



**May 2018**

**AgForce Submission**

**Queensland Solar Farm Guidelines Submission**

## INTRODUCTION

AgForce is the peak rural group representing the majority of beef, sheep & wool and grain producers in Queensland. The broadacre beef, sheep and grains industries in Queensland generated around \$6.8 billion in gross farm-gate value of production in 2015-16. AgForce exists to facilitate the long-term growth, viability, competitiveness and profitability of these industries. Our members provide high-quality food and fibre products to Australian and overseas consumers, manage around 40 per cent of the Queensland agricultural landscape and contribute significantly to the social fabric of rural and remote communities.

While AgForce supports the growth and prosperity of rural and regional Queensland, we are keen to ensure the negative impacts of energy developments, such as solar, are minimized, especially as agricultural land use competition increases. As such AgForce welcomes the opportunity to provide comment on the *Draft Queensland solar farm guidelines: Guidance for local governments*; and, *Queensland Solar Farm Guidelines*.

The following submission will address nine specific areas of concern and will make recommendations for how these can be better managed in the final guidelines. In a similar vein to advice previously provided by AgForce during the *Queensland solar planning guideline: targeted stakeholder group workshop*, we strongly support agricultural land being preserved for the purposes of agricultural production for future generations. For agricultural land (broadacre cropping) to be simply another ‘competing land-use’ is utterly inadequate, given it only covers a decreasing 2.1 per cent of the land area, and especially given the area of existing agricultural land which will now be rendered less productive due to changes to the *Vegetation Management Act 1999*.

AgForce implores the Queensland Government to contemplate the recommendations below and is available to meet at your convenience to further discuss our concerns.

### ISSUE 1: TWO REFERENCE GUIDELINES FOR ASSESSMENT OF SOLAR ENERGY PROJECTS

The development of two separate guidelines has been raised as a concern by numerous stakeholders when discussing this matter. The presence of two documents (one for local government and the other for proponents and stakeholders) has the potential for either inconsistency, confusion or for one document to be overlooked. It is of concern that those engaging in solar energy projects will be faced with confusion as to which document they should be referencing, depending on the facet under consideration. Whilst AgForce, acknowledges the need for the content of both documents, the purpose of separating the guidelines is not apparent. Consistency of language and meaning across these two documents is critical and will be raised further under *Issue 2* of this document.

#### **Recommendation 1**

AgForce recommends merging the two guidelines to provide ‘one source’ of information to reduce duplication, the potential for confusion and inconsistency. If two guidelines are to be progressed, AgForce recommends that both guidelines be more closely aligned in language, terminology and clearly cite that the other exists.

## ISSUE 2: TONE OF LANGUAGE

Both guidelines use of ‘soft’ or non-directive language such as ‘should’, ‘may’, ‘consider’ etc. is a format that does not reassure landowners about the effectiveness of the process in protecting their interests or agricultural land for industry. The language used offers no clarity for local governments and landowners when assessing applications, for the recommended approach or response is not clearly stated. This language tone again highlights a primary concern held by the agricultural industry that these guidelines hold no authority and will only be used when it best serves the Council’s agenda rather than benefiting and having the needs and rights of the community and landholders front of mind when undertaking a solar facility development.

It is understood that these guidelines have been developed to build the capacity of local government and equip stakeholders with the necessary information to understand the assessment of these projects. However, the tone and language adopted doesn’t provide a clear framework and clear understanding of what all the involved stakeholders understand as best practice for engagement.

### **Recommendation 2**

Stronger guidance and indication of activities and responses that are best practice should be included coupled with more directive and less-passive language. Similarly, the conditions by which applications will be assessed should be included for the benefit of local government, landholders and proponents.

The use of the term ‘farm’ should not be continued, for solar electricity facilities are not agricultural farming enterprises to which the term is commonly understood to apply. The Macquarie Dictionary defines farm to be land devoted to agriculture or to cultivate land for crops or to raise livestock. We don’t call other energy projects, like coal seam gas wells and coal mines, farms and neither should it be applied to the industrial collection of sunlight energy, at least until the collection panels grow organically. It appropriates in an unwarranted manner the trusted position in society of farms and farming and implies these projects are interchangeable with agricultural farming practices. Other jurisdiction’s guidelines have adopted alternative terms for this renewable activity such as ‘solar electricity facilities’ or ‘solar projects’ and this is strongly encouraged.

### **Recommendation 3**

The term ‘farm’ isn’t appropriate and the term ‘solar electricity facilities’ or ‘solar projects’ should be adopted. Other jurisdiction’s guidelines have adopted alternative terms for this activity.

Whilst the intended audience differs from the local government document the terminology in the ‘Solar Farm Guidelines’ document has to be consistent. For example, critical terms relating to agricultural land have been simplified, such as ‘*avoids good quality agricultural land*’ (p. 19 and p. 24). This terminology is ambiguous and does not provide clarity regarding the intended classification of land. Maps of agricultural land for land use planning purposes exist and, while a number of definitions are in use (GQAL, PAA, SCA, Class A, etc.), these should be used consistently for project assessment purposes. In short, language such as this is subjective and does not align to the classifications as widely accepted.

**Recommendation 4**

The guideline’s language needs to have greater intention and clarity around statements. Correct terminology must be used such as ‘ALC Class A and/or B land’ to ensure the proponent and other stakeholders are aware of the document drafter’s intentions.

**ISSUE 3: INCLUSION OF TRIGGER IN PLANNING REGULATION TO ENSURE STATE INVOLVEMENT IN PROCESS**

Both guidelines refer to technical and social considerations the proponent and assessor must consider, however these deliberations fail to clearly consider the implications solar facility development sites would have to the agricultural industry and the overarching state interest in protecting Queensland’s highly productive agricultural land.

Specifically, section 3.0 of the *Draft Queensland solar farm guidelines: guidance for local governments* fails to include the following state interest considerations that local councils should be taking into account regarding agricultural land:

1. Potential land uses
2. Identification of land use constraints
3. Identification of current agricultural land uses
4. Identification of suitable land (non-agricultural) that is available for development.

These considerations are critical to ensuring the longevity of the agricultural industry and without reference and consideration during the assessment stage there will be cases in which large areas of viable and highly productive land across the state will be locked up for many decades, if not longer. There are also cumulative impact considerations on agriculture, that are applied to other energy projects like mining, that occur across local government boundaries and that should also be included.

**Recommendation 5**

A hierarchy of land use could be a suitable tool of assessment that addresses other constraints imposed by existing legislation. If such a methodology were to be developed there is the opportunity to highlight what land classifications can be used for what purpose. For example, irrigated or improved pastures or cropped land should be clearly prioritised by governments and protected from progressive encroachment.

These guidelines and the issues they address highlight the need for state involvement and a triggering of state parties input into the assessment. A consistent and concurrent role of the state is necessary for it is in the interest of these land assets when being considered for competing uses. Timber, road, rail, agricultural land and irrigated agricultural land are being overlooked as they fall outside the Strategic Cropping Areas (SCA) and Priority Living Area (PAA). This deficiency should be remedied urgently through legislative change.

**Recommendation 6**

State (Department of State Development, Manufacturing, Infrastructure and Planning) involvement should be triggered for a project call-in during the planning and approvals process to ensure all the state interests are considered ahead of a development proceeding.

#### **ISSUE 4: REVISION OF OVERARCHING PLANNING FRAMEWORK FOR AGRICULTURE**

Currently, sites of solar energy facilities are being driven by the individual proponents and these guidelines are intended to deal with this specific situation. If the Queensland Government is seeking to achieve its renewable energy target of 50 per cent of supply by 2030, work needs to be done to indicate to potential proponents where these projects are best suited to take place. There is a need for a revision of the overarching planning framework which articulates the value of agricultural land assets and indicates how competing sites are to be considered.

##### **Recommendation 6**

Proactive work should be undertaken to determine characteristics of ideal solar facility sites and where possible sites are to be located away from other significant areas. This would reduce land conflicts and ensure industries are looking to advance projects that are mutually beneficial.

The lack of specific reference to agricultural land is of concern to the agricultural industry and landowners. The opinion taken in the *'Guidance for local governments'* document gives the impression that urban areas are valued higher than that of agricultural areas:

*Section 2.0: 'Solar farms are typically located in rural areas because of availability of large sites in single ownership, reduced costs of land and increased separation from sensitive urban areas'.*

This sentence suggests that only urban areas of land have higher weighting for significance than that of agricultural or rural land. This should not be the case and areas such as Priority Agricultural Areas and ALC A and B should be avoided by other alienating developments and viewed as being land that is also sensitive. Concerning impacts, these areas and the people and communities that live in them should be treated no differently to that of urban areas. Rural land should not be viewed and represented as being land suitable for 'hard-to-locate' industries such as solar developments. Consideration should be given to ensure adequate buffers are in place to address the potential impact of these developments.

##### **Recommendation 7**

Guidelines should consider revision of language and implications of the perception of statements like this that could be construed to devalue the agricultural industry, rural region, non-urban land and community.

#### **ISSUE 5: LACK OF DATA AND TRANSPARENCY**

There is a lack of transparency as to where solar energy facilities have been approved for development. It is understood that the existing framework for assessment does not promote or support a reporting back function to the state to indicate where projects are set to occur. Understanding where projects are planned to occur or occurring, would benefit decision makers in gaining an overarching view of land types that are being used for these sites and assist in determining what is being considered 'ideal' locations (as mentioned in Recommendation 6) to best manage individual and cumulative impacts.

##### **Recommendation 8**

Establishment of a reporting mechanism whereby assessors are required to feedback data to the state (proposed to be The Department of State Development, Manufacturing, Infrastructure and Planning) on

where projects are planned for development and where development is underway. Information should be transparent and available to the agricultural industry and other interested stakeholders.

#### **ISSUE 6: LIFE AND DECOMMISSIONING OF THE ASSET**

Concerns have been raised when considering the life of these assets and the conditions associated with the decommissioning of solar energy facilities at the end of their life. It can be noted that there are inconsistencies arising across Queensland between local governments when considering the viable life of the asset.

##### **Recommendation 9**

The guidelines should make recommendations as to accepted and best practice standards of decommissioning to ensure consistency across Queensland as to how proponents should be engaged on and make undertakings concerning this matter.

The Queensland *Solar Farm Guidelines* refer to decommissioning in the ‘development stage’, stating the provider needs to ensure rehabilitation requirements are met when determining when the project is being planned and approved. However, in the ‘planning and approvals’ section of the *Queensland Solar Farm Guidelines* there is no reference to this consideration and requirements, including financial assurance. It is important that those who are using this document are being presented with all necessary considerations.

The life of the project presents a challenge to agriculture – for whilst there may be adequate conditions in place and identified by the provider regarding rehabilitation ahead of the project commencing, the impact to the final productive qualities of that land are still unknown. The likelihood of sterile land and reductions of productivity is unknown given the longevity of these assets. Environmentally friendly disposal of the solar facility components and subsequent restoration of the land (whilst this is not set to occur for decades), must be addressed in these guidelines rather than only assessing the present establishment concerns.

##### **Recommendation 10**

Consideration should be given to the fact that these sites may not be returned to the original purpose for 20 to 30 years or longer. For as technology progresses, solar panels and the associated resources may progress to a point where it is more suitable to replace the components than return the land to that of productive agriculture. So, prior to any project commencing, the effective preservation of agricultural land is critical.

#### **ISSUE 7: NON-STATUTORY GUIDELINES WITHOUT MANDATORY ENFORCEMENT**

Without a statutory head of power, these guidelines are placing responsibility on local governments to make the development decisions, if activities are code or impact assessable. Without the presence of a defined code like that of the *Wind Farm State Code and Guidelines*, individuals, business, communities and the environment are not protected from potentially adverse impacts from the construction, operation and decommissioning of these sites. A code identifies considerations that are critical to the

planning process and provides certainty to the proponents, local council, landowners and community. For example, the code would address concerns around chemical spray drift and how to prevent and minimise. A code would provide supporting information along with direction regarding suitable action to demonstrate best practice that results in compliance.

**Recommendation 11**

It is necessary for the protection of all stakeholders (including environmental) that there is a statutory power for the assessment and development of solar energy facilities. The presence of a mandatory Solar Facility Code would help ensure that the minimum protection requirements are met, and that best practice project development principles and practices are adhered to.

**ISSUE 8: CONDITIONS OF DEVELOPMENT**

It is important that all stakeholders are aware of their responsibilities and rights associated with any development project. On page 27 of the *Queensland Solar Farm Guidelines* under the construction section, some technical considerations are missing. Biosecurity and weed management conditions are not highlighted as a consideration for the proponent or any other stakeholders. These issues are briefly mentioned in other elements of the document; however, those references are vague. Biosecurity is everyone’s responsibility.

**Recommendation 12**

Proponents and local governments alike should be reminded of the necessary biosecurity requirements despite the limited maintenance these assets generally require. Biosecurity and weed and pest management conditions of development should be referenced as technical considerations that are typical for development and be enforced.

**Issue 9: Stakeholder engagement**

In defining the stakeholders that are directly involved and have interests in solar energy facilities, the identified segment of ‘community’ is one that is very broad and encapsulates a variety of interest, some of which may be conflicting or require greater engagement. Under the current drafted guidelines ‘community’ encapsulates; schools, community groups, local businesses, families, neighbouring landowners etc. It is the view of AgForce that neighbouring landowners should be viewed as being directly impacted by the development and as a result the nature of engagement should be more inclusive and consultative than that of the wider community.

**Recommendation 13**

Neighbouring landholders should be engaged and consulted and included as part of the affected ‘landholder’ stakeholder segment. This includes landholders who are adjacent to developments, including their access and easement routes.

**Conclusion**

AgForce welcomes the opportunity to provide feedback on the *Draft Queensland solar farm guidelines: Guidance for local governments; and, Queensland Solar Farm Guidelines*. It is important that these

guidelines are finalised with full consideration of the needs of all stakeholders and ensure the protection of agricultural land and landholders rights. Local governments should be resourced appropriately, for many do not currently have the expertise or capacity to assess these applications effectively (including cumulative impact management) and ensure conditions on the development are being complied with.

For any questions or further discussion on this submission, please contact Amelia Shaw, Policy Officer ([shawa@agforceqld.org.au](mailto:shawa@agforceqld.org.au)) on 07 3236 3100.