Clean Energy Council submission to the New South Wales Department of Planning, Industry and Environment: Proposed Infrastructure SEPP Amendments

The Clean Energy Council (CEC) welcomes the opportunity to provide feedback on the New South Wales (NSW) Government Department of Planning, Industry and Environment (DPIE) proposed amendments to the *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP).

The CEC is the peak body for the clean energy industry in Australia. We represent and work with Australia's leading renewable energy and energy storage businesses, as well as accredited designers and installers of solar and battery systems, to further the development of clean energy in Australia. We are committed to accelerating the transformation of Australia's energy system to one that is smarter and cleaner.

The CEC supports all the proposed amendments. We are ready, willing, and able to assist with the implementation of the amendments that will draw upon the CEC's accreditation and co-regulatory processes. We are keen to assist DPIE and the NSW Government to achieve its objectives and we offer suggestions for the implementation of the proposed amendments.

We would be happy to discuss these issues in further detail with representatives of DPIE. We look forward to contributing further to the development and implementation of this important area for energy policy.

1. Amendment 1 – Planning pathway for household scale batteries systems

The CEC strongly supports the proposal to include household scale solar battery systems as exempt development under Division 4 Electricity generating works or solar energy systems (clause 39) of the Infrastructure SEPP. We agree that it will be a more efficient pathway to remove the requirement for a development application and require, as a condition for considering solar battery systems as exempt development:

- Compliance with AS/NZS 5139:2019,
- Use of batteries listed on the CEC Approved Products List,
- Use of an installer appropriately accredited by the CEC,
- Notification of Fire and Rescue NSW, and
- A threshold for the maximum allowable battery capacity.

We support the proposal to require compliance with the installation standard, AS/NZS 5139. We recommend the NSW Government refer to AS/NZS 5139 rather than AS/NZS 5139:2019. It is common practice for regulations to refer to standards without the date. This will avoid the need to update the Infrastructure SEPP in future if AS/NZS 5139 is updated.

We are happy for the NSW Government to draw upon our product and installer accreditation systems in this way. This is consistent with the co-regulatory approach we undertake with other levels of government and with distribution network service providers (DNSPs) and others. We recommend that instead of referring to "an installer appropriately accredited by the CEC", the Infrastructure SEPP should refer to "a designer and installer appropriately accredited by the CEC". This change would assist with ensuring accountability for poor design as well as installation.

We support the proposal for notification of Fire and Rescue NSW, and we urge DPIE to provide additional guidance on the implementation of this requirement. We encourage DPIE to consider the approach being taken by the South Australia (SA) Metropolitan Fire Service (MFS). The SA MFS has been working in collaboration with the CEC and the Australian Energy Market Operator (AEMO) to compile a register of the location of all batteries in SA. This is being achieved by drawing upon the AEMO Distributed Energy Resources Register (DERR) and the CEC's database on large battery installations that fall outside the scope of the DERR. AEMO's DERR is based on records obtained from DNSPs based on information obtained through grid connection approval applications and information provided following battery installation. Obtaining the information in this way avoids the need to collect the same information twice. We strongly urge DPIE to support an approach like the SA MFS rather than establishing a new process for collecting information on the location of batteries.

We seek clarification regarding the maximum allowable capacity of a solar battery system considered as exempt development. Is the threshold 20 kW or 20 kWh? It is not uncommon for mistakes to be made regarding kW and kWh and the question often arises. If the threshold is 20 kW then for the avoidance of future misunderstanding, we suggest DPIE publications could, for example, state:

> "Each household can only install one solar battery system at a maximum power of 20 kW."

Alternatively, if the threshold is 20 kWh then for the avoidance of future misunderstanding, we suggest DPIE publications could, for example, state:

> "Each household can only install one solar battery system with a maximum energy capacity of 20kWh."

The CEC Approved Products List for battery systems and battery energy storage systems is based on the Best Practice Guide: Battery Storage Equipment, which is intended for household, domestic or residential use with a rated capacity between 1 kWh and 200 kWh. To avoid duplication and unnecessary administrative burden, we urge DPIE to consider increasing the proposed upper threshold to 200 kWh.

2. Amendment 2 – Definition of ‘solar energy system’

The CEC supports the proposal to clarify that large warehouses or industries with a significant number of solar panels used to generate electricity for their own use will be captured under the ‘solar energy system’ classification, meaning that they can be carried out in any zone, in accordance with the relevant requirements. We agree that large, rooftop solar arrays do not involve the risk of potential land use conflicts that large, ground-mounted arrays can.

3. Amendment 3 – Wind monitoring towers

We support the proposal to extend the period for which wind monitoring towers are exempt from the need to obtain development consent to 60 months. This is sensible and more aligned with the time required to develop sufficient data for a site. The CEC submits that this provision should apply retrospectively so that it applies to towers currently installed.

The proposed requirement to remove wind monitoring towers within 6 months if the wind farm development application is withdrawn or refused would be reasonable in ‘normal’ circumstances but could be complicated by COVID-19 restrictions. This could be addressed by adding to the proposed SEPP amendments a qualification such as “subject to there being free movement to undertake the necessary works” or words to that effect.

Finally, the CEC suggests Amendment 3 should also include a change to increase the maximum height of wind monitoring tower masts. We submit that this is necessary to align with contemporary turbine technologies, which are reaching hub heights of 160m or 170m. Specifically, we recommend that the maximum height of wind monitoring towers be increased to 200m to account for contemporary and potentially taller turbine heights in the future. Alternatively, the CEC suggests that the maximum height of masts should be at least raised to 150m, which is consistent with compliance with the Civil Aviation Safety Authority (CASA) requirements. Under the National Airports Safeguarding Framework Guideline D, “there is no requirement for CASA to be notified if a proposed wind turbine or wind monitoring tower is less than 150m in height and does not infringe the OLS [obstacle limitation surfaces] of an aerodrome”.

4. Other issues

We suggest you no longer use the photograph of the Solarwatt system published in the *Explanation of Intended Effect.* That model is no longer available in Australia and the labelling of it might no longer be compliant with regulations.