils should have an adopted policy on PA's and community benefits with suitable projects or types of projects outlined where outside of LICP listed projects. This PA benefit policy could go through its own public consultation process. It is arbitrary to leave the determination of benefit sharing to the developer (as proposed) where the influence of vocal minority groups within a community may have a disproportionate representation of community need etc.

Draft Benefit Sharing Guideline

Sufficient flexibility should be provided to the payment timeframes of a rate or levy. Having a small amount of money received in increments over time does not provide funding for meaningful improvements or infrastructure. The guideline should allow for some upfront payment (or total upfront payments) to be negotiated.

Transparency

The framework provides for more transparency around Councils and less around the private negotiations with individuals or community groups. It should be up to the developer to pick and choose where community benefits are directed. Local government has a mandate for both community representation and the management of community issues as well as legal reporting/transparency requirements.

Councils should be managing the funds and it is important to note that NSW Councils, under Local Government Act 1993 (the LG Act) and the Local Government (General) Regulation 2021 (the LG Regulation), must comply with the integrated planning and reporting (IP&R) framework which ensures Council is continuing to engage with, and plan on behalf of their local communities. Council undertakes significant and ongoing community engagement with residents to ensure priorities are noted and addressed. This engagement forms the Community Strategic Plan (CSP) which Council must review and deliver over a four-year period.

One community grant fund (with the capacity to combine all funds from various projects) is recommended (to cover all projects within an LGA) to be managed by Council with funds provided to Council (in line with an appropriate policy). Councils could set up sub committees to allow for community representation and attendance from various projects in relation to fund allocation or simply direct funding in accordance with an adopted policy.

Public Exhibition – Draft Energy Policy Framework

Should the guideline proceed as proposed, the cost to councils of attendance at multiple community consultative committees or attendance/participation in multiple grant funding bodies would be disproportionate to the actual community benefit. This is already being experienced in this LGA due to the presence of several community consultative committees (CCCs) and various trusts relating to different projects.

The proposed transmission guideline is supported but could be enhanced to ensure that issues associated with transmission lines are better addressed.

Draft Transmission Guideline

Typically, SSD applications for solar and wind projects are very focused on-site specific impacts and not on the impacts of associated network connection. In many instances the subject site of solar/wind farms are less impacted by issues such as biodiversity than the proposed transmission connection easements. More detail on ancillary transmission easement impacts should be required with SSD applications.

Council's comments apply to both solar and wind guidelines.

Scope

Guidelines could be extended to smaller projects and not just be limited to SSD.

Cumulative Impact

Cumulative impact is typically neither well addressed or consistently addressed in SSD applications and more guidance on this matter should be provided. Cumulative impact of numerous SSDs within a region should include impacts on such matters as water resourcing, housing and emergency services facilities etc. The current level of detail is too light and often leaves addressing these issues to conditions of approval (post consent) such as accommodation strategies which offer meaningless mitigation measures such as picking non-peak tourist times to use existing tourist and visitor accommodation. Typically, the mitigations cannot be measured or followed up in relation to compliance. Tourist and visitor facilities within regional areas are often already being utilised by fly in/fly out workers, trades etc associated with SSD projects, in addition to regional sporting and cultural events. Air BNB type accommodation is already taking away from the existing long term residential market.

Draft Solar and Wind Guidelines

Construction/transport

Transport impacts should be considered from "port to site" with negotiation undertaken with each relevant LGA along the construction route to the site.

Waste management

Waste management impacts given the short lifespan of some infrastructure (10 -15 years for solar panels/batteries before decommissioning etc) need to be considered. Councils should sign off on waste management plans (WMPs) submitted with SSD applications. Typically, most councils would not have the capacity to deal with amounts of waste to be generated.

Public Exhibition – Draft Energy Policy Framework

Private Agreement Guideline

The Draft Private Agreement Guideline is supported and is of potential benefit to landowners when contemplating or negotiating with industry for the use of their land. There is very little support information for landowners currently available, so this is a useful initiative.

Decommissioning Calculator

The decommissioning calculator is simple to use and may also be quite revealing in relation to identifying the impacts of these developments through the various project phases (construction to decommissioning). The calculator provides an overall insight into materials to be used and tonnages which may affect roads and waste management facilities.

Summary of Comments

In summary there are aspects to the Guidelines which will be useful and valuable. However there needs to be further consideration of the following matters:

- The scope of the guidelines should include smaller projects.
- Batteries (utility scale) should be included in benefit sharing.
- The rates for benefit sharing should be increased or in line with 7.12 levies.
- Benefit sharing should be flexible and allow for some upfront payment rather than be incremental over time.
- Benefit sharing should be in consultation with the local council and administered by the local council in line with a Planning Agreement Policy.
- Enhanced provisions around the cumulative impact of SSD developments should be included in the wind and solar guidelines.
- Increased detail around Waste Management Plans and consultation should be included in the wind and solar guidelines.
- SSD applications need to be considered from “port to site” and all affected councils on transport routes consulted.
- Additional requirements specifically outlining off site impacts in relation to wind and solar projects. Further detail on this needs to be provided with SSD applications to understand the full impact of proposals.

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Thursday, 25 January 2024 3:01:34 PM
Attachments: [shellharbour-city-council-submission_nsw-draft-energy-policy-framework.pdf](#)

Submitted on Thu, 25/01/2024 - 14:55

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Elyse

Last name

Vaughan

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Shellharbour City Center

Please provide your view on the project

I am just providing comments

Submission file

[shellharbour-city-council-submission_nsw-draft-energy-policy-framework.pdf](#) (221.89 KB)

Submission

Submission contained in the attached.

I agree to the above statement

Yes

To: The Department of Planning, Housing and Infrastructure

From: Executive Manager, Strategic Planning and Environment, Shellharbour City Council

Date: 25 January 2024

Submission on the Draft Energy Policy Framework

Summary

This submission is regarding the exhibited documents in the NSW Draft Energy Policy Framework exhibited documents.

In 2022, Council committed in our *Climate and Sustainability Policy*, to support the Shellharbour community to reach net zero emissions by 2050 by supporting the transition to renewable energy for the region. Council also committed to partnering with the community, businesses and state and federal government agencies to take positive action on climate change mitigation, building resilience and promoting environmentally sustainable living.

As a coastal community our residents are impacted by sea level rise, and flooding, and that these impacts are likely to be more damaging in the future as a result of climate change.

Similarly, the NSW state government have set the target of net zero emissions by 2050. To do this, a renewable source of energy is needed to decarbonise the NSW Electricity Grid. The supporting framework should set the standards to both help support the state's development to reach these targets while protecting social, environmental and economic interests of the state.

Shellharbour City Council are pleased to provide feedback in relation to the Draft Energy Policy Framework via the below submission, and welcome further discussion from the Department of Planning, Housing and Infrastructure (the Department or DPHI) on this topic.

This submission has been prepared by Council staff in consideration of Council's current strategy and policy; however, the submission has not specifically been considered by the elected Council.

Summary of recommendations:

1. General framework

1.1 A complete impact assessment is recommended to assess the effect of these policy changes on NSW's ability to meet state renewable energy requirements and targets.

1.2 Require greater employment for the local economy through setting local content and local employment standards including apprenticeships and traineeships.

2. Wind Energy Guideline

2.1 Lack of 'highly-suitable' zones in Figure 3 presents a questionable investment case for Wind in NSW. Economic, social and environmental considerations need to be appropriately considered while encouraging sufficient wind energy to meet energy needs of NSW in the future.

2.2 Legislative and consistent standards for environmental protection in decommission and rehabilitation are needed to achieve adequate environmental protection in wind projects.

2.3 Establish Renewable Energy Zone Trusts/Agencies to hold funds for decommission, and guide negotiation with private landowners.

3. Solar Energy Guideline

3.1 Legislative and consistent standards for environmental protection in decommission and rehabilitation are needed to achieve adequate environmental protection in solar projects.

4. Benefit-sharing Guideline

4.1 Consider the appropriate legislative framework for benefit-sharing which has a sufficient nexus between development and community need.

4.2 Provide additional support to local councils in the implementation and delivery of benefit-sharing guidelines.

5. Private Agreement Guideline

5.1 Provide assistance to landowners in negotiating with applicants.

Recommendations

With regard to the Draft Energy Policy Framework and associated guidelines listed below, Council has the following recommendations:

1. General framework comments

1.1 Complete an impact assessment

The implications of the changes to the planning framework should be considered for the ability for the state to meet their net zero targets and the energy requirements of the state. Guidelines should not be so prescriptive that they prevent development, which is critical to meeting these targets, but must set the right balance between environmental, economic and social concerns. Specific comments relating to the Wind and Solar suitability are below.

The Australian Energy Market Operator (AEMO) has highlighted the urgency in providing affordable, reliable renewable energy, with 90% of coal generation expected to retire up to 2050. AEMO highlights that the most affordable plan for secure reliable energy requires:

- Add close to 10,000 km of new and upgraded transmission by 2050, as highlighted in previous plans, with around a quarter underway and half to be delivered in the next decade.
- Triple grid-scale variable renewable generation by 2030 (57 GW) and increase it seven-fold by 2050 (126 GW). ([AEMO, 2023](#))

In NSW, net zero targets from 2020-2035 rely on the rapid uptake of renewable energy, with the share of renewable energy in NSW forecast to be over 90% by 2035 ([DPE, 2022](#)). Invest NSW's investment prospectus touts that "NSW has the best combination of solar and wind conditions in Australia to deliver renewable energy 24/7". It aims to attract \$37 billion in private investment to build critical energy infrastructure and deliver at least 12 GW of new generation and 2 GW of long-term storage by 2030 ([Invest NSW, 2022](#)).

The NSW DPHI must consider and assess the implications, and potential impacts of the Draft Energy Policy Framework to approval times and investment cost to ensure there are no unintended counterproductive effects, constraints which de-incentivise renewable energy development in NSW or causing excessive delay in renewable energy developments which would prevent rapid scaling in the renewable energy proportion in the grid.

1.2 Encourage greater employment for the local community

To provide greater economic impact for local communities, standards should be required for local content and local employment opportunities within new renewable energy developments. Proponents should focus on upskilling local workforces as opposed to primarily bringing in external workforces into regional centres.

2. Wind Energy Guideline

2.1 Lack of 'highly-suitable' areas for wind energy

Figure 3 of the wind guideline below overlays the currently declared renewable energy zones with the suitable sites for wind site selection based on the key commercial and environmental factors.

While non-mapped grey areas do not necessarily indicate these zones are not suitable, there is a clear lack of 'highly suitable' areas indicated on the map. Wind energy is an energy mitigation option and is considered to be economically feasible according to the Intergovernmental Panel

on Climate Change ([IPCC, 2023](#)). The lack of ‘highly suitable’ locations within Figure 3 calls into question the feasibility assessment of projects in NSW, and the ability to deliver the decarbonisation targets of the State and Federal Government.

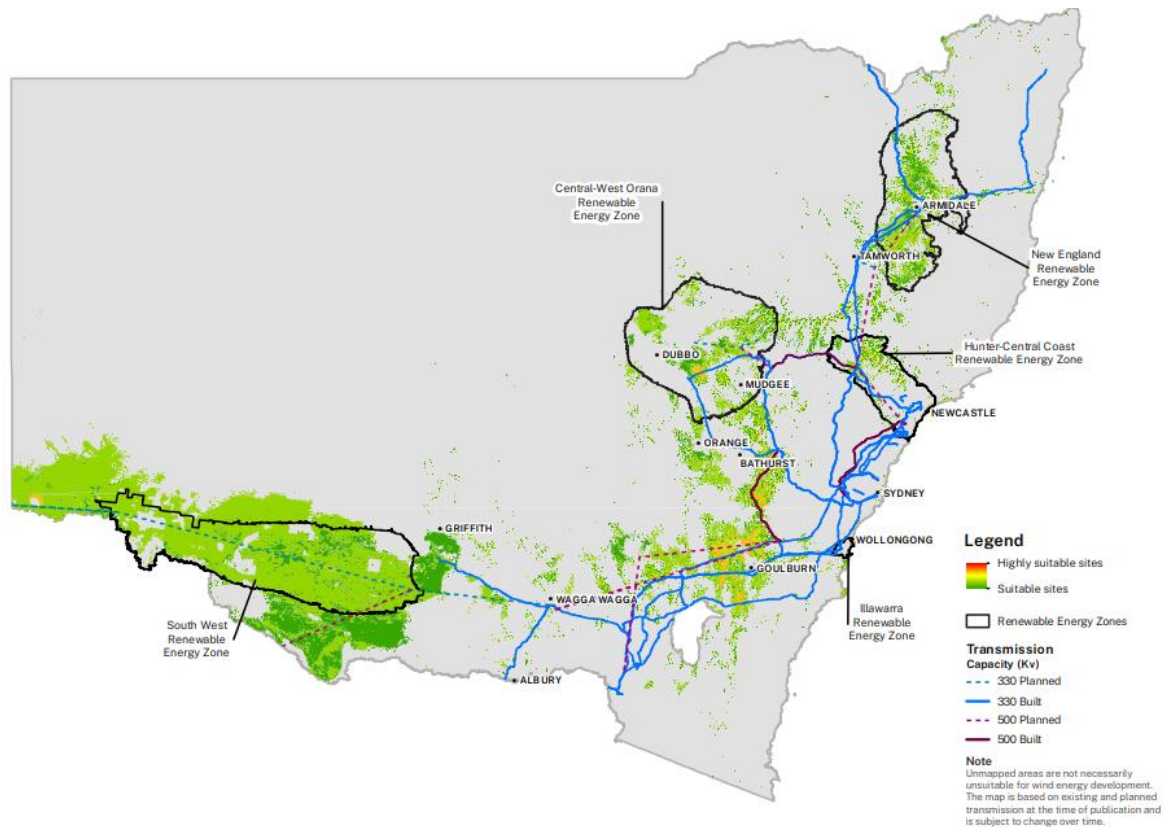


Figure 3 – Suitable areas for wind energy development

2.2 Legislate decommissioning and rehabilitation requirements

Council is pleased to see the inclusion of guidelines on decommissioning wind infrastructure. The proposed Wind Guidelines state that “It is expected that the applicant of the wind energy project be responsible for decommissioning and rehabilitation, and this should be reflected in a host agreement with the landholder.” (p.39).

We highly encourage a legislatively required strict standard for the decommission and rehabilitation of lands used for renewable energy projects. Leaving the decommissioning and rehabilitation to the wind project applicant and landholder will likely lead to inconsistent applications of the degree to which land is restored to pre-existing or better condition during rehabilitation and passes the burden of environmental rehabilitation back to private parties. These parties may not have the means, or the best interests of the local ecology and environment in mind, which will likely lead to worse environmental outcomes. To ensure that the greatest environmental protection is applied, we urge the Department to consider legislative requirements for the rehabilitation of sites to reach a standard of pre-existing or better rather than allowing this to be determined by Private Agreement. The standard to which and requirements for the rehabilitation of land should be set at the approvals stage.

To minimise transportation miles after decommissioning, localised recycling of wind and solar should be established within the Renewable Energy Zones. This will also contribute to local employment to provide long term opportunities to local communities.

2.3 Establish Renewable Energy Zone Trust/Agency

Council recommends that the Department establish a Trust or Agency for each Renewable Energy Zone responsible for holding deposit funds for decommission and advising the state government on specific community and regional issues. The Guidelines indicate that decommission funds are held by the energy projects. There is a substantial risk that should projects fail, or companies running energy projects go bankrupt that the substantial cost of removing turbines (estimated \$480,000 per turbine) be left up to landholders. This capital is not accessible to many landowners who will most likely be farmers, leading to stranded assets and poor environmental outcomes. To minimise any risk of lapse or loss of funds, funds need to be held for the purpose of decommission to ensure funds are available for that purpose in all projects.

3. Solar Energy Guideline

3.1 Legislate decommissioning and rehabilitation requirements

As noted in recommendation 2.2, Council encourages the legislative changes to require rehabilitation to the standard of pre-existing or better conditions.

4. Benefit-Sharing Guideline

4.1 Consider the appropriate benefit-sharing mechanism

Council is supportive of the inclusion of a Benefit-Sharing Guideline to redistribute benefits to local communities, so that tangible benefits can be recognised for hosting renewable energy infrastructure.

Council understands that the management and administration of these funds is proposed to be the responsibility of Council using planning agreements.

Council encourages the Department to consider the appropriate mechanism for community benefit sharing outside of the EP&A Act. Contributions via a voluntary planning agreement (VPA) by their nature are voluntary, and not enforceable. These agreements require contributions to be inside the intention of the Act. Council is concerned that wind and solar energy developments do not have a sufficient nexus to population growth and community need to be considered inside the EP&A Act intention, and therefore this mechanism may not be appropriate or legislatively enforceable.

An alternative option may be the use of Section 7.12 of the Act. Levies under this section of the Act do not require a connection between the development the subject of the development consent and the expenditure of the money collected.

The Draft Benefit Sharing Guideline also discusses the opportunity to provide community benefit by establishing partnerships with the applicant and community organisations or institutions, or the applicant to directly manage their own fund, rather than a council managed fund. It is unclear how these types of partnerships or funds would be managed. A Planning Agreement needs to be between a planning authority and the developer. Any privately administered fund would not meet the intention or objectives of the EP&A Act and could potentially result in the community not receiving the benefit intended by this scheme.

4.2 Provide additional support for local councils to implement benefit-sharing guidelines.

The benefit-sharing guideline requires Council's to negotiate, and relies on specialist expertise in contributions planning. For Council's outside of major metropolitan areas, where most of the renewable energy infrastructure is located, it is often challenging to hire contribution planners. This field is extremely specialised, and a requirement to deliver the benefit-sharing agreement mechanisms referenced within the Guideline. The Department may consider mechanisms to support Councils with this specialised skillset including specific tools to assist with the delivery of benefit-sharing arrangements.

As a result, Council recommends that the Department add to the guideline the following:

- Guidance on use of the funds, for example eligible expenses (administration, staff hours, capital works, maintenance etc.).
- Draft planning agreement mechanism and appended to the guideline to support with drafting agreements.

5. Private Agreement Guideline

5.1 Assist land owners in negotiations

The Private-Agreement Guideline relies on agreements between private landowners and applicants. Solar and wind energy projects are likely to occur on private land in rural communities which may lack commercial and legal experience. There is a significant imbalance of power between commercial operators and local landowners. This may lead to coercive approaches, and poor outcomes for the landowner who may be pressured into agreements which are not advised.

There is a role for Government in supporting landholders in the negotiation process to correct power imbalances and ensure the environmental, social and economic outcomes from developments are appropriately considered. The proposed Renewable Energy Zone Trusts/Agencies above would be well positioned to play a role in helping landowners with negotiations with private operators.

Council welcomes the opportunity to discuss this submission further.

Yours sincerely,



Geoff Hoynes
Executive Manager, Strategic Planning and Environment

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Thursday, 25 January 2024 3:42:25 PM
Attachments: [draft-energy-policy-framework---muswellbrook-council-submission.pdf](#)

Submitted on Thu, 25/01/2024 - 15:40

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Theresa

Last name

Folpp

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2333

Please provide your view on the project

I am just providing comments

Submission file

[draft-energy-policy-framework---muswellbrook-council-submission.pdf](#) (322.27 KB)

Submission

See attached.

I agree to the above statement

Yes

Enquiries
Please ask for Theresa Folpp
Direct 02 6549 3700
Our reference 23/7286

25 January 2024

Muswellbrook Shire Council comments on Draft Energy Policy Framework

The former Department of Planning and Environment (DPE) is exhibiting a Draft Energy Policy Framework (the Framework) to support the State's transition to renewable energy. The framework includes guidelines to provide Council with guidance on how the impacts of renewable energy projects and transmission infrastructure will be assessed and managed.

Muswellbrook Shire Council is directly and indirectly affected by approved and planned renewable energy projects. The Local Government Area (LGA) contains transmission infrastructure required, or planned to be provided, to enable the transition to renewable energy (plus a gas pipeline to serve the Kurri Gas Peaking Plant). It also currently contains six coal mines, one operating coal fired power station and one historic coal fired power station (soon to be decommissioned).

Council have reviewed the following documents contained with the Framework and provided comments below:

- 1) Draft Energy Policy Framework;
- 2) Wind Energy Guideline;
- 3) Transmission Guideline;
- 4) Solar Energy Guideline; and
- 5) Benefit-Sharing Guideline.

Council has not reviewed the Private Agreement Guideline.

1.0 Draft Energy Policy Framework

Scope – Cumulative Impacts

The Policy Framework lacks provisions to guide a cumulative impact analysis in the project impact assessment reports. Assessment of broader social, economic, and environmental impacts will be as determined by individual proponents reviewing their project on merit.

The cumulative impact of the 'transition' will significantly affect local services, infrastructure, and housing including from increased water demand, waste generation, strain on emergency services, and the need for more classrooms, as highlighted in the report '*Managing the impacts of State Significant Development*', prepared for the Mid-Western Regional Council in 2023.

In Muswellbrook Shire, the peak construction phase in 2025 is expected to require 1,909 workers, potentially demanding up to 955 accommodation rooms.

Council also has a standing objection to any SSD that proposes to use Council's local roads to transport OSOM to another LGA due to the inadequacy of local roads and bridges, and the potential for the cumulative impact of these movements to negatively impact on the Muswellbrook local community and businesses.

While EnergyCo is conducting some assessment of cumulative impacts, the outcomes/recommendations of this work should be integrated into the Policy Framework, aligning with recommendations from the 'Managing the impacts of State Significant Development' report prepared for the Mid-Western Regional Council.

A Cumulative Impact Guide could provide an assessment methodology for sub-regions that includes baselines, targets, limits, tipping points and expectations. This guide should also include the temporal scope of impact.

Scope – Sequencing and Cumulative Impact Guide to Address Cumulative Impacts

The majority of SSD applications propose construction start dates around 2025 and 2026. This is unrealistic due to uncertainties in scheduling materials and workforce. Implementing a sequencing system like the Urban Development Program for project commencement, possibly through EnergyCo's ballot system, could mitigate many cumulative impact issues by providing more realistic timelines, thereby aiding in better infrastructure planning.

Using the resourcing and sequencing principles that have been developed for the Urban Development Programs could assist the renewable energy project roll out, as follows:

- Allocating funds for essential infrastructure: roads, public transportation, utilities in the REZs and supporting networks;
- Directing resources to schools, healthcare facilities, and recreational areas; and
- Allocating budget for police, fire services, and medical emergency response.

The prevailing 'free market' approach in the renewable energy transition has the potential to result in high levels of uncertainty for project proponents and competition among project proponents for essential resources such as skilled employees, construction materials, and accommodation. This competition could lead to labour shortages, supply chain disruptions, and logistical challenges that have the potential to slow the construction of all the projects or increase construction costs. Such conditions could adversely affect the efficiency and overall feasibility of the renewable energy transition, impacting timely completion and the cost of energy sold on the market.

During construction of the existing coal fired energy generation infrastructure, the Electricity Commission of New South Wales (Elcom) was tasked with managing the allocation of resources, which were guided by long-term planning. Physical resources, such as the location of power plants and distribution of equipment, were strategically planned to optimise the electricity supply and meet the state's demand. Human resources were managed to ensure a skilled workforce capable of maintaining and operating the electricity system, including engineers, technicians, and administrative staff. Resources were also allocated for emergency response and system reliability, including backup systems and rapid-response teams, to maintain consistent service.

Scope – Project Type

The range of renewable energy projects with the potential to occur in the Upper Hunter Region include wind, solar, battery storage, pumped hydro, green hydrogen, geothermal, biodigesters and methane capture, and other types of waste to energy. Guidelines for these technologies would be of benefit to standardise best practice, ensure environmental protection and enable better cumulative impact assessment in the Hunter REZ.

Decommissioning will be of equal importance for all these renewable energy types. And where projects occur in close proximity, they will likely have impact on local/regional firefighting capacity and skills.

The Framework should stipulate that turbine blades, solar panels and batteries are not to be disposed of to landfill, and instead all damaged or non-functioning blades, solar panels and batteries be recycled or rehabilitated and reused. Having this statement in the Policy would have many economic benefits including innovation and growth in the recycling and refurbishment industries as well as supporting circular economy.

Furthermore, the Framework should apply to local, regional and State levels of development to provide certainty to Government, industry and community and to avoid consequences such as proponents submitting a smaller project proposal to circumvent the application of the Guidelines.

Scope – Site Selection

The Framework should encourage and incentivise renewable energy development on rehabilitated mine land, or mine owned buffer land, especially within the Hunter and Central West Orana Renewable Energy Zones. In 2022, mine owned land accounted for 2.4% (or 83km²) of the total area of Muswellbrook LGA.

Renewable energy projects should avoid fragmentation of biodiversity corridors at a regional level and consider the cumulative impact of loss of local remnant native vegetation in a landscape that is already highly modified, with many plant community types already cleared at levels of more than 70% of extent compared to extent in 1770.

Legal Issues

In the Muswellbrook LGA, there have been several cases where renewable energy projects have proposed placing infrastructure, such as transmission lines, gas pipelines and water supply systems, within local road corridors. When such infrastructure is planned by public entities, the *State Environmental Planning Policy (Transport and Infrastructure) 2021* is applicable and permits this use. However, there is a lack of clarity in the legislation regarding similar uses by private entities.

The current legal framework does not explicitly address the conditions under which private entities may be allowed to use local road corridors for their infrastructure, responsibilities for maintenance and decommissioning.

Bushfire

Council has concerns regarding the capability of the local Rural Fire Service's (RFS) network to manage chemical fires and electrical fires from renewable energy projects, particularly battery storage and wind farms, gas pipelines and possibly waste to energy and green hydrogen plants.

The RFS currently relies on volunteers. It is impractical to depend solely on their response capabilities. Council recommends employment of a full-time professional team dedicated to managing and mitigating the emerging fire risk. A dedicated response service within each REZ could be established to respond to fire emergencies and function like the Mines Rescue & Training organisation. Additionally, the scope of Coal Services (a specialised health and safety scheme for the NSW mining industry) could be expanded to cover the renewable energy sector.

Council recommends that the local RFS stations receive the following:

- Tailored training - for example chemical fire response, working at heights, wind turbine awareness, hazardous materials, communication protocols, community relations and simulated drills; and
- Equipment upgrades – chemical fire suppression systems, high-reach appliances, communication and rescue equipment, and community awareness programs.

A review of the firefighting resource needs in each sub-region should be triggered by a threshold based on the on travel distance to stations and the number of Projects in each sub-region.

2.0 Updates to the Solar Energy Guideline

The 2022 Large Scale Solar Guidelines recognise agricultural land (other than prime cropping land) as being ideal for solar projects, yet the 2023 report 'Pursuing an Agrivoltaic Future in Australia,' (for which EnergyCo was a key partner) highlights slow agrivoltaic adoption due to various impediments (including lack of clear policy). Council suggests the Policy explicitly promote agrivoltaic practices in new solar developments to maximise land use and regional economic benefits, to avoid land being underutilised (as is often seen in the open cut mining sector) and to manage erosion issues under the drip-line for panels.

Consistent with the Wind Energy Guideline, the Solar Guideline should include a requirement that the proponent has a set time frame within which to commence construction and a definition as to what comprises substantial commencement for a renewable energy project. This provision will ensure that solar projects approvals are not simply used to improve a company's Environment, Social and Governance performance metrics, and that the State doesn't inadvertently create "zombie approvals" that are reactivated well into the future.

3.0 Wind Energy Guideline

Scope

Council supports the proposal that the Wind Energy Guideline 'applies to wind energy projects both inside and outside of the REZs'.

Council recommends that the Wind Energy Guideline and associated documentation include a five-year review period.

Transport Assessment

Section 5.5.2 of the Wind Energy Guideline states that applicants must undertake an assessment over the 'entire length of the transport route (i.e from Port to site)'. Clarification is required as Council is of the understanding that EnergyCo and Transport for NSW (TfNSW) are undertaking this work (see **Attachment 1**), for the common route corridors from the Port to the REZs.

In 2021, Council resolved to object to all SSD that nominates the use of local roads in the Shire for transport of components to another LGA, until EnergyCo, TfNSW and DPIE find a more strategic solution to managing transport issues that is acceptable to Council. Having to negotiate with multiple project proponents in the three REZs is a strain on Muswellbrook Shire Council's resources.

Road Maintenance

An independent dilapidation survey must be undertaken on practical completion of road upgrades required to enable the transport of wind farm components. Currently, the Guidelines only require a dilapidation survey prior to undertaking the road upgrades and then following construction of the Project (which means that traffic will use the reconstructed roads for construction of the turbines before the second dilapidation survey). This approach does not allow an accurate assessment of the damage to the upgraded roads, caused by the road usage during construction. A comparison should be made between the road's condition before any upgrades and immediately after the upgrades are completed.

The Proponent should develop a maintenance management plan for local roads associated with the transport route for the life of the Project to ensure that maintenance occurs to an applicable standard.

Road Upgrades

Details of road upgrade agreements with Council should be included in the EIS.

Infrastructure within the Road Corridor

Where any project infrastructure is proposed to be constructed within Council owned land (e.g. underground powerline transmission lines), the general terms of any voluntary planning agreement must include related commitments and obligations about future removal of this infrastructure.

Decommissioning - Bond

Note that this comment is also applicable the Solar and Battery Energy Storage Systems.

Council is concerned that there is a lack of financial security to prevent Council, landowners and the community from bearing environmental risks and economic costs associated with potential abandonment of the site before decommissioning or adequate rehabilitation.

The Guideline includes a decommissioning calculator however, there is no clear need for the Proponent to provide financial security for decommissioning. Rather, the Guideline simply states that a host agreement may prescribe assurances including (emphasis added):

*'ongoing evidence that the applicant **has the capacity** to fund decommissioning activities'.*

The *Draft Private Agreement Guidelines* requires a security and states that a 'Landowner may call on a Security provided under this Agreement if.... The Developer becomes insolvent or is required to undertake the decommissioning'. However, the guideline does not clearly define how the security will be calculated and whether it will include decommissioning. The definition for Security is '*means a Bank Guarantee or bond that is reasonably satisfactory to the Landowner provided in accordance with the terms of this Agreement*'.

DPHI currently consider that a Proponent will not be required to pay a security deposit for decommissioning as a renewable project will always 'remain profitable' while operating, and it is only within the last few years of operation that they may lose profitability. This assumption is incorrect for the following reasons:

- The renewable energy market will be subject to fluctuations influenced by economic, regulatory, and technological changes. Unforeseen market dynamics, policy shifts, or economic downturns during the lifetime of the Project could impact the profitability of the Project, challenging the assumption of perpetual profitability;
- Renewable energy projects face operational risks such as equipment failures, changes in resource availability, and evolving technology. These operational challenges could affect the project's financial performance and, if not adequately addressed, could lead to unexpected financial burdens; and
- Predicting the financial performance of a renewable energy project over its entire lifecycle is inherently uncertain. Factors such as advancements in technology, energy storage solutions, and emerging market trends can influence the long-term viability of projects.

Council requests the Guideline be updated to clearly stipulate lodgement of a security deposit with the Planning Authority to cover the full cost of decommissioning and rehabilitation calculated in accordance with the decommissioning calculator.

Decommissioning - Plan

Note that this comment is also applicable the Solar and Battery Energy Storage Systems.

Section 5.7.3 of the Wind Energy Guideline states that '*conditions of consent generally contain decommissioning and rehabilitation performance objectives which are outcomes-based and do not include post-approval requirements such as management plans*'.

With multiple renewable energy projects proposed within the Shire, Council requires confidence that the decommissioning and rehabilitation of the site is undertaken using an agreed approach. A Decommissioning Plan should be prepared that includes details in relation to the following:

- a) A program for the decommissioning of all Project elements, above and any below ground infrastructure, redundant buildings and other infrastructure related to the approved development.
- b) A strategy for the rehabilitation of the site to an agreed post-decommissioning land use plan (see comment below).
- c) Establish a timeline for the completion of decommissioning and rehabilitation works within 12 months of the conclusion of the premises operational lifetime.

Section 8.2 of the draft Private Agreement Guideline gives the host landowner the ability to determine that removal of wind turbines and associated infrastructure need not occur. The wider community could be impacted by such a decision – so this section needs to be amended to require the agreement of the host landowner, the host Council, and the Department's Secretary.

Final Land Use

Council supports economic stability in the Shire, therefore a post-decommissioning land use plan should be prepared a minimum of five years before the end of the life of the approval, to determine the most appropriate mix of land uses for the site, including

maintaining employment opportunities for a percentage of the operational staff. The plan should be prepared in consultation with Council, the local business community, local environmental experts, and Aboriginal representatives.

Any post decommissioning vegetation establishment should be undertaken in consultation with local environmental experts and Aboriginal representatives (to ensure relevant native species are re-established).

Waste

Note that this comment is also applicable the Solar and Battery Energy Storage Systems.

A Waste Management Plan should be required, and prepared in consultation with Council's Waste Operations unit, and a copy of the plan be provided to Council's Waste Operations unit to prepare for incoming waste volumes, types and disposal methods outlined in the plan.

The Guideline should stipulate that turbine blades (and solar panels and batteries) are not to be disposed of to landfill, and instead all damaged or non-functioning blades (and solar panels and batteries) be recycled or rehabilitated and reused. Having this statement in the Guideline would have many economic benefits including innovation and growth in the recycling and refurbishment industries as well as supporting circular economy.

To support the circular economy, the Policy should stipulate that project components are purchased from companies that employ sustainable manufacturing practices, prioritise recycled or recyclable materials, and commit to the principles of reduce, reuse, and recycle in their production processes.

Habitat Connectivity

Potential biodiversity offset sites to replace disturbed threatened vegetation often falls outside the Muswellbrook LGA, so this mechanism inadequately addresses local ecological impacts. To remedy this, proponents should conduct direct revegetation and habitat restoration within the project area, aligning with responsible environmental stewardship in the Muswellbrook Shire and fostering community relations.

Subdivisions

For sites requiring land subdivision that create lots below the minimum lot size, a registration of a restrictive covenant against the title of each newly created lot should be created. This covenant should prohibit the construction of additional dwellings on these lots and serve as a notification that these lots do not possess dwelling entitlements.

4.0 Benefit-Sharing Guideline

Council supports the concept that communities hosting renewable energy will experience a range of pressures from the transition to renewable energy, and should derive benefit, particularly as ongoing new employment opportunities will be low.

Council also supports the application of the Benefit Sharing guideline to projects in or outside a REZ, so that a consistent approach is taken and to avoid investment decisions that seek to avoid benefit sharing payments.

The main concerns of Council are as follows:

Scope

Contributions are a form of compensation to the local community toward residual impact of any development. While the Guideline asserts that it applies exclusively to solar and wind energy projects, other renewable energy technologies, such as battery storage, hydrogen production, pumped-hydro, geothermal, waste to energy and transmission infrastructure also carry environmental and social implications. More so when there are multiple projects in the one sub-region and the cumulative impacts are obvious.

The Guideline should recognise that the environmental and social impacts of renewable energy are not isolated to the primary energy generation phase. The communities within the REZs will be hosting projects and bearing the social and environmental consequences on behalf of the communities outside the REZs. The secondary energy generation may be occurring in a different local government area to the primary energy generation, so the community may not have benefited from benefit sharing from the primary energy source.

Excluding these technologies from the Guideline leaves it to individual councils to request planning agreements under relevant s7.12 Plans.

The Guideline should consider all potential types of renewable energy and non-renewable energy projects (including coal mine and coal fired power stations) to:

- Provide a consistent, fair basis for determining benefit sharing; and
- Provide certainty/transparency in approach for as many types of energy related SSD as are currently known.

Benefit Sharing Rate and Administration

Council supports the proposed rate for benefit sharing and payment timing, as follows:

- *\$850 per megawatt per annum for solar energy development; or*
- *\$1050 per megawatt per annum for wind energy development,*

paid over the life of the development and indexed to the Consumer Price Index

Council notes that the Guidelines indicates that project proponents may directly manage their community benefit initiatives rather than rely on a council-managed benefit fund. From Council's experience with mines, a regulatory framework would need to be provided to require the privately managed approach to be as transparent and accountable as the council-managed approach. That is, the privately managed funds would require a public register that identifies:

- the amount of funding provided by the renewable energy proponent annually;
- each initiative that has been funded and how it meets the Guidelines;
- the consultation that was undertaken to identify and deliver each initiative; and
- the cost and delivery timeframe of each initiative.

Type of Expenditure

The Guideline should also include reference to the following principles that could guide the allocation of project expenditure under a community benefit fund managed by a council:

- projects that allow the community to successfully adapt to the impacts of climate change;
- projects that minimise adverse impacts on housing affordability and social issues arising from changes to the housing market;
- assistance with improvements to health outcomes and health services for the community;
- Projects that introduce Smart Place technology and initiatives to local communities;
- Projects that promote and support initiatives that preserve regional biodiversity and improve biodiversity corridors and connections;
- initiatives that minimise waste, improve long-term community sustainability and environmental outcomes for future generations;
- initiatives that build upon historic heritage and traditional Aboriginal values; and
- initiatives that recognise other environmental aspects such as water resources, air quality, bushfire, greenhouse gas, soil and agriculture.

For funds managed by Council, any proposed project will need to satisfy a business case to evaluate its benefit, cost and long-term sustainability to Council. This will ensure investments are strategically aligned with delivering community benefit and prevent the development of financial liabilities related to assets that deliver limited community benefits.

Any neighbourhood expenditure that places a long-term financial burden on Council, must be agreed to by Council prior to its implementation.

Neighbourhood Benefit

From a Council managed perspective, offering a land rate rebate to neighbouring landholders could serve as an effective compensation mechanism. This approach has the advantage of not creating ongoing financial liabilities for the Council, unlike the maintenance costs associated with streetscape vegetation and playgrounds. It also doesn't create unintended consequences that don't align with other State policies e.g. offering discounted power prices to nearby landowners would provide less incentive for energy reduction/saving practices by these households.

Regional Benefit

Consistent with the proposed rate for benefit sharing at the neighbourhood and local levels, it would be useful to include the proposed regional benefit to allow better financial planning for Council.

Impact on Land Rating System

The Benefit Sharing Guideline states the following:

'The policy approach will be reviewed if changes are made to infrastructure contributions or the local government land rating system that materially affect renewable energy development'.

'Planning agreements should include a provision requiring the planning agreement to be reviewed and renegotiated in the event of any changes to the local government rating system that would materially affect rates payable for renewable energy development'.

Land rating is complicated and not directly linked to land zone. For example, if a rural property is not used for an agricultural business, and it contains a house, it is normally classified as residential for rating purposes rather than rural. If the whole of a rural holding is committed to a solar array, so the owner derives more income from energy generation than any subsidiary rural activity, the land may be classified as business for rating purposes.

Land rates are not entirely within the full control of Council e.g. the value of the land is determined by the NSW Valuer General. The approval of a renewable energy project may lead to an increase in the land's value.

Suggested improvements to the draft guideline include:

- A dedicated section that clearly explains how changes in land rating systems could impact renewable energy development. This should include thresholds and triggers to guide councils and project proponents;
- Define what constitutes a 'material effect' on renewable energy development. This would help in objectively determining when a review of the guideline/planning agreement is necessary due to changes in land rating;
- Consult with the NSW Valuer General and Office of Local Government prior to finalisation of the guideline; and
- Ensure the guideline is regularly updated to reflect the latest developments in land rating systems and renewable energy sector. Regular communication of these updates to all stakeholders is crucial for maintaining transparency.

5.0 Transmission Guideline

The Guideline should prioritise sustainable infrastructure development over immediate cost savings. While Section 3.1 of the Transmission Guideline highlights the impact of infrastructure costs on consumer electricity bills, a minor increase in short-term electricity costs is a worthwhile investment for the long-term benefits of more sustainable and resilient infrastructure.

The Policy should prioritise:

- co-locating infrastructure within existing easements e.g. existing transmission easements,
- co-location with other infrastructure e.g. the Hunter Gas Pipeline; or
- upgrades to existing infrastructure to increase capacity.

Section 3.1 of the Transmission Guideline emphasises efficiency and timeliness which may inadvertently lead proponents to favour greenfield sites for new projects. This preference may result from simpler and faster development approval and property owner agreement processes compared to the complexity and time required for using existing easements or upgrading of existing infrastructure.

The transition to renewable energy has been discussed for several decades. Despite this, significant implementation and infrastructure development have only recently accelerated, leading to urgency. This delay should not now justify hasty decisions and substandard community engagement. It's crucial to maintain a focus on quality and sustainability in the transition process, ensuring that the efforts are effective and long-lasting.

The Transmission Guideline's section on undergrounding presents the process as overly burdensome, potentially discouraging its consideration despite its long-term benefits on

flat terrain. The framing of undergrounding as excessively challenging undermines the opportunity to explore this option fully. It's important for future revisions to present a more balanced view.

Section 7 should clearly detail the availability of compulsory land acquisition, outlining the associated processes and specifying the conditions under which this option becomes viable. This will ensure clarity and transparency for all stakeholders.

6.0 Other

Consultation

Council is aware that landholders are experiencing consultation fatigue and anxiety related to the number of project's being proposed in the Shire. It is recommended that DPHI or EnergyCo undertake broadscale consultation within the REZ's to explain the changes.

Impacts to Adjoining Land

Any land that will require planning controls/restrictions on new uses to avoid a hazard (e.g. proximity to batteries due to noise and run-away fire), must be communicated to local authorities so issues are adequately identified on planning certificates and in development assessment.

If the productivity of any neighbouring land is compromised due to the impacts of a renewable energy project, such as a heat island effect from a solar farm, the project's proponent should endeavour to compensate for this loss. This could involve efforts to restore or enhance the productivity of the affected land through alternative methods or suitable compensatory measures.

Vegetative Screening

Vegetative screening proposed as a mitigation measure for a renewable energy project should be maintained by the Proponent throughout the duration of the Project.

Council appreciates the opportunity to comment and would be pleased to provide additional information if requested. Should you need to discuss the above, please contact Theresa Folpp, Development Compliance Officer on 02 6549 3700 or email council@muswellbrook.nsw.gov.au.

Yours faithfully



Sharon Pope
Director Environment and Planning

Attachment 1 – EnergyCo / Transport for NSW Memorandum of Understanding

Media Release

Tuesday, 5 September 2023

'PORT TO REZ' AGREEMENT PAVES THE WAY FOR SMOOTH ENERGY TRANSITION

The NSW Government will upgrade the State's road network to help accelerate the transition to renewables.

The upgrades will be undertaken in consultation with communities, councils and road users during construction of Renewable Energy Zones (REZs).

Components for renewable energy projects and supporting transmission infrastructure will need to be transported from ports to the REZs along the existing road network. These include wind turbines, towers and transformers.

To support this, the Energy Corporation of NSW (EnergyCo) has finalised a Memorandum of Understanding (MOU) with Transport for NSW (TfNSW) to facilitate the rollout of REZs with road improvements.

The 'Port to REZ' MOU ensures TfNSW can assist EnergyCo to:

- identify appropriate corridors for transportation of over-sized and over-mass (OSOM) components to REZs and priority transmission network infrastructure projects
- plan, consult and undertake necessary works to ensure the identified roads can support the anticipated transportation requirements
- develop a strategy and framework to efficiently and safely manage transportation of OSOM loads along these routes.

The agreement relates to coordinating and facilitating necessary upgrades to State road infrastructure where TfNSW is the roads authority.

EnergyCo chief executive James Hay said EnergyCo will lead consultation with renewable generators, landowners and councils around relevant roadworks.

"The Port to REZ MOU between EnergyCo and TfNSW is another example of how we are taking a whole-of-government and community-focussed approach to delivering a clean, reliable and affordable energy system for the State," Mr Hay said.

"It complements EnergyCo's agreement with the Department of Planning to establish dedicated resources for assessment of major energy projects in NSW REZs, and EnergyCo's partnership with the Port of Newcastle to understand the logistics required to support renewable energy development in NSW."

Anthony Hayes, Transport for NSW Executive Director, Regional Community and Places, said the Transport task associated with these projects is substantial, and the new agreement will aid efficient and collaborative planning with government, local councils and communities.

The Energy Corporation of NSW (EnergyCo) is part of the Treasury Cluster

“For many of these projects, hundreds of massive components will need to be safely and efficiently moved across our road network,” Mr Hayes said.

“By working together, we will ensure the best routes are identified and ready to enable the manoeuvring of these key components to their destinations in the Renewable Energy Zones, with minimal impact to the community.”

Individual developers will still be responsible for addressing their respective road haulage requirements and will need to plan for and implement any necessary measures to ensure OSOM vehicle movements can be accommodated on local road networks to their project sites.

ENDS

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Thursday, 25 January 2024 4:41:34 PM
Attachments: [letter-dpe-energy-frameworks-jan-23.pdf](#)

Submitted on Thu, 25/01/2024 - 16:40

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Heather

Last name

Stevens

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Newcastle 2300

Please provide your view on the project

I support it

Submission file

[letter-dpe-energy-frameworks-jan-23.pdf](#) (203.97 KB)

Submission

Please see attached submission.

I agree to the above statement

Yes

25 January 2024

NSW Department of Climate Change, Energy, the Environment and Water
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

energy.resourcespolicy@dpie.nsw.gov.au

To whom it may concern

SUBMISSION ON THE DRAFT ENERGY POLICY FRAMEWORK RELATING TO GUIDANCE FOR STATE SIGNIFICANT RENEWABLE ENERGY DEVELOPMENT

City of Newcastle (CN) welcomes the NSW Department of Climate Change, Energy, the Environment and Water's release of the Draft Energy Policy Framework, to support faster and more consistent decision-making and to provide greater certainty for the energy industry and communities on how the impacts of renewable energy projects and transmission infrastructure will be assessed and managed across NSW, including the Hunter region.

CN recognises there is a global climate emergency and that we require a rapid transition away from fossil-fuel-based industries towards a low carbon economy, if we are to meet the Paris Agreement commitment to "hold the increase in the global average temperatures to well below 2°C above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognising that this would significantly reduce the risks and impacts of climate change".

CN has championed renewable energy and action on climate change for over 20 years and has adopted the Newcastle Climate Action Plan 2021-2025, which sets a goal for a net zero Newcastle by 2040, and the Newcastle Environment Strategy, which includes a target for 100% reduction in greenhouse gas emissions in the Newcastle Local Government Area (LGA) from electricity by 2030.

CN was the first council in NSW to move to 100% renewable electricity supply for all CN operations, a result driven by the construction of a 5MW council owned solar farm at Summerhill as well as a power purchase agreement with an inland wind farm.

Large-scale renewable energy projects, including wind and solar, are essential in the transformation to a low carbon economy as the Hunter region transitions away from coal-fired electricity generation. In addition, renewable energy provides a significant opportunity to diversify the Hunter region's economy, by pivoting thousands of jobs in the local manufacturing, construction, maritime, transport and logistics industries into the renewable energy sector.

Specific comments on each of the guidelines contained within the Draft Energy Policy Framework are provided below:

Wind Energy Guideline

Technical Supplement for Noise Assessment

Noise pollution significantly affects our wildlife, yet this guideline primarily focuses on human impacts. It's important that this technical supplement also accounts for any noise impacts to local wildlife. By considering the diverse ecosystems being affected by the development, noise impacts can be managed to protect wildlife in these ecosystems.

Decommissioning

The inclusion of a decommissioning cost calculator is a forward-thinking tool, ensuring transparency and preparedness for managing the project's lifecycle, however the calculator would benefit from an inclusion of the timeframes in which these costs will be incurred, to provide some transparency on the overall impact to the community during the decommissioning phase.

Transmission Guideline

There are multiple locations where renewable energy projects could connect with the electricity transmission grid, and transmission line impacts will vary depending on the location and nature of these connections. The following factors should be considered:

Habitat fragmentation

Transmission lines often require clearing long lines of native vegetation, which can result in fragmentation of biodiversity corridors and habitat destruction. This can disrupt ecosystems and negatively impact wildlife movement. Maintaining biodiversity connectivity should be prioritised to the extent practicable. Where existing connectivity cannot be preserved, efforts should be made to restore biodiversity connectivity around and under transmission lines. This is particularly pertinent given that high voltage transmission line projects are proposed in the Hunter region, which are likely to require large transmission towers and substantial clearing.

Aboriginal heritage

Transmission line projects can significantly impact Aboriginal heritage sites and disrupt and potentially damage culturally significant areas. These projects may involve clearing land, erecting structures, or conducting activities that disturb sacred sites or places of cultural significance to Indigenous communities. Given that high voltage transmission projects are proposed for the Hunter region, it is crucial that meaningful engagement with local Indigenous communities is undertaken as early as possible so that all reasonable efforts are made to eliminate or minimise impacts to Aboriginal heritage sites and places of cultural significance.

Electromagnetic fields

Community attitudes towards electromagnetic fields (EMFs) from transmission lines often vary, with some expressing concerns about potential health risks and others seeking more information to alleviate uncertainties. To address these concerns, transparent and open communication is essential. Where transmission line projects are proposed for the Hunter region, active engagement should be undertaken to build trust and provide community members with accurate and accessible information about any potential health impacts of EMFs.

Technical Supplement for Landscape and Visual Impact Assessment

Performance objectives for transmission projects that are considered 'high visual impact' should focus on restoration of visual amenity, in addition to avoidance and mitigation. This may be realised through strategic vegetation re-planting around transmission lines or the provision of nesting platforms for birds.

Whilst the technical supplement provides guidance on what constitutes effective vegetation screening for transmission lines, regular maintenance and monitoring of growth patterns is also crucial in ensuring successful vegetation screening and thus should be a consideration within the technical supplement. In the face of a changing climate, including changes to rainfall patterns, more extreme drought and increased bushfire risk, it is also critical that vegetation screening contribute to the climate resilience of an area for which a transmission project is proposed. Expert knowledge should be sought in the selection of vegetation for screening on transmission lines to ensure this is realised.

Solar Energy Guideline

Site selection

This guideline commendably recognises the importance of forewarning local communities of solar project developments. The framework would benefit from providing guidance on the development of detailed consultation plans for balancing diverse stakeholder interests, particularly in cases where there may be conflicts between the goals of the solar project and the desires of the local community.

3.3 Decommissioning

As per the above, the inclusion of a decommissioning cost calculator is a forward-thinking tool, ensuring transparency and preparedness for managing the project's lifecycle, however the calculator would benefit from an inclusion of the timeframes in which these costs will be incurred, to provide some transparency on the overall impact to the community during the decommissioning phase.

Benefit-sharing Guideline

CN supports host communities experiencing a proportionate level of benefits from the uptake of renewable energy based on the amount and scale of development, through specific efforts being made to share the proceeds of renewable energy projects within a local area through a benefit-sharing scheme. CN also supports benefit sharing initiatives being designed in partnership with councils and being informed by consultation with the community.

CN advocates that the guidelines should explicitly outline that benefit sharing at the local community level can go beyond one local government area hosting the project, and in those instances, benefit sharing schemes may be centrally administered and distributed through more than one council.

The Newcastle Local Government Area (LGA) is not likely to host large scale wind or solar energy generation projects in the Hunter region, however we still provide ancillary infrastructure and services to support the construction, operation and decommissioning of such projects, for example, through the Port of Newcastle, transport routes and local manufacturing. As such, the Newcastle community will be impacted by developments in other LGAs in the Hunter region and should share in an appropriate proportion of the benefits as a host community.

Appropriate resourcing for local government for the administration and distribution of the funding generated through a benefit sharing scheme should be incorporated into the design of the scheme.

Private Agreement Guideline

CN supports the release of the NSW Private Agreement Guideline as a practical solution to advance renewable energy projects that might otherwise be hindered by land ownership conflicts and disagreements over impacts. The inclusion of a template agreement will optimistically alleviate concerns of landowners related to entering into contractual agreements, subsequently providing pathways to progress renewable energy projects.

Should you require any further information, please contact Heather Stevens, Climate Change and Sustainability Manager, on 4974 2566 or hstevens@ncc.nsw.gov.au.

Your sincerely



Marnie Kikken
EXECUTIVE MANAGER ENVIRONMENT AND SUSTAINABILITY

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Monday, 29 January 2024 9:05:25 AM
Attachments: [port-stephens-council---draft-energy-ploicy-guidelines---submission.pdf](#)

Submitted on Mon, 29/01/2024 - 09:00

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 name and personal contact details to remain confidential

Yes

Info

Email

[REDACTED]

Suburb/Town & Postcode

[REDACTED]

Please provide your view on the project

I am just providing comments

Submission file

[port-stephens-council---draft-energy-ploicy-guidelines---submission.pdf](#) (428.2 KB)

Submission

Please see attached document.

I agree to the above statement

Yes

Ms Kiersten Fishburn
Secretary
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Via public feedback portal

Dear Ms Fishburn,

Re: Public Exhibition – NSW Draft Energy Policy Framework

Thank you for the opportunity to make a submission on the NSW Government's Draft Energy Policy Framework. Port Stephens Council is supportive of the Government's efforts in the energy space and encourages further resourcing within this area to provide clear guidance and strategic vision as NSW transitions to a renewable future.

The following comments are based on a review of the Draft Energy Policy Framework suite of information provided by Government.

Draft Wind Energy Guideline and Transmission Guideline

Port Stephens Council (Council) notes that the Draft Wind Energy Guideline proposal applies to onshore wind energy developments only, excluding the significant offshore wind developments currently being considered along the NSW coastline. Council understands that the key energy generating infrastructure for these offshore wind projects will be located outside of the jurisdictional boundaries of NSW, however the communities, businesses and wider environment that would be impacted by these developments, are not.

The declaration of the Hunter Offshore Renewable Energy Area has already created high levels of concern within the Port Stephens community. There is a strong desire for rigorous consultation regarding any proposed offshore wind developments and for careful consideration of all potential impacts. Collaboration, consultation and negotiation between local, State and Federal governments will be key in ensuring that similar community benefit sharing is required of offshore wind providers to meet the needs of the local communities and environmental ecosystems impacted by this infrastructure.

Furthermore, any transmission infrastructure or storage associated with offshore wind projects located onshore would come under NSW jurisdiction and there is not currently any consideration given in the framework of this complex, cross-jurisdictional scenario. Council requests that guidance for offshore wind projects (where relevant) is included in the NSW Wind Energy Guideline and/or Transmission Guideline.

Draft Benefit Sharing Guideline

The Draft Benefit Sharing Guideline generally proposes a benefit sharing mechanism that would replace (among other arrangements) requirements for local infrastructure contributions. The Draft Benefit Sharing Guideline proposes that local councils could use voluntary planning agreements to manage local benefit sharing and to pool funds collected from multiple energy projects.

In Port Stephens, this type of infrastructure is subject to contributions under section 7.12 of the *Environmental Planning and Assessment Act 1979* (the Act). The Port Stephens Local Infrastructure Contributions Plan applies a levy of 1% of the cost of development to these types of projects, where the cost of development is more than \$200,000. In accordance with the legislation, there is no requirement for a nexus between the impact of these types of development and the contributions levied under section 7.12 of the Act.

The Draft Benefit Sharing Guideline states that where renewable energy projects generate impacts on local infrastructure and services, these matters will be addressed through the assessment process and conditions of consent (e.g. requiring the applicant to upgrade roads where necessary prior to the commencement of construction). In Council's view, this proposal would not address the potential significant impacts on local infrastructure that cannot be conditioned through the planning approval process.

For example, a renewable energy project might impact the condition of a rural road significantly during the construction phase of a project. Heavy vehicle movements along the length of a rural road may degrade the condition of that road well beyond the site of the development. Because the impacts are not occurring in the operational stage of the development, it would not be considered a 'traffic generating' development and referred to have those impacts considered or accounted for through conditions of consent. It may also be difficult to legally impose conditions of consent dealing with these one off construction impacts beyond the subject site. The collection of section 7.12 contributions can help Council's to recoup these costs and ensure the adequate condition and safety of local roads. It is Council's view that any benefit sharing agreements should not apply to renewable energy projects in lieu of charging section 7.11 or 7.12 local infrastructure contributions.

The Draft Benefit Sharing Guideline also states that "for council managed initiatives, the Department recommends using a planning agreement mechanism to establish a community benefit fund". Port Stephens Council has had recent experience negotiating planning agreements with applicants in connection with State Significant Development (SSD). This process has had a significant impact on Council resourcing and the delivery of local infrastructure.

We have experienced limited consultation during the assessment process and the preparation of conditions of consent for the SSD. This has resulted in the imposition of conditions of consent and subsequent agreements that bind Council to deliver local infrastructure that does not align with Council's Strategic Asset Management Plan.



Any assessment guidelines for SSD projects should include guidance on the consultation requirements to be undertaken with local councils when a voluntary planning agreement offer is made. This would provide a stage of the assessment to determine whether an offer to enter an agreement may be appropriate in lieu of local infrastructure contributions (in full or part). Guidance should also be given on the scope of a condition referring to a voluntary planning agreement offer and the extent to which a SDD consent can prescribe the content of a voluntary planning agreement between a local council and an applicant.

Council would also like to note that regional and rural councils may not be adequately resourced to manage community benefit funds, the associated reporting and other requirements for this mechanism to operate effectively. With the Draft Benefit Sharing Guideline proposing the establishment of a local fund as a way of consolidating income collected from multiple projects, Council notes that existing the local infrastructure contributions framework under planning legislation makes allowance for this. Council's are able to collect funds from multiple developments, pool these funds and apply them progressively to deliver local infrastructure needs.

Port Stephens Council appreciates the opportunity to review and provide comment on the NSW Draft Energy Policy Framework.

Please direct any further enquiries that you may have to Courtney Maloney - Strategic Planner on (02) 4988 0456 or via email at courtney.maloney@portstephens.nsw.gov.au.

Yours sincerely,

Brock Lamont
Strategy and Environment Section Manager

25 January 2024



From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Monday, 29 January 2024 9:13:30 AM
Attachments: [draft-energy-policy-framework---submission.pdf](#)

Submitted on Mon, 29/01/2024 - 09:12

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Mathew

Last name

Pringle

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Scone

Please provide your view on the project

I am just providing comments

Submission file

[draft-energy-policy-framework---submission.pdf](#) (300.7 KB)

Submission

See attached submission.

I agree to the above statement

Yes

Contact Name: Mathew Pringle
Contact No: 026540 1139
Our Reference: OUT-651/24



25 January 2024

Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Sir/Madam,

Draft Energy Policy Framework

Thank you for the opportunity to provide a submission on the Draft Energy Policy Framework.

The Upper Hunter Shire Local Government Area (LGA) is partly within both the Central-West Orana Renewable Energy Zone (REZ) and the Hunter-Central Coast REZ and is home to at least five (5) approved or proposed renewable energy projects. The LGA will also host the proposed transmission infrastructure required to service the Central-West Orana REZ, the Hunter-Central Coast REZ and the New England REZ and contains the major road transport corridors to each REZ.

Upper Hunter Shire Council welcomes the introduction of the draft energy policy framework including the various guidelines that will assist decision making and provide greater certainty, consistency and transparency for the community and industry.

Council has reviewed the documents within the draft framework and generally supports the objectives, key principles and assessment requirements of each guideline. However, Council has concerns with some aspects of the draft framework as discussed below.

All correspondence to:

General Manager | Upper Hunter Shire Council | PO Box 208, Scone NSW 2337

Phone: Scone Office 6540 1100 | Merriwa Office 6521 7000 | Murrurundi Office 6540 1350

Email: council@upperhunter.nsw.gov.au



UPPERHUNTER.NSW.GOV.AU

Draft Energy Policy Framework

1. The draft framework does not adequately address the cumulative impacts of renewable energy projects on regional and rural communities. The cumulative impacts of these projects will be significant and are already becoming apparent with many renewable energy proposals facing challenges in relation to sourcing accommodation for workers, labour shortages, lack of raw materials (eg quarry materials), inadequate local roads and services. There needs to be a coordinated approach to the development of projects to ensure cumulative impacts are minimised and to enable appropriate infrastructure planning.
2. It is recommended that the scope of the draft framework be expanded to include guidelines for other types of renewable energy projects including pumped hydro, green hydrogen and battery energy storage systems. These types of projects also have a range of environmental, social and economic impacts that need to be assessed and managed.

Draft Benefit Sharing Guideline

3. The benefit sharing rate of \$850 per megawatt per annum for solar energy development or \$1050 per megawatt per annum for wind energy development, paid over the life of the development and indexed to CPI is considered to be fair and appropriate. However, Council does not agree that the rate should include proposed funding amounts for any neighbourhood benefit initiatives and local community benefit initiatives that are outside a planning agreement with a local Council. Local Government is best placed to administer funds intended for public purposes at the local level as there is an appropriate governance and regulatory framework already in place to ensure adequate transparency and accountability. Allowing developers to provide large sums of money directly to community groups to spend on public projects without having the appropriate governance and regulatory frameworks in place carries a greater risk of maladministration. Any developer contributions made directly to community groups should be completely separate to, and over and above, the proposed benefit sharing rates.
4. The Benefit Sharing Guideline applies to solar and wind energy generation projects (large-scale renewable energy projects or proposals) that are declared to be State Significant Development (SSD). The application of the guideline should be extended to other types of renewable energy

projects including transmission infrastructure projects, pumped hydro, hydrogen production and battery energy storage systems which also have a range of environmental and social impacts. In addition, we believe that the guideline should also apply to smaller scale projects (ie below the SSD CIV threshold) as well as State Significant Infrastructure (SSI) and Critical SSI (CSSI) projects.

Draft Private Agreement Guideline

5. The Draft Private Agreement Guideline suggests that host agreements may prescribe assurances to fund decommissioning, including ongoing evidence that the applicant has the capacity to fund decommissioning activities. However, there is no real guidance on how these assurances are determined and the guideline simply leaves it up to the applicant and host landowner to negotiate an appropriate amount of security. There is a risk that inadequate financial security will result in landowners and the community bearing the costs of decommissioning and rehabilitation at the end of a project's life if the developer does not have the financial capacity to undertake the decommissioning or becomes insolvent. It is recommended that the guideline be updated to clearly define how security should be calculated, including security for decommissioning. Alternatively, the guideline could require developers to lodge a security deposit (ie bank guarantee) with the Department of Planning, Housing and Infrastructure.

Please do not hesitate to contact Mathew Pringle, Director Environmental & Community Services, should you have any questions regarding the content of this submission.

Yours faithfully



Greg McDonald

GENERAL MANAGER

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Monday, 29 January 2024 4:05:00 PM
Attachments: [mid-western-regional-council-draft-policy-framework-advice.-29.01.24.pdf](#)

Submitted on Mon, 29/01/2024 - 16:03

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

████

Last name

████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

████

Please provide your view on the project

I object to it

Submission file

[mid-western-regional-council-draft-policy-framework-advice.-29.01.24.pdf](#) (926.33 KB)

Submission

As attached

I agree to the above statement

Yes



OFFICE OF THE GENERAL MANAGER

LP | LAN900072

29th January 2024

Matthew Riley
Energy Assessment
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Matt,

SUBJECT: RESPONSE TO DRAFT ENERGY POLICY FRAMEWORK

Thank you for providing Mid-Western Regional Council (Council) with the opportunity to comment on the Draft Energy Policy Framework. Council appreciates the substantial effort by the Department in developing these guidelines, and the acknowledgement of such guidelines are imperative in a smooth transition to the roll out of renewable energy projects and Renewable Energy Zones (REZ).

Please see the following comment on these documents.

Draft Energy Policy Framework

Council is concerned that the policy framework does not acknowledge extensive cumulative impacts of a rapid strategy to develop Renewable Energy in NSW.

Council requests the policy include discussion of how NSW Government and proponents will manage and support communities that cannot sustain or manage the significant impacts on local community social and other services.

Further, Council raises significant concern regarding the proposed on page 8 Planning Framework, relating to the Ministers ability to declare solar energy developments as Critical State Significant Infrastructure (CSSI) and added to the Schedule 5 list of projects under the Planning Systems SEPP), resulting in the removal of the requirement for the developer to obtain landowners consent for the development and the seeking approval under Part 5. Council does not support this approach as Local Government input is important in understanding local issues and on the ground impacts of individual and cumulative projects.

Draft Transmission Guideline

Given the current planning stage (EOI Response to Submissions) of the CWO REZ Transmission line project, these guidelines have been delivery too late for true consultation or feedback. That being said, Council provides the following feedback:

Changes to the Draft Transmission Guideline should include:

1. The **Introduction** should include the role of **Local Government** within the process. As local regional experts this role of government should be included as a significant stakeholder in this process.
2. Section 3 Route selection
 - a. 3.1 Foundation principles - to include consideration for suitability of probable future renewable development sites within proximity of the transmission infrastructure including alignment and reference to the proposed 'suitable areas for wind energy development' and 'suitable location for solar development.'
 - b. Both the 'suitable areas for wind energy development' and 'suitable location for solar development' mapping should be provided as interactive mapping with a cadastral overlay to allow the community to locate their property and understand the role of the mapping in their locality more accurately.
 - c. Principle 3 - People and Communities - the detail outlining foundational should be expanded to ensure the community understands this principle.
 - d. 3.2.1 Options development - In developing the constraints mapping, Council is concerned that listing biophysical strategic agricultural land is too limited. A regional context should be considered as part of the analysis.
 - e. Council supports the statement on page 19. 'Identify the elements of the project that can be influenced or shaped by the community.' However, this should be more clearly stated in the guideline to assist the community in understanding the process.
3. 5 Key assessment of issues and considerations
 - a. The list of key assessment issues and considerations should be exhaustive to ensure all issues and considerations are included in the scoping reports. As it is currently written is provides more weight to 6.1-6.5. Matters listed under 6.6 should be given more detail, for example 'water', the guideline is silent on volume requirements and sources for construction.
4. Due to the rapid rate of technological advancements in the renewable industry the suite of guidelines should state when the next review is scheduled, such reviews should be scheduled at six-monthly intervals.

Draft Wind Energy Guideline

Council requests the following amendments to the Draft Wind Energy Guidelines:

1. All proponents should be required to contact all LGA (Local Government Area) Council's where Wind Turbine infrastructure is being transported **through**. It is requested that guidelines note under 5.5 Traffic & Transport that proponents should be required to contact local Councils if transport route includes these Councils roads (even if highways under the responsibility of Transport NSW) to gain understanding of limitations on road networks, local activities and constraints beyond desktop studies.

2. Cumulative impact studies should be provided for the entire transport route, not just around the final host site. A Port to Site cumulative impact study should be required to be provided by the proponent.
3. Cumulative Water Studies (and other resource requirements) should be undertaken prior to EIS (Environmental Impact Statement). Water and other resources utilised in Wind Farms are a limited resource and it is important that proponents understand other demands of these in the local areas.
4. Cumulative impact studies should go beyond neighbouring projects, due to the geographical nature of regional NSW. Cumulative impact studies regarding accommodation and social services should be regarding ALL State Significant Development (not just renewables) within a 40-minute drive of the closest major town.
5. Councils Local Strategic Planning Statement 2020 (LSPS), Mid-Western Regional Local Environmental Plan 2012 (LEP) and Development Control Plan 2013 (DCP) are aligned, each seeking to ensure renewable energy development *occurs in appropriate areas of the Region that avoids impact on the scenic rural landscape and preserves valuable agricultural land*. Council requests that part 4 'site selection and project design' of the guide, along with the Technical Supplement for Landscape and Visual Impact Assessment be updated to refer to the need for early consultation with Councils and reference to the requirements for greater consideration of Councils local planning strategies in the project design and site selection stage.
6. Mid-Western Regional Council has invested significant work, including extensive community consultation, in developing our LSPS, LEP and DCP relating to renewable energy development within the Region and this should be emphasised to developers of an SSD project early in the site selection process in order to ensure that the core objectives and requirements of local planning strategies are considered and upheld.
7. Part 5 'Assessment issues and requirements' (including 5.1.1 Key principals for visual amenity) should equally be updated to refer to engagement with the community AND local councils to understand the baseline character of the landscape. This should also refer to a mandatory consideration of Local Planning Strategies and heritage conservation areas that have been developed / established by Councils within the baseline analysis.
8. The requirements under Part 5.7 'Decommissioning and Rehabilitation' must be updated to include early consultation requirements with Local Government. This is particularly important to consider the need for future 'replacement / refurbishment' of the infrastructure (including where the blades or the like may be increased in size) which will have impacts on transport routes that may not have been considered in the original DA assessment.
9. Further, early consultation with Council is required in relation to waste or recycling disposal options and strategies as part of the decommissioning phase and this should be reflected in the updated guidelines.

Further, Council raises significant concern regarding the Minister may declare development to be Critical State Significant Infrastructure (CSSI) under section 5.13 of the EP&A Act if it is considered

essential to the State for economic, environmental, or social reasons. Council objects to this approach and would like to understand the process of having a project declared CSSI.

Draft Benefit Sharing Guideline

Council does support some elements of the Draft Benefit Sharing Guideline, on balance, the objections outweigh the positives hence this submission is lodged as an objection. Council is keen to engage with the DPE to assist in framing a more acceptable document.

The following comments and proposed amendments are provided:

1. Council supports the recommendation of \$850 per megawatt per annum for Solar Energy Developments and \$1050 per megawatt per annum for Wind Energy Development as values that should be nominated for community benefits as a **Planning Agreement** with local Councils.
2. Council does NOT support that this total funding from developers. Separate monies should be allocated to small scale community activities and addressed separately by developers, if a Developer would like to provide additional funding.

It is important to note that NSW Councils, under Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2021 (the Regulation), must comply with the Integrated planning and Reporting framework which ensures Council is continuing to engage with and plan on behalf of their local communities. Council undertakes significant and ongoing community engagement with residents to ensure priorities are noted and addressed. This engagement forms the Community Plan which Council must review and deliver over a four-year period. Further, Council continues to engage with the community in the process of "Community Plan Proposals" (CPPs), whereby community members provide Council with ideas and opportunities for funding in the local region. These CPPs form part of the budgeting process every year.

Local Councils ensure community funds are central administrated and distributed to community in a fair, transparent and financially astute manner. Local Councils via accordance with the EP&A Act and Regulation ensure public financial reporting as a result of expenditure provides transparency of both income from developments and the expenditure of how funds are allocated.

Any significant capital works undertaken by a community group often result in the requirement for Council to take ownership of or manage an asset. Further, Community Groups today have access to funds from Council under a Community Grants Fund, whereby applications for important and beneficial funding can be made. This ensures projects are sustainable and appropriate for the community. Council suggests that Community Based projects are applied for through this funding mechanism which can provide local oversight and help to ensure local assets are not created that will become a long-term burden for Council.

3. The Benefit Sharing Agreement should be updated to include other Renewable Energy and Storage Developments including Pumped Hydro, BESS, and other Long Duration Storage projects. These should include all development pathways be it through SSD, SSI, CSSI or through JRRP. All these project types (regardless of approval pathway) have adverse impacts on the local community and thus broader benefit sharing is imperative.

4. It should be noted that Councils can consolidate funds from VPAs and Developer Contributions from renewable energy projects so that larger strategic and long-term benefits can be realised for the community. This will ensure legacy and sustainable projects are outcomes of funding versus short-term benefits that are exhausted after a short period of time.
5. The guidelines should include discussion of Modifications of projects. Where scale is increased or project changes seek a modification, a review of the VPA with Council should take place to ensure equity in the outcomes to the community.
6. Council notes and agrees with the comments on page eight of the Draft Guidelines in relation to the difficulty Councils experience in levying, what many would consider, appropriate levels of rates from Renewable Energy developments. The Draft Guidelines acknowledge that rates are currently calculated on unimproved land values which do not fully recognise the higher value use for energy producing purposes. Page twelve of the draft guidelines subsequently recommends that Planning agreements be reviewed and re-negotiated if the rating system changes resulting in material rates affects for renewable energy developments. Council does NOT support this proposal.

It is important that requirements around Planning Agreements do not fetter Councils other revenue raising functions. The Local Government Act expressly provides for Councils to make decisions as to the distribution of rates liabilities across their communities. If these existing legislative provisions were to be changed, Councils should retain their ability to make decisions on rates distribution within the changed legislation without resulting in review and re-negotiation of planning agreements. It is not appropriate to offset any rates decision a Council may make with an opposite adjustment to the Planning Agreement simply to achieve a no net change for the development. This does not occur in the case of any other development.

7. Outside of a potential change to CIV, it is important that requirements around Planning Agreements do not fetter Councils other revenue raising functions. The Local Government Act expressly provides for Councils to make decisions as to the distribution of rates liabilities across their communities. If these existing legislative provisions were to be changed, Councils should retain their ability to make decisions on rates distribution within the changed legislation without resulting in review and re-negotiation of planning agreements. It is not appropriate to offset any rates decision a Council may make with an opposite adjustment to the Planning Agreement simply to achieve a no net change for the development.

Should you have any further enquiries regarding this matter, please contact Council on (02) 6378 2850.

Yours sincerely,



BRAD CAM
GENERAL MANAGER

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Monday, 29 January 2024 4:14:32 PM

Submitted on Mon, 29/01/2024 - 16:14

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

John

Last name

Goodall

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

ARMIDALE - 2350

Please provide your view on the project

I am just providing comments

Submission

I refer to the Draft Energy Policy Framework and associated documents on exhibition until 29 January 2024.

Following a review of the documents exhibited, Armidale Regional Council (ARC) would like to provide the following comments.

- The application of the Draft Guideline is limited to solar and wind energy generation projects that are determined to be SSD only and as such, they do not apply SSI and/or CSSI or to any other types of renewable energy projects (such as hydrogen or pumped-hydro) or to stand-alone battery storage or electricity transmission infrastructure. In this regard, the Guidelines advise that in contrast to solar and wind energy, hydrogen power and pumped-hydro are considered as secondary energy projects (similar to batteries) in that

they utilise energy from a primary source (such as solar and wind) to either generate a new form of energy or to store power for use at a later time. In this sense, the Guidelines state that benefit sharing will already have been a consideration in the production of the source electricity (be it from wind or solar) that is then used in hydrogen production or for pumped-hydro operations.

Furthermore, the Draft Guidelines state that hydrogen generation and stand-alone large-scale battery developments are also more likely to be co-located with other energy and industrial developments (typically in industrial areas or brownfield sites) and would be subject to standard Council rates and contributions based on land use zoning and any relevant impacts on local infrastructure and services.

In this regard, the Oven Mountain Pumped Hydro project has been declared to be State significant infrastructure (SSI) and critical State significant infrastructure (CSSI) by the NSW Minister for Planning.

Given this, any benefit sharing arrangements are not covered under the Draft Guidelines.

Additionally, the Oven Mountain project is not a secondary energy project that will utilise energy from a separate primary energy source such as solar or wind. The Project is described as a pumped hydro energy storage scheme which includes building two 'off river' water containment structures to create an upper and a lower reservoir, with an underground power station complex connected to the reservoirs by underground tunnelling. Energy would be generated as the water stored within the upper dam and reservoir is released and generates electricity as it passes through the underground power station complex into the lower dam and reservoir. During the pumping mode, electricity sourced from the grid is used to turn the generator shafts in reverse to the energy generating mode and act as a pump to draw water from the lower reservoir through the underground power station complex and tunnels back to the upper reservoir where water is then stored and available in the upper dam and reservoir ready for energy generation mode when required.

Similarly, some of the stand-alone large-scale battery developments proposed to date, such as the two proposed on Eathorpe Road in Armidale, are not co-located with other energy or industrial developments, and are not located in industrial areas or brownfield sites but are proposed to be located on greenfield sites.

Whilst ARC agrees that it may not be appropriate to extend benefit sharing to secondary energy projects, where it has already been previously captured under the primary solar and/or wind development, it should apply to all renewable projects including but not limited to hydrogen, pump hydro as well as SSI, CSSI, RSD and local development.

- Under the Draft Guideline, it is proposed that the benefit sharing of \$850 per megawatt per annum for solar energy development or \$1,050 per megawatt per annum for wind energy development, would be paid over the life of the development. ARC is not supportive of an annual payment to be paid over the life of the development, which may in many cases be 30+ years. In this regard, ARC would prefer that at least 50% of the total benefit sharing arrangements be paid in one lump payment prior to the project commencing construction, with the remainder being paid over the life of the development and CPI adjusted. Having all or a significant portion of the benefit sharing payments being paid early in the life of these projects would enable Council's to provide and deliver more immediate benefits to the community, much earlier than would otherwise be possible if receiving annual payments over prolonged periods of the life of these developments.

- The Draft Guidelines recommends using a planning agreement mechanism to establish Council managed benefit arrangements, and that the planning agreement should include a provision requiring it to be reviewed and renegotiated in the event of any changes to the local government rating system that would materially affect rates payable for renewable energy development. Council is not supportive of this approach, as the rating system applies to the land owner not the applicant for the renewable energy development, and would not provide any additional income overall from general rates revenue. This is because general rates revenue in a LGA is capped and increasing of rates for some properties that would be subject to renewable energy developments would need to ensure that there were corresponding decrease in rates elsewhere in the LGA. As such, there would be no net benefit to the local Council if the rating system changed the classification of host sites containing renewable energy projects.

General comments regarding review of SSD/SSI/CSSI applications to date:

While there is an emphasis in the Draft Guidelines on landscape, visual and noise impacts from renewable energy projects, ARC also considers amongst other matters that the following have not be adequately addressed in the applications for SSD/SSI/CSSI to date and a greater focus on these matters is required upfront:

ARC is located within the New England REZ with a current intended network capacity of 8 gigawatts of proposed renewable projects. Whilst it is anticipated that there may be a significant number of renewable projects still in the planning and/or scoping phase, the current number of known projects either approved, currently lodged for assessment with the Department or seeking their SEARs, have raised some concerns with Council, particularly around their cumulative impacts not only on the immediate locality but also the greater Armidale LGA. It is considered that to date, many of the proposed developments have not fully appreciated and have underestimated the full cumulative impacts from other SSD and RSD developments, in the likely event that a number of these projects should proceed simultaneously, particularly on housing supply for construction workers. Economic/social assessments for these developments need to include impacts on the local community resulting from the occupation of affordable housing by REZ workers and further, the resulting impact of similar developments being constructed concurrently. With Armidale being one of the major centres within the New England REZ, cumulative impacts are not only felt from projects within the LGA itself but are also apparent from renewable developments in adjoining LGA's, which often have little to no surplus capacity to cater and absorb for an influx of construction works, who generally need to find accommodation in one of the larger centres. In this regard, Council would strongly encourage that all future renewable projects consider that accommodation be provided on or nearby to the host sites for temporary workers accommodation for the Project and/or that a coordinated approach be taken to ensure that multiple projects are not being undertaken concurrently.

- Additionally, waste from these projects and their cumulative impacts are of a significant and ongoing concern to ARC. With the number of renewable projects earmarked within the LGA, proposed minimisation of waste and maximising of recycling is of paramount importance to reduce waste materials going to Council's land fill. In this regard, there should be an emphasis on recycling and reducing waste. Given this, it is recommended that

all future EIS's be required to prepare a Waste Management Plan for the approval of Council. Such Plan is to identify, quantify, and classify the likely waste streams to be generated during construction, operation and decommissioning, and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste, and provide information on the expected lifespan of high-volume wastes, and any resource recovery opportunities that have been identified for these waste streams.

- Finally, impacts on local infrastructure, particularly roads and bridges, including detailed assessments of the existing and proposed access to accommodate oversized construction and operational traffic loads including proposed access routes through and around Armidale its towns and villages, and the compounding impact of similar developments being undertaken concurrently needs to be addressed with the relevant Roads Authority as early as possible. Cumulative impacts on local roads needs to be fully considered even though other projects may be a substantial distance from the development site itself, there are generally only limited access roads to/from all these development sites in and around Armidale.

I agree to the above statement

Yes

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Monday, 29 January 2024 4:24:23 PM
Attachments: [submission-to-the-draft-energy-policy-framework---dubbo-regional-council.pdf](#)

Submitted on Mon, 29/01/2024 - 16:17

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Tim

Last name

Howlett

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Dubbo 2830

Please provide your view on the project

I am just providing comments

Submission file

[submission-to-the-draft-energy-policy-framework---dubbo-regional-council.pdf](#) (314.86 KB)

Submission

Please find attached Dubbo Regional Council's submission.

Council requests that the Department give further consideration to the Benefit Sharing Guideline and Wind Energy Guideline.

I agree to the above statement

Yes

CD23/6402
ED23/217188
LJN:TJH



29 January 2024

Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Energy.resourcepolicy@dpie.nsw.gov.au

Dear Sir/Madam

SUBMISSION ON THE DRAFT ENERGY POLICY FRAMEWORK

Dubbo Regional Council thanks the Department of Planning, Housing and Infrastructure for the opportunity to comment on the *Draft Energy Policy Framework*. Council recognises the importance of a framework being in place that ensures benefits from renewable energy projects are provided to local communities, and to provide greater certainty in planning processes for renewable energy projects.

Council requests that the Department give further consideration to the following components of the Framework:

- Benefit Sharing Guideline
- Wind Energy Guideline

1. Draft Benefit Sharing Guideline

Projects to which the Benefit Sharing Guideline applies

A significant amount of new transmission infrastructure, renewable energy generation and storage and firming infrastructure will be required over coming decades to meet the NSW Government's Net Zero target and for power generation. Renewable energy development is not without impacts, and it must enable infrastructure whilst managing land use conflict, balancing environmental and social impacts, addressing community concerns, and supporting robust and meaningful community engagement.

A purpose of the Benefit Sharing Guideline is to ensure that host communities experience tangible, long-term benefits from the transition to renewable energy. However, the Guideline only applies to solar and wind energy generation development that are declared to be State Significant Development. Renewable energy development includes battery energy storage



All communications to: CHIEF EXECUTIVE OFFICER

ABN 53 539 070 928

PO Box 81 Dubbo NSW 2830

T (02) 6801 4000 F (02) 6801 4259 E council@dubbo.nsw.gov.au

Civic Administration Building Church St Dubbo NSW 2830

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systems, transmission lines, hydrogen energy systems and pumped hydro, which also impact host communities. The Guideline should therefore be amended to ensure that benefit sharing is required for all renewable energy developments.

Amount of funding under the Benefit Sharing Guideline

Information provided in the exhibition package indicates the proposed benefit sharing rates are considered to be fair and appropriate, and equivalent to 1.5% of the Capital Investment Value (CIV) of a project. However, Council has not been able to find supporting information or justification for how these rates were determined.

Based on analysis undertaken by Council for recent projects in the Central-West Orana Renewable Energy Zone (Table 1), the proposed benefit sharing rates are significantly less than 1.5% of CIV.

Table 1

	Spicers Creek Wind Farm	Stubbo Solar Farm
Capital Investment Value (SEARs)	\$2 billion	\$420 million
Capital Investment Value (Updated Estimates)	-	\$800 million
Megawatts	700mw	400mw
Lifetime Benefits CIV (SEARs)	\$30 million	\$6.3 million
Lifetime Benefits CIV (Estimates)	-	\$12 million
Lifetime Benefits (Department Rate)	\$22 million	\$10.2 million
Lifetime Benefits (Council Rate)	\$26.25 million	\$12.6 million

In order for host communities to more directly benefit from these projects, and in the absence of supporting information and justification, Council considers that the per megawatt rates should constitute the following:

- \$1,050 per megawatt per annum for solar energy development; and
- \$1,250 per megawatt per annum wind energy development.

Council has not been able to find supporting information or justification as to why benefit sharing rates are different for solar and wind energy development.

Collection and distribution of Benefit Sharing

With the large number of renewable energy projects expected in the region, there is the potential for positive large-scale community benefits. Council considers that planning agreements should be mandatory for renewable energy projects, as Council is required to act in the best interests of the community and is best placed to ensure an equitable distribution of funds.

Council also considers that benefit sharing funds should primarily be collected upfront. This will allow Council to deliver projects sooner whilst acknowledging support from the proponent. The Guideline should therefore be amended to ensure that a portion of benefit sharing is required upfront for all renewable energy developments.

Council acknowledges that not all Councils administer community benefit funds. As such, the Guideline should be amended to ensure that total funding for benefit sharing only takes into consideration funding received by Council.

2. Wind Farm Guidelines

Subdivision consultation requirements

As most wind farms are constructed in rural areas with large minimum lot size areas (typically 400 – 800 hectares), it is unclear why proponents should be required to consult with Council in relation to subdivision requirements. Council would only be able to advise the proponent that subdivision would not normally be approved, unless the proposed lot is larger than the minimum lot size area. Whilst Council appreciates consultation on State Significant Developments, asking Councils to separately advise applicants on subdivision matters is considered excessive.

Agreement with road authorities

The requirement for an agreement with the Road Authority to be implemented prior to lodgement of an Environmental Impact Statement is unreasonable. If the proponent is required to present an agreement with the relevant Road Authority and affected landowners, it will limit the ability of the Department to alter any unsuitable haulage strategies. Council considers it more appropriate for proponents to finalise haulage routes in parallel with EIS approval to streamline the development approval process.

Conclusion

It is considered that the Framework needs to be amended to address the above matters so that it can operate more efficiently, and ensure a fast and measured rollout of energy generation and infrastructure while giving certainty to the community.

If you require any further information, please contact the undersigned on (02) 6801 4000.

Yours faithfully

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Tim Howlett
Team Leader Growth Planning Projects

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Monday, 29 January 2024 5:13:51 PM
Attachments: [draft-energy-policy-framework-submission.pdf](#)

Submitted on Mon, 29/01/2024 - 17:12

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Mitch

Last name

Gillogly

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Tamworth 2340

Please provide your view on the project

I am just providing comments

Submission file

[draft-energy-policy-framework-submission.pdf](#) (154.92 KB)

Submission

Submission letter uploaded.

I agree to the above statement

Yes

Department of Planning, Housing and Infrastructure
Online Submission

Dear Sir/Madam

TAMWORTH REGIONAL COUNCIL SUBMISSION – DRAFT ENERGY POLICY FRAMEWORK – CONSULTATION DRAFT

Ref: mg/GV Document Set ID 2008397

I refer to your correspondence received giving notice of the public exhibition of a consultation draft for the *Energy Policy Framework* (the Draft Policy). Thank you for the opportunity to provide comment on the Draft Policy, please find Tamworth Regional Council's (Council) submission below.

Benefit Sharing Guideline

The Draft Policy includes a draft Benefit Sharing Guideline which proposes a per megawatt basis to determine the value of the contribution by the proponent to a benefit sharing agreement. It is noted, the guidelines do not appear to provide for up-front payments, rather staged payment over the lifecycle of the operation of the development. Tamworth Regional Council is very concerned at what it views as a significant omission.

Council recently adopted a Voluntary Planning Agreement Policy for Renewable Energy Projects 2023 at its Ordinary Meeting of 12 September 2023. This policy outlines Council's position in negotiating Voluntary Planning Agreements (VPA) for renewable projects. The policy requires a lump sum of 1.5% of Capital Value Investment (CIV) (adjusted annually for CPI), 50% of which is to be paid to Council on commencement of construction and the remainder to be paid on an annual basis for the life of the development. At its Ordinary Meeting on 12 December 2023, Council updated its policy to provide a level of flexibility as it is clear how much renewable energy proposals can vary, so Council's revised policy (copy attached) emphasises the need for Council to be flexible, agile and responsive to varying circumstances.

Your Department's Draft Policy does not provide an avenue for an up-front lump payment and therefore lacks flexibility. Council strongly requests this be included in the benefit sharing guideline as it would allow Council to undertake meaningful works to benefit both the most immediately affected community in a reasonably short timeframe as well as the entire LGA. It also enables Council to respond appropriately to projects that have a significant impact on Council's regional infrastructure. Where a significantly large or costly project is proposed to benefit the affected community, (such as a major road project), the upfront funds would also be used to leverage grant funding from State and Federal Governments to contribute to that project, thereby multiplying and maximising the potential benefits.

While a per megawatt basis may have merit in some circumstances, there should still be a place for the percentage of CIV approach and the potential for up-front payments.

General Comments

Whilst Council understands the need to decarbonise the energy network to meet climate targets, the cumulative impact of the New England Renewable Zone (REZ) on social, economic and particularly natural environments has not been wholistically considered as part of the rollout of these zones.

Council is firmly of the belief that the State Government should undertake a regional assessment of the impacts the Renewable Energy Zones are having both on those regions, but also areas outside of the REZ boundary (such as the majority of the Tamworth Region). This assessment should consider the cumulative impacts of renewable energy projects on the social, economic and natural environments which is simply not taken into account on a case-by-case basis. Such a review would enable government decision-makers (and proponents) to better understand the impacts and pressures on communities, infrastructure, and natural environments which are occurring from such large scale projects.

Conclusion

Subject to the comments above, Council generally supports the Department's commitment to providing a better framework for renewable energy projects.

Should you require any clarification in relation to Council's submission, please contact Team Leader – Strategic Planning, Mitch Gillogly on the number below.

Yours faithfully,



Gina Vereker

Director, Liveable Communities

Contact: Mitch Gillogly (02) 67675472 or m.gillogly@tamworth.nsw.gov.au

29 January 2024

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Monday, 29 January 2024 5:15:50 PM
Attachments: [submission-to-energy-policy-framework---29-january-2024.pdf](#)

Submitted on Mon, 29/01/2024 - 17:11

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

██████

Last name

██████

I would like my name and personal contact details to remain confidential

Yes

Info

Email

██

Suburb/Town & Postcode

████████████████████

Please provide your view on the project

I am just providing comments

Submission file

[submission-to-energy-policy-framework---29-january-2024.pdf](#) (333.95 KB)

Submission

Good afternoon,

Please find attached a staff submission from Lake Macquarie City Council on the Draft Energy Policy Framework.

Please do not hesitate to contact me if I can assist with any follow-up actions.

Amy De Lore
Government Relations Lead

I agree to the above statement

Yes



29 January 2024

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

via NSW Planning Portal
planning.nsw.gov.au

Dear Mr Riley

Subject: Submission to NSW Energy Policy Framework Exhibition

Introduction

Thank you for the opportunity to comment on the proposed NSW Energy Policy Framework (the Framework). The Framework incorporates the following guidelines (the Guidelines):

1. Wind Energy Guideline
2. Transmission Guideline
3. Solar Energy Guideline
4. Benefit-Sharing Guideline
5. Private Agreement Guideline.

Lake Macquarie City Council (Council) has previously contributed to consultation on the Hunter Transmission Project preliminary corridor (December 2023) and the declaration of an offshore renewable energy infrastructure area off the Hunter coast (Federal Government, April 2023). Council is committed to continually exploring options for alternative energy sources, including a mix of wind and solar, to help transition the Hunter Region towards a more sustainable lifestyle.

Lake Macquarie is the largest local government area by population in the Hunter Region. With a population of 217,000 people, 73,200 jobs and annual economic output of more than \$26.5 billion, our city is an important regional economic driver, led by a proactive and progressive council committed to fostering a diverse and resilient local economy.

Lake Macquarie enjoys a strategic location on the NSW east coast just 90 minutes' drive from Sydney, situated on major road and rail transport routes and with close proximity to the international gateways of the Port of Newcastle and Newcastle Airport. The city has a long history of power generation, mining and manufacturing, with a skilled workforce that can adapt to new opportunities in developing industries.

Lake Macquarie is well-suited for potential renewable energy projects, particularly offshore wind, for the following reasons:

- It has strong, consistent winds.
- It is close to areas of high electricity demand and manufacturing.

- Industry is interested in developing projects in the area.
- It is close to existing port facilities and transmission infrastructure, including power stations in southern Lake Macquarie and northern Central Coast.

Council has a significant interest in the Framework, and sees both challenges and opportunities in having a declared offshore renewable infrastructure area off the Hunter coastline, but is largely supportive of the development of a renewables industry in the region. We have a transitioning economy that is shifting away from a traditional reliance on mining and coal-fired power generation and see renewable energy as a significant opportunity to create new jobs and workforce skills in an industry that will deliver a sustainable, secure and reliable energy source for the future.

Council also has a proud record of environmental stewardship and places high priority on balancing the preservation of our unique natural environment with the economic and social benefits that will be derived from the development of new industries.

Council staff have reviewed the guidelines on the NSW Planning Portal and prepared the following submission. It assumes that wind turbines are the most likely offshore renewable energy source to be proposed for the Hunter zone.

Submission

General comments

1. Council commends the early constraints mapping exercise requirements – this will allow Council to apply local knowledge to projects and help inform applicants at early stages.
2. The Framework currently relates only to wind and solar electricity generation and new electricity transmission projects. Additional guidelines for other forms of energy generation should be developed and publicly exhibited.
3. The Framework supports the transition to renewable energy. This will help deliver the NSW Government's objective to achieve net zero emissions by 2050. Therefore, the Guidelines should include standard requirements for identification of carbon emissions associated with construction and operation of generation and transmission infrastructure. Emissions and mitigation measures should be a key consideration in the design and assessment of proposals. It is noted that appropriate siting and design has the potential to significantly affect carbon emissions over the full project lifecycle, and should be an important factor in assessing and approving proposed development.
4. The Guidelines should refer to and be compatible with regional and local land use planning frameworks, recognising important issues of public interest.
5. The Guidelines could give more emphasis to future site uses, other than rehabilitation, at the end of the life of the project. Council has been a strong advocate for adaptive reuse of former mining-related lands to bring economic benefit to transitioning communities through redevelopment of these lands for purposes such as tourism, commercial, industrial or residential. In appropriate cases, adaptive reuse is a preferred outcome to rehabilitation as it makes use of lands that are already disturbed – and often equipped with existing infrastructure such as power, roads and water – thereby preserving greenfield areas that might otherwise be targeted for new development to accommodate growth.

6. Aboriginal cultural sensitivity to landscape, and especially features such as hills and ridgelines, needs to be recognised in the siting of projects. Content should be included to identify how projects can respect indigenous values, potentially along the lines outlined in the NSW Government Connecting with Country guidance <https://www.planning.nsw.gov.au/sites/default/files/2023-10/connecting-with-country.pdf>.
7. The visual impact assessment guidelines focus solely on the visibility of infrastructure, however visual impacts from clearing of native vegetation and construction of access roads should also be considered. Native vegetation makes an important contribution to the amenity of landscapes, particularly in already substantially cleared rural areas. The Guidelines should require that proposals have regard for local Council visual assessment policies, such as the Lake Macquarie Scenic Management Guidelines, 2013.

Draft Transmission Guideline

1. Reference in the document is only to the transmission of electricity. Therefore, references to 'energy' should be changed to 'electricity' throughout the document.
2. An additional section of the Guideline should be included regarding measurement and assessment of carbon emissions relating to construction and operation of transmission line projects, and measures that have and can be applied to reduce these. Identification of carbon emissions should include planning, construction, operation and decommissioning of projects over their full life cycle.
3. The foundational principles in Section 3.1 should also include:
 - a. Contribute to zero carbon emissions
 - b. Minimise net loss of biodiversity
 - c. Maximise long-term public benefits.
4. Foundational principles in the Guideline should be able to be used as a checklist against which the suitability and desirability of a project can be assessed.
5. The 'other issues' in Section 6 should be included in the 'key assessment and considerations' in Section 5. All issues are relevant in different circumstances and may be critical to route selection, determining impacts or identifying the acceptability of a proposal.
6. Benefit sharing for transmission lines (relative to solar and wind farms) needs to adequately address the impact of the transmission lines on host communities. Transmission lines are typically government-owned, and host landowners and sites within the viewshed should be entitled to share in the benefit sharing arrangement. Equitable benefit sharing provisions are supported.
7. The strategic benefit payments described in Section 8 should not be limited to private landowners. Payments should be made to public authorities whose land will be affected by the proposal to compensate for risks and increased management costs arising from the development.

Draft Solar and Wind Energy Guidelines

1. The objectives in Section 1.1 should also include:
 - a. Contribute to zero carbon emissions
 - b. Minimise net loss of biodiversity
 - c. Maximise long-term public benefits.
2. Clear criteria should be included to enable evaluation and assessment of proposals to meet objectives.
3. Landscape and visual impact assessment requirements in the Guideline should also consider visual impacts resulting from the clearing of native vegetation associated with the wind farms, including transmission lines.
4. Further consideration needs to be given to what is regarded as a 'significant' visual impact, and what this means in the context of both impact assessment and approval.
5. Visual impact assessment should also consider visual impacts for species other than humans. Lighting, and other visual and landscape cues, are significant for navigation and many species, including invertebrates, rely on these for congregating and breeding (eg moths and butterfly hilltopping). Changing the visual environment has the potential for cascading biodiversity impacts that affect the functioning of whole ecosystems.
6. Section 5.4 of the Wind Energy Guideline refers only to bird and bat impact assessment. This section should incorporate a wider biodiversity assessment. While birds and bats may experience the most significant direct impacts from wind turbines, the impacts will be widely spread across ecological processes and vegetation communities more generally. For example, there are impacts on insects, wind turbulence affecting plant and animal behaviour, dispersal of pollen and seed, provision of access for feral animals and biosecurity risks.
7. The Wind Energy Guideline says biodiversity assessment must be carried out in accordance with the Biodiversity Assessment Method (BAM). However, the BAM focuses on threatened species, and only considers a subset of biodiversity. The scope of biodiversity issues that can be considered under the Environmental Planning and Assessment Act 1979 is wider than the issues considered under BAM requirements. The assessment of biodiversity should include local biodiversity values, habitat fragmentation and management and impacts on the majority of species that occur and contribute to functioning natural ecosystems.

Draft Benefit Sharing Guideline

1. The Guideline recognises that local communities may be most directly impacted by projects designed to improve state and national targets, and should be duly compensated. The Guideline anticipates a role for local government in participating in benefit sharing arrangements. While this is generally appropriate, it places a burden on the local council to administer the arrangement. This has significant resourcing issues, especially for small regional councils.

2. Any benefit sharing program or agreement should demonstrate that it contributes to the mitigation of carbon emissions to the atmosphere in both the short and long term, supporting the objective of the overall program to achieve zero carbon emissions within the medium to long term.

Draft Private Agreement Guideline

1. As with the Benefit Sharing Guideline, the draft Private Agreement Guideline and Template anticipates a role for local government in participating in these arrangements. While this is generally appropriate, it places a burden on the local council to administer the arrangement, including the procurement of appropriate legal advice. This has significant resourcing issues, especially for small regional councils.
2. The guideline references rehabilitation and decommissioning. Council reiterates its view that opportunities for future uses other than rehabilitation should be available, where appropriate, at project end of life. Greater emphasis on opportunities for alternative uses would support this direction.

Conclusion

Council is broadly supportive of an Energy Policy Framework to support the development of new renewable energy sources, recognising the national and global imperative to shift to more sustainable forms of energy generation, the suitability of the region for this type of industry and the potential economic benefits it could provide for our city and region. This support is qualified by the feedback provided in this submission on the respective Guidelines.

Council appreciates the opportunity to contribute to this consultation. Should you require further information, please contact Council's Manager Integrated Planning, Wesley Hain, on 02 4921 0271 or at whain@lakemac.nsw.gov.au.

Yours sincerely



David Antcliff
Director Development Planning and Regulation

From: [Department of Planning Housing and Infrastructure](#)
To: [DPE PS ePlanning Exhibitions Mailbox](#)
Cc: [DPE Energy and Resources Policy Mailbox](#)
Subject: Webform submission from: Draft energy policy framework
Date: Monday, 29 January 2024 7:03:41 PM
Attachments: [draft-energy-policy-framework---hsc-feedback.pdf](#)

Submitted on Mon, 29/01/2024 - 19:02

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Julie

Last name

Ryland

I would like my name and personal contact details to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Hornsby 2077

Please provide your view on the project

I support it

Submission file

[draft-energy-policy-framework---hsc-feedback.pdf](#) (86.63 KB)

Submission

Please see copy of submission attached

I agree to the above statement

Yes

29 January 2024

NSW Department of Planning, Housing and Infrastructure

To Whom it May Concern,

Feedback regarding the Draft Energy Policy Framework

Hornsby Shire Council is pleased to see that the NSW Government has created the Draft Energy Policy Framework and while we applaud the intent, we feel that there are gaps in what it covers.

Firstly, the Framework provides guidelines for Wind Energy, Transmission and Solar Energy but doesn't cover other renewable energy options such as wave energy, thermal energy, pumped hydro, bioenergy or compressed air.

Second, the focus of the Framework continues to be on the Renewable Energy Zones (REZs), which the government's own electricity review has shown are running behind schedule and are over budget. Furthermore, most projects are feeling the wrath of the impacted local communities due to transmission requirements.

It's our view that there are renewable energy options in metropolitan areas, including in Hornsby Shire, which provide the opportunity for the power to be generated where it is most in demand. There is also indication that there are private investment funding partnerships and opportunities available.

We note that the 18 August 2023 machinery of government change committed to creating a new Department of Climate Change, Energy, the Environment and Water (DCCEEW). We also note that the NSW budget committed to fund a \$1 billion Energy Security Corporation (ESC). This is a positive step, and we look forward to working collaboratively with these agencies to reduce emissions and achieve net zero within the required timeframe.

We urge the NSW Government to accelerate the creation of the DCCEEW and the ESC and welcome the opportunity to discuss how Hornsby Shire could be used as a near-term pilot for the bodies tasked with addressing gaps in the current market, and improving the reliability of our electricity network as we transition to renewables.

Yours faithfully,



Julie Ryland
Acting Director, Infrastructure & Major Projects
Trim Reference: F2021/00252

Reference: SH DEP



8 February 2024

Mathew Riley
Energy Assessment
Department of Planning and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

energy.resourcespolicy@dpie.nsw.gov.au

Dear Matthew

Response to Draft Energy Policy Framework- Suite of Documents

Lithgow City Council welcomes the opportunity to provide feedback on the Draft Energy Policy Framework. Council would like to acknowledge the considerable work by the Department in developing this framework to assist all stakeholders to navigate the process of transitioning to renewable energy in NSW in a more consistent, transparent, and efficient manner.

Nationally, development of renewable energy infrastructure is accelerating to progressively replace coal-fired power generation. Because of this city's current reliance on coal mining and coal-fired power generation as key components of the local economy the impact of the energy transition on the Lithgow community and economy will be significant.

But the Lithgow LGA also has existing high voltage transmission infrastructure, which can provide grid support and a critical link between the Central-West Orana REZ and Sydney. The LGA also has key natural resources that are suited to renewable energy generation, including land, solar and water.

While Lithgow is located outside of the declared Renewable Energy Zones (REZs), it is an area highlighted as exhibiting suitable locations for both wind and solar developments within the respective guidelines.

Lithgow is already attracting considerable interest from the renewable energy sector which has seen:

- Approval of Wallerawang Battery No 9, a BESS with a capacity of 500MW.
- Approval of Great Western Battery, a BESS with a capacity of 500MW
- Proposed Pinecrest Solar Farm, with a capacity of 100MW, has requested SEARs.
- Proposed Pumped Hydro Energy Storage System, a 350MW capacity, has had SEARs issued and is preparing an EIS.
- Proposal for a combined wind, solar and BESS at another location within the LGA is at the scoping stage.

From the above, it would seem that Lithgow is also likely to be part of the solution to the renewable energy transition. Fortunately, lessons can be learned from this city's long history of being a host for major coal mining and coal-fired power generation operations on behalf of the state of NSW.

It is patent that the Lithgow community has not been supported with sufficient community benefits which would both offset the impacts of these operations, as well as assist in shaping and growing a more socio-economically resilient community. In fact, the chronic under-investment has contributed to generally poor socio-economic standing for this city. If past and current policy and practice, by governments and the private sector have created this outcome, then the case is made for a radical improvement.

It is most important that the policy settings for renewable projects much more effectively mitigate and offset the potential impacts, and underpin the development of strong communities.

Council generally welcomes and supports the suite of guidelines, technical supplements, supporting documents and tools. Council's comments herein relate predominantly to the ***Draft Benefit Sharing Guideline***.

Application

Council welcomes the 'benefit sharing policy approach' for large scale renewable energy projects (all solar and wind energy generation projects) that are declared State Significant Development (SSD). The 'benefit sharing policy approach' should be applied irrespective of whether or not the renewable energy projects are located within one of the declared Renewable Energy Zones.

However, Council would like to see the application of the guideline be extended to other forms of renewable energy projects including stand-alone battery energy storage systems and pumped hydro energy storage systems as these forms of renewable energy projects are also often strategic in nature with limited connection to local community enhancement (pg5), especially for those communities outside the REZ. In addition, these are also projects that have limited scope for collecting infrastructure contributions other than through the Voluntary Planning Agreement mechanism (pg8). Exclusion from this guideline may lead to proponents of these forms of renewable energy projects being unwilling to negotiate fair and reasonable Voluntary Planning Agreements.

Council strongly supports that the guideline will apply where SEARs have already been issued if the project's Environmental Impact Statement (EIS) has not been submitted within 6 months from the date of publication of the guideline.

Council supports the guideline also being considered when preparing and assessing applications to modify an SSD for large-scale renewable energy project, where a Development Approval modification seeks to increase the generating capacity of a project.

Council supports the guideline clarification that initiatives or measures needed or required to manage, or mitigate, the projects impacts in order to obtain approval are NOT considered to be benefit sharing initiatives.

Policy Principles

Council generally supports the six policy principles outlined in Section 3.1 of the Guideline to be applied to the consideration of benefit sharing in the assessment of projects. This includes the proposed design, establishment and management of specific community benefit sharing initiatives.

Mechanisms for sharing benefits

Council recognises that there are different levels within a community at which the proceeds of renewable energy projects can be distributed or directed to, such as 'neighbourhood' and 'local community benefits'.

However, Council does NOT support allowing 'local community benefits' generally greater in financial value and having a greater number of recipients or benefactors, to be administered by the applicant for the following reasons:

- It usurps the role of Local Government to administer and manage local development contributions or funds in the best interests of the whole community, or the broader public, and in accordance with the statutory Integrated Planning and Reporting Framework.
- Community organisations or institutions may not have the capacity or governance structures to administer the funds appropriately and are not subject to the same scrutiny and legislative compliance and reporting obligations as is Council as outlined on page 12.
- Applicants determining the distribution of funds may not consider the broader community interests.
- Funds administered by the applicant or community organisations may result in additional capital works being undertaken outside of Council's approved works programs. These capital works are likely to be ultimately transferred to Council with their inherent maintenance and replacement costs throughout the asset's lifecycle. This aspect of assets lifecycle management may create unsustainable future financial burdens for communities instead of an overall community benefit.

Council supports the use of the planning agreement mechanism to establish a community benefit fund providing the opportunity to consolidate funds from multiple energy projects thereby giving Council the ability to deliver higher value community projects and services. This will ensure suitable legacy and sustainable projects are outcomes of funds and strategic considerations rather than potentially lower value reactive projects.

Council does NOT support the position that planning agreements should automatically include a provision requiring the planning agreement to be reviewed and renegotiated in the event of any changes to the local government rating system that would materially affect rates payable for renewable energy development.

Considerations for Council's position on this provision include that:

- Mining projects located on land rated for mining have no such adjustment mechanism within planning agreements or development contributions plans.
 - Renewable energy projects will industrialise agricultural lands yet not deliver the long-term jobs or indirect economic multiplier that mining does.
- Therefore, Council does not agree that the scope of development

contributions should be reduced due to any future amendments in land rating systems. At the very least, this position should not be included in the guidelines until the consequences of any change to the local government rating system based on improved capital value can be duly considered by all stakeholders.

Proposed model and total value of benefit sharing

Council supports the guideline requirement for applicants or large-scale renewable energy projects to outline their proposed model of community benefit sharing in the EIS.

However, Council does NOT support the draft guidelines benefit sharing rate of

- *\$850 per MW p/a for solar energy development, or*
- *\$1050 per MW p/a for wind energy development,*
paid over the life of the development and indexed to CPI

as total funding value calculated by adding together proposed funding amounts for any 'neighbourhood benefit initiatives' and any 'local community' benefit initiatives (whether or not Council-managed or otherwise).

Council supports the setting of a benefit sharing rate as the most transparent and consistent way to determine community benefit payments for all stakeholders. The guideline would benefit from including detail as to how the recommended rates have been arrived at. Once detail is available on how the recommended rates have been arrived at Council will be able to provide a more informed response and position.

Council recommends that the full amount of any rate set within the guideline should be allocated direct to Councils through the planning agreements. Should the applicant wish to avail themselves of a combination of mechanisms then that amount should be over and above the set benefit sharing rate. This would avoid confusion over calculation rates.

General Comments

Council commends the Department in recognising and addressing the challenges faced by regional communities in relation to the on-ground and intangible effects of the State's energy transition.

Lithgow will be disproportionately impacted by the decarbonisation of the energy sector and the movement to achieve net zero by 2050. Along with this challenge also comes an opportunity to build on Lithgow's existing energy transmission infrastructure and resources to facilitate a switch to renewables production locally, and support electricity supply from the Central West Orana REZ to greater Sydney. But it will be unconscionable for Lithgow to continue to host such infrastructure on behalf of the state of NSW, bear the impacts and not receive community benefits which can facilitate a more resilient and socio-economically rich community.

Council strongly supports the benefit sharing approach to distribute the proceeds of renewable energy projects fairly and equitably within the communities that host them.

Council strongly supports the development of a community enhancement fund as a means to most suitably deliver the funding to best value and strategically planned projects.

Consultation and inclusion of local government and communities within the process of assessing and determining the renewable energy projects is critical. The ability for these projects to be determined as State Significant Infrastructure, or Critical State Significant Infrastructure, should not diminish the role of local government to represent the interests of its community nor the right of the community to be duly and properly consulted and heard.

In this rapidly changing environment, regular reviews of the energy policy framework will be imperative to remain contemporary and relevant.

If you require further information or clarification of any comments within this submission do not hesitate to contact Sherilyn Hanrahan, Strategic Land Use Planner, at sherilyn.hanrahan@lithgow.nsw.gov.au or phone 6354 9906.

Yours sincerely

Craig Butler
GENERAL MANAGER

Council Reference: 19/00046

31 January 2024

Department of Planning, Housing and Infrastructure
Energy Resource Policy

SINGLETON COUNCIL SUBMISSION – ENERGY POLICY FRAMEWORK

In December 2023, the then Department of Planning and Environment placed the Energy Policy Framework on public exhibition. The Energy Policy Framework has been developed to provide consistency to the assessment of State significant renewable energy developments, such as wind farms, solar arrays, and transmission networks. The Energy Policy Framework includes guidelines for the establishment of benefit sharing arrangements with locally affected communities and the broader host local government area.

The Singleton Local Government Area (**Singleton**) is located centrally within the Hunter Renewable Energy Zone (**REZ**). Singleton is currently experiencing significant development pressures, including expansion of existing coal mining operations, wind and solar project development, construction of the Hunter Gas Pipeline as well as critical State significant infrastructure in the Hunter Transmission Project.

More broadly, Singleton provides a necessary transport corridor for over size, over mass (**OSOM**) vehicles used to transport renewable energy components beyond the Hunter REZ and into the Central-West Orana and New England REZs. The impacts expected within Singleton are both direct (through new renewable projects) and indirect (through transport and transmission).

The impacts of the renewable transition for Singleton are significant and requires careful strategic management.

To support our submission, council staff have reviewed the following documents in relation to the Framework, as well as Framework supporting documents:

1. Draft Energy Policy Framework

2. Wind Energy Guideline
3. Transmission Guideline
4. Solar Energy Guideline
5. Benefit Sharing Guideline
6. Clean Energy Council – A guide to benefit sharing options for renewable energy projects (2019)
7. Mid Western Regional Council – Managing the impacts of State significant development (November 2023)

Overview

The Framework provides overarching technical support to the development industry on expectations in relation to individual projects for wind, solar and transmission of energy. Council supports the need to provide clear direction, consistency and transparency in the assessment of impacts of renewable development projects.

The Framework, however, does not include consideration of the cumulative impacts of these developments in combination within and across local government areas. These cumulative impacts will affect housing, infrastructure, water demand, waste services, emergency response as well as transport routes and how energy is stored for transmission. Mid-Western Regional Council documented these impacts in the report *Managing the impacts of State Significant Development* published in November 2023.

Whilst some consideration of the cumulative impacts is being undertaken by EnergyCo, the Framework is unclear on how these works will integrate at the individual project level. Some critical areas that require strategic assessment as a clear priority include:

- The use of State and Local transport networks for the transport of OSOM loads, in the case of the Bowmans Creek Wind Farm, OSOM loads will traverse through five (5) local government areas.
- The need for, and capacity to provide, short term rental accommodation and/or other types of accommodation to support construction workforces.
- The need for, and capacity of, energy transmission to critical servicing points in the greater metropolitan area.
- Where, how and at what capacity storage of renewable energy will take place.

Without a strategic understanding of these needs, individual projects will be required to address these matters on a case-by-case basis. Whilst the Framework could benefit from a Cumulative Impact Guide to assist in assessing these impacts as a project level, for Singleton, additional resources in land use planning and engineering would be required to provide advice and manage post approval logistical issues for an increasing suite of State significant projects.

The Framework lacks alignment with the NSW Circular Economy Policy, Housing 2041, Future Transport Strategy, the relevant Regional Plan and Local Strategic Planning Statement, as well as the relevant Community Strategic Plan. These documents set the long-term strategic vision and direction at a local, regional, and State level for critical infrastructure needed to support the transition. Additionally, the Framework must consider the *State Environmental Planning Policy (Infrastructure and Transport) 2021* and include consideration of additional Regional Cities maps to support recent REZ announcements.

The Framework is narrow in that it only considers wind, solar and transmission projects. The renewable energy project pipeline includes battery storage, pumped hydro, green hydrogen, geothermal and waste to energy projects. Guidance on these development types is required to ensure consistency, transparency and consideration of the cumulative impacts.

Singleton Council supports Muswellbrook Shire Council's submission seeking improved capability of the local Rural Fire Service (**RFS**) network. As a volunteer organisation, reliance on the RFS fire fighting capabilities in the event of an electrical fire in high voltage renewable energy projects is considered to be high risk. Developing dedicated emergency response capabilities in the region would be highly beneficial to diversifying the skills base, particularly in Singleton. Singleton is home to Coal Services which incorporates the Mines Rescue and Training services. These services could be retrained and redeployed to develop emergency response skills and provide broader coverage across regional NSW.

The Solar Energy Guideline and Wind Energy Guideline

Singleton Council supports the proposed changes to the Solar Energy Guideline, particularly where the changes provide greater clarity, consistency and transparency in assessment outcomes. The relationship between solar and wind projects and agriculture can be challenging. The State Environmental Planning Policy (Resources and Energy) 2021 (**Resources and Energy SEPP**) sets out at clause 2.19 consent authority considerations for compatibility of mining, petroleum production or extractive industries with existing and approved land uses in the vicinity of the development. Council recommends that the guidelines be updated to include consideration of compatibility with existing, approved and future land uses, as well as other matters set out in clause 2.19 of the Resources and Energy SEPP, such that renewable energy projects can be undertaken in harmony with existing or future agricultural activities on the land.

In its submission on the Bowmans Creek Wind Farm Project, Council identified a number of concerns regarding the use of local transport links to access sites for construction and the long-term management and maintenance of local roads. There are a number of concerns that are not addressed in the Wind Energy Guideline, being the following:

1. The role of EnergyCo and Transport for NSW in the assessment of impacts along the entire transport route (Port to Site) and how individual proponents are taking this into consideration.
2. The road upgrades required to allow for heavy vehicle transportation of turbine components are significant. Many of the roads in Singleton are not capable of supporting two lane traffic, comprise unformed shoulders, gravel surfaces, steep grades and rudimentary drainage structures. These upgrades, once completed, will place downward pressure on councils to maintain the standard, not just for the life of the Project, but in perpetuity. The consequences of this on council resources (including financially) has not been considered.
3. There is no consideration in the Guidelines of transmission infrastructure needed to convey the energy generated either directly to users or to centrally located battery storage sites for distribution. Interaction of transmission lines for wind and solar projects with council owned infrastructure (eg road reserves) is complex. The legal basis for using a road reserve for the installation of private infrastructure is unclear. Under the *Roads Act, 1993*, approval to use a road reserve for a specific purpose is generally granted by the roads authority. What happens if the roads authority (Council) elects not to grant approval for a proposed private use?

The Guidelines should include:

1. Clarity on how transport impacts are to be assessed by individual projects and the relationship between project specific assessment and the work carried out by EnergyCo and Transport for NSW.
2. A requirement to factor into the cost of development is the need to provide long term maintenance for road upgrades, through the provision of a road maintenance bond.
3. Considerations to be made when seeking to install transmission infrastructure on council owned land. These considerations could include:
 - a) Ensuring the requirements of the *Roads Act 1993* are met, in particular a requirement for the Applicant to consult with and provide detailed designs as well as obtain consent from the road authority (Council), prior to lodging development application for the project;
 - b) Ensuring the proposed infrastructure does not impact on existing and/or other future users of the subject public land;

- c) Ensuring management of the underground infrastructure is undertaken in a transparent, safe and responsible manner, at no cost to council or other road users;
- d) Addressing the impacts and risks associated with the design, construction, maintenance and decommissioning of the transmission lines;
- e) Ensuring road use remains functional and the installation considers all viable options ahead of within the formed road;
- f) The financial responsibilities of the Applicant in relation to legal costs, bond, restoration, liabilities and indemnities, compliance, compensation for easements and long term maintenance of the road reserve;
- g) Outlining the legal framework and requirements for installation of high voltage transmission lines in the road reserve; and
- h) Establishing a framework for communication, emergency response, maintenance and compliance.

Benefit Sharing Guideline (Guideline)

Benefit sharing consists of a range of approaches and mechanisms to distribute financial and other benefits between renewable energy proponents and the impacted communities. The current benefit sharing guideline is limited in scope to wind and solar projects, however there are a number of ancillary developments to these projects that the guideline should also apply to, including transmission lines and battery storage. These aspects of the developments are likely to be hosted in different local government areas where the guidelines do not apply.

Council supports the principles behind benefit sharing (standard, collaborative, transparent, community focused, proportionate and delivering net-positive outcomes) and agrees that traditional contributions schemes are unlikely to cater for these types of developments, that the local rating system does not generally cater for renewable improvements (in the same way mining projects do) and that, once constructed, renewable energy projects have lower levels of ongoing employment.

The Guide to Benefit Sharing Options for Renewable Energy Projects prepared by the Clean Energy Council in 2019 lists a range of mechanisms for community benefit sharing. These include:

- Neighbourhood benefits
- Sponsorships, grants and legacy initiatives
- Local jobs, training and procurement
- Employee volunteerism
- Innovative products
- Innovative finance and co-ownership
- Beyond compliance initiatives

These types of benefits can be considered either as benefit sharing or within a proponent's corporate social responsibilities. Mechanisms such as employee volunteerism, innovative products, innovative finance and co-ownership and beyond compliance should not be incorporated into a benefit sharing package that is subject to meeting the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Guideline, whilst referencing the Clean Energy Council's guide, identifies neighbourhood benefits, community benefits and regional benefits as mechanisms through which a benefit sharing arrangement can be made. It is not clear in the Guideline the relationship between these benefits and those outlined in the Clean Energy Council guide.

Under the Guideline, neighbourhood benefits are designed to support local communities and neighbourhoods in direct proximity of a project. In Singleton's case, renewable energy projects are likely to be in remote, often difficult to access, locations. As such, the benefits at a local neighbourhood level are more likely to consist of direct benefits such as roof top solar, sponsorship programs, direct local community programs and subsidies or investment and co-ownership opportunities. These benefits fall outside the public benefit definition of clause 7.4(2) of the EP&A Act. As such, these types of benefits should not form part of any benefit sharing package.

The Guideline includes consideration of neighbourhood benefit sharing as part of a broader package that can be centrally administered and distributed. Singleton Council has had experience with these types of models in the past, in the form of planning agreements with local mining companies. These types of arrangements are administratively complex and require significant management oversight to ensure transparency and timely delivery of approved outcomes. In addition, neighbourhood benefits are likely to be difficult to report on and their disclosure may result in confidentiality or commercially sensitive consequences.

Community benefits form the largest component of a benefit sharing agreement. The Guideline allows these benefits to be administered as either council-managed initiatives or proponent driven initiatives. Council is not supportive of community benefits being administered by proponents, as proponent driven programs lack standardisation, transparency and accountability.

Singleton Council has significant experience with community benefit agreements that provide for the consolidation of funds through the planning agreement framework set out in the EP&A Act. Council has developed a Planning Agreement Policy and supporting templates that align to the NSW Department of Planning, Housing and

Infrastructure Planning Agreements Practice Note. The Guideline should be consistent with the requirements of the Practice Note.

Regional benefits are coordinated through EnergyCo to share benefits across LGAs within the REZs. The collection of fees through the *Electricity Infrastructure Investment Act 2020* and supporting Regulations is supported by Singleton Council. However, it is not clear in the Guideline how these fees will be collected, the apportionment of fees across affected LGAs and the mechanisms for disbursement and oversight. Whilst it is noted that these benefits fall outside the EP&A Act requirements, it is difficult for councils to determine the overall benefits at a local community level without this detail.

Council is supportive of the benefit sharing rates nominated in the Guideline, as follows:

- \$850 per megawatt per annum for solar energy development; or
- \$1,050 per megawatt per annum for wind energy development.

These payments would be made over the life of the project and indexed to the Consumer Price Index. Council notes that these rates should be periodically reviewed (at least every three years).

Expenditure under a community benefit agreement should include consideration of the costs of administration of the agreement to councils and the community and should link to the adopted Community Strategic Plan and supporting strategies in place at the time the agreement was made. At a minimum, projects funded under a community benefit agreement should meet the requirements of clause 7.4 of the EP&A Act. For this reason, council does not support amalgamation of neighbourhood benefits with community benefits to derive the total benefit sharing package.

It is noted that the Guideline does not apply to transmission projects, nor does it apply to the transmission component of a project (particularly where the transmission is undertaken in a different local government area). Council considers that benefit sharing should apply to all renewable projects, including transmission lines, battery storage, pumped hydro, green hydrogen, geothermal and waste to energy projects.

Conclusion

Singleton Council has carefully considered the Energy Policy Framework and makes the following recommendations:

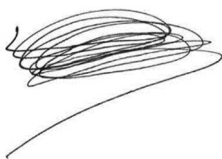
1. Establish the relationship between the strategic cumulative assessment required for housing/accommodation, transport, energy storage and transmission and the project specific assessment requirements.

2. Align the Framework to broader whole of government policy in relation to waste, the Infrastructure and Transport SEPP and local policies.
3. Apply the Framework, including the Benefit Sharing Guideline, to a broader suite of renewable energy development types.
4. Increase the capability of local RFS operations and capacity build within regions that host Mines Rescue and Training capability.
5. Consider the treatment of a clause similar to that of clause 2.19 in the Resources and Energy SEPP.
6. Ensure the Solar Farm Guideline and Wind Farm Guideline include consideration of council assets and infrastructure, in particular, the role of the *Roads Act 1993*, and the role of council as the roads authority in granting approval to install private infrastructure in road reserves.
7. Ensure the Benefit Sharing Guideline is clearly aligned with the requirements of clause 7.4 of the EP&A Act when it comes to public benefits.
8. Remove proponent driven neighbourhood benefits from the Benefit Sharing Guideline, as these are not consistent with the EP&A Act.
9. Include details on how network infrastructure access fees will be calculated, collected, apportioned across affected LGAs and the mechanisms for disbursement and oversight.

I would like to thank the Department for the opportunity to provide comment on the draft Framework.

If you have any further enquiries, please do not hesitate to contact Mary-Anne Crawford on telephone 02 6578 7290 or email mcrawford@singleton.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Mary-Anne Crawford', with a long, sweeping underline.

Mary-Anne Crawford
Manager Development and Environmental Services