

Why are solar energy projects important and how are they regulated?

The NSW Government supports the development of a sustainable solar energy industry in NSW. This State has valuable solar resources with many of the best areas located near existing electricity transmission infrastructure.

Solar energy projects not only generate clean energy, but also support jobs and investment, particularly in regional areas. However, the potential impacts of solar energy projects need to be managed to ensure they are accurately identified, and any adverse outcomes are minimised.

As the approval authority for State significant solar energy projects, the Department of Planning, Industry and Environment is also responsible for monitoring compliance with the conditions of approval. It is important that this developing industry constructs and operates their projects responsibly.

When are solar energy projects classed as State Significant Developments (SSD)?

Under the State Environmental Planning Policy (State and Regional Development) 2011, solar energy projects are classified as an SSD when the capital investment value of the project exceeds \$30 million (or \$10 million in a prescribed environmentally sensitive area).

How many solar energy projects have SSD approvals and what is their status?

Status (as of 1 April 2020)	Total
Operational	11
Under construction	8
Approved, but yet to commence construction	26
	45

What was the focus of the inspections?

Since December 2018, the Department has undertaken 49 inspections of 28 solar energy projects across NSW (which included proactive, reactive and surveillance inspections). The Department liaised with relevant government agencies such as the Biodiversity Conservation Division (former NSW Office of Environment and Heritage), Roads and Maritime Service as well as local councils.

These inspections have been focused on monitoring:

- Vegetation and Landscape management;
- Land management including weed management and erosion and sediment controls;
- Visual management;
- Aboriginal and cultural heritage management;
- Emergency response plans;
- Road upgrades and management; and
- To ensure that construction works had not commenced prior to meeting requirements.

What did we find?

The solar energy projects inspected were generally found to be constructing or operating in accordance with their conditions of consent that had been triggered however, some formal enforcement actions were undertaken, and the Department has identified and communicated opportunities for improvement.

Formal Enforcement Actions

June 2019 – Beryl Solar Farm

The Department issued a \$6,000 Penalty Notice to the Downer Utilities Australia Pty Ltd for failing to obtain a construction certificate prior to building works commencing at the Beryl Solar Farm. Downer reported the breach to the Department, acknowledged its responsibility and commissioned an independent assessment of the 'as built' works.

The assessment certified that the buildings and structures were safe for the intended use. On 14 June 2019, Mid-Western Regional Council issued three Building Information Certificates for the works.

December 2018 – Manildra Solar farm

The Department issued a \$15,000 Penalty Notice to RCR O'Donnell Griffin Pty Ltd for undertaking cut and fill activities in excess of areas stated in the approved Construction Environmental Management Plan for the Manildra Solar Farm.

Nearly three times the approved area was found to be disturbed (33.5ha compared to the approved 13.11ha), with the potential for air quality and sediment control issues. Construction of the development is now complete. Follow up inspections of the site have been undertaken and rehabilitation of the area is progressing.

Improvement Opportunities

Vegetation establishment and management

The Department acknowledges that many sites have been impacted by recent/ongoing drought conditions which has affected the success of tree plantings. The Department wrote to those proponents requesting that in consultation with an ecologist, they develop long term solutions in consideration of local conditions to increase the success of tree screens and other vegetation on site. Additionally, it was observed that on some sites, weed management requires further attention.

Details of formal enforcement actions taken can be found in [our monthly compliance reports](#).

What are the ongoing monitoring and future actions?

The Department will continue to monitor solar energy developments across NSW and investigate allegations of non-compliance to ensure projects comply with their conditions of consent.

The Department will also re-visit sites to assess the progress of vegetation plantings and to monitor weed management.

Where can I find more information?

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