



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: OXLEY SOLAR FARM (SSD-10346)

DEPARTMENT MEETING

COMMISSION PANEL: CHRIS WILSON (Panel Chair)
 WENDY LEWIN
 ALISON MCCABE

OFFICE OF THE IPC: OLIVER COPE
 BRAD JAMES

DPE CLAY PRESHAW
REPRESENTATIVES: IWAN DAVIES
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 ELISHA DUNN

LOCATION: VIA VIDEO CONFERENCE AND AT IPC, SUITE 15.02,
 LEVEL 15, 135 KING STREET, SYDNEY NSW 2000

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MR CHRIS WILSON: Before we begin I would like to acknowledge that I am speaking to you from the Gadigal land and I acknowledge the traditional owners of all the country from which we virtually meet today and pay my respects to their Elders past and present. Welcome to the meeting today to discuss the Oxley Solar Farm Development Application currently before the Commission for determination. The Applicant, Oxley Solar Development Pty Limited, proposes to develop a 215 megawatt solar farm and a 50 megawatt battery approximately 14 kilometres south-east of Armidale in the New England Renewable Energy Zone.

10 My name is Chris Wilson. I am the Chair of this Commission Panel. I am joined by my fellow Commissioners Wendy Lewin and Alison McCabe. We are also joined by Brad James and Oliver Cope from the Office of the Independent Planning Commission. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website.

This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It is important for the Commissioners to ask questions of attendees and
20 to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we'll then put on our website. I request that all members here today introduce themselves before speaking for the first time and for all members to ensure they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin.

So, Clay, as you know, we've already had meetings with both the Applicant and the Council and those notes - they're on our website, is that correct, Brad?

30 MR BRAD JAMES: I believe so, Chris.

MR WILSON: Thank you. Yeah, so, and I believe, so, Iwan, one of you is going to run through your assessment, give us an overview of the assessment that's been provided to the Commission?

MR IWAN DAVIES: That's correct.

MR WILSON: Okay. Well, I'll hand it over to you, then. Is it Iwan? Is it going to be
40 you?

MR DAVIES: That's it, yes. Thank you, Chair. Okay, so Iwan Davies, Director of Energy Assessments. I would also like to acknowledge the Gadigal people of the Eora Nation, who are the traditional custodians of the land on which we are joining today's meeting. I would like to pay my respects to their Elders past, present and emerging and extend that respect to any Aboriginal or Torres Strait Islander people here today. I will begin with a few brief comments about the assessment report itself and then very briefly identify what we believe are the key issues associated with the project. I will also use this opportunity to provide further details on the key assessment issues and our evaluation of the project and, in particular, the key reasons for the Department's
10 recommendation to the Commission to approve the project.

As has been noted, the Applicant proposes to develop a 215 megawatt solar farm with a 50 megawatt hour battery and an onsite substation. The site is located in a rural setting about 14 kilometres south-east of Armidale, in the Armidale Local Government Area.

Before I dive into the assessment issues, it's important to provide some strategic context about the project in relation to its location and access to both the existing electricity network and transport links. The project is located in the New England
20 Renewable Energy Zone, which was formally declared by the Minister for Energy in the Electricity Infrastructure Investment Act 2020. Renewable Energy Zones are the equivalent of modern-day power stations and they will combine new renewable energy generation projects such as Oxley Solar Farm; storage such as batteries, as is included in the project and pumped hydro; and high-voltage transmission infrastructure. The New England REZ was declared due to its excellent renewable energy resource potential and proximity to the existing electricity network.

Building on the strategic context of the REZ, there are additional considerations from a regional context that the project site would benefit from. The site has direct access
30 to the electricity network via transfer through existing 132 kilovolt transmission lines that traverse the northern portion of the site. The site has good transport links with access by the New England Highway and Waterfall Way, which are both state roads. The site is located in a sparsely populated rural area with the nearest non-associated receiver located about 615 metres east of the development footprint, with no significant visual or noise impacts on residences or the Oxley Wild Rivers National Park. The site is located on land that is not mapped as biophysical strategic agricultural land, that is BSAL land, and predominantly is located on land that has a land and soil capability of class 5, which is defined as having severe limitation for
40 agricultural purposes, and the site is currently primarily used for grazing.

There are limited biodiversity and heritage impacts, which has been reduced through project design and avoidance of higher quality vegetation. The project would also provide flow-on benefits to the local community, including up to 300 construction jobs and contributions to Council of \$5.58 million through a voluntary planning agreement. There would be broader benefits to the state through an injection of \$370 million in capped investment value into the New South Wales economy. The Department considers that the project would result in benefits to the state of New South Wales and the local community and is therefore in the public interest and approvable.

- 10 The Department exhibited the EIS from 17th of March until the 14th of April of 2021 and received 79 public submissions, consisting of 78 objections and one comment. Advice was received from 15 government agencies, Transgrid and Armidale Regional Council. The Department also consulted with Council and the relevant government agencies on key issues, inspected the site, visited neighbouring landowners and held a community information session in May '21. None of the agencies, Council or utility providers objected to the project and they each recommended the implementation of appropriate mitigation and management measures.

- 20 Approximately 15 - I am getting a little bit of feedback. I'm not sure if everyone's on mute. I can't see at this stage. If we could all check we're on mute, that would be helpful, please.

- 30 Approximately 15 per cent of submissions were received from residents located in a two kilometres from the site footprint. Regardless of proximity to the site, public submissions typically focused on local impacts and matters related to the local community. The most common matters raised in submissions were land use compatibility, including the use of agricultural land; visual amenities, including impacts on the surrounding landscape and residences; impacts on the national park, including impacts on amenity and recreational use; biodiversity, including the impacts on native vegetation and habitat loss; community consultation, including a lack of consultation by the Applicant; water and flooding, concern regarding the potential for water contamination through soil and erosion run-off and localised flooding.

- 40 Regarding the project amendments, after the Department raised concerns with the project as it was initially proposed, the Applicant made significant changes which it presented in its amendment report. The development footprint was reduced by 70 per cent from 895 hectares to 268, a reduction of 627 hectares. As you can see on the slide, in particular the orange layer indicated where project infrastructure was removed, providing significant setback from residences and the national park. To the west, a further setback on 181 metres from residence R3 was provided, and an additional setback of 845 metres from residence 201 was provided. To the east, a

further setback of 69 metres from residence 5 was provided. Importantly, following some concerns raised by the National Parks and Wildlife Service and the Department, the project was set back a further 810 metres from the Blue Hole picnic area and from the Threlfall walking track, an additional 498 metres.

10 The amendments also included avoidance of 451 hectares or 83 per cent of the 544 hectares of native vegetation onsite. This includes an 82 per cent reduction of box gum woodland impact and a 75 per cent reduction in impacts to hollow-bearing trees. The Applicant also relocated the site access point to improve road safety and agreed to
10 upgrade the Gara River causeway to improve road safety, amenity, flood immunity and enable fish passage. Whilst the amendments significantly reduce the visual and biodiversity impacts of the project, there was only a 15 per cent reduction in capacity from 255 megawatts to 215.

I am now going to talk about what we found to be the five key issues for the assessment. These are energy transition, land-use compatibility, biodiversity impacts, visual amenity, and traffic and transport.

20 Regarding energy transition, the project has a capacity of 215 megawatts, which would generate enough energy to power about 80,000 homes. This means that the project would increase the renewable energy capacity of the National Electricity Market and contribute to the state's transition to cleaner energy as coal-fired generators retire. The project also includes a 50 megawatt battery energy storage system, which could power around 10,000 homes during peak demand. The battery would assist in firming the grid and increasing grid stability and energy security.

30 While the Armidale LGA has traditionally relied upon agriculture, the introduction of solar energy generation would contribute to a more diverse local economy. The vast majority of the site is currently used for low-level sheep grazing, and grazing would continue under the panels when the project is operational. The project components have been sited to avoid important agricultural land. Most of the development footprint, about 67 per cent, is on land mapped as class 5, which means agricultural use. The land is largely restricted to low to moderate impact uses like grazing and occasional cultivation of other crops. The land use for the project will represent a very small fraction of agricultural land in the New England region and it could readily be returned to agricultural land following decommissioning.

40 In relation to biodiversity impacts, in summary, the Department considers that the project is unlikely to significantly impact the biodiversity values of the locality due to lack of native vegetation within the site and low condition of native vegetation being impacted. The site is predominantly comprised of paddocks that have been

historically cleared and disturbed for agricultural purposes. The project would avoid 83 per cent of native vegetation within the site. In addition, approximately 65 per cent of the development footprint is category 1 exempt land in accordance with the Local Land Services Act 2013, which can be cleared without approval. The residual impact of the project would be largely to lower condition native vegetation. Of the 268 hectare development footprint, the project would clear about 93 hectares of native vegetation, including about 91 hectares of low-condition derived native grassland and 1.7 hectares of woodland. In regards to impacts of threatened flora and fauna, potential impacts to three threatened species would be offset by the system credit offsets, and potential impacts to a further three fauna and flora species would be offset by a species credit offset. The Department considers that there is unlikely to be a serious and irreversible impact on biodiversity and has included strict limits on the clearing of box gum.

The Department has recommended a number of conditions to mitigate the residual impacts. These include retiring the offsets generated by the project, which includes 1,459 ecosystem credits and 1,978 species credits, prior to carrying out any development that could directly or indirectly impact on biodiversity values in accordance with the New South Wales Biodiversity Offset Scheme. In addition, the Applicant would be required to prepare a biodiversity management plan in consultation with the Biodiversity and Conservation Directorate and the National Parks and Wildlife Service, including measures to minimise clearing and avoid unnecessary disturbance of vegetation located within the development footprint, and measures to control weeds, feral pests and pathogens, with consideration for National Park and Wildlife Service's pest and weed priorities for the Oxley Wild Rivers National Park.

In conclusion, with the measures outlined in the recommended conditions, the Department and BCS consider that the project is unlikely to significantly impact the biodiversity values of the locality.

Traffic and transport. The transport routes to site would primarily be by state road network from the New England Highway to Armidale via the approved heavy vehicle route for vehicles up to 26 metres in length before continuing on to Waterfall Way, turning right onto Armidale Regional Landfill facility's access road and entering the site via a new site access point that will be constructed by the Applicant in the north-western corner of the site. To address concerns raised by the Department and Transport for NSW, the Applicant is committed to the use of a shuttle bus service to transport the construction workers to site to ensure light vehicle movements do not exceed 30 movements per day, and the Department has included this requirement in the traffic management. The use of local roads near the site would be restricted to the

2 kilometre extent of Gara Road. That would be upgraded, being widened and sealed, to facilitate the construction and use of four secondary site access points.

Regarding road upgrades, the upgrades required to facilitate construction of the project include widening a 200 metre section of the landfill access road; constructing the (not transcribable) site access point; upgrading a 2 kilometre section of Gara Road; constructing four secondary site access points on Gara Road; and reconstructing the Gara Road causeway. All the road upgrades must be undertaken to the satisfaction of the relevant roads authority, meaning Council. The Department has recommended
10 strict conditions of consent, including requiring relevant road upgrades to be undertaken prior to commencing construction; restricting the number of vehicle movements during all stages of the project; limiting the use of local roads and detail the preparation and implementation of a comprehensive traffic management plan.

Regarding visual impacts. Concerns about visual impacts in public submissions included potential impacts on residences and the surrounding landscape, including Blue Hole picnic area and Threlfall walking track within the national park. The Department visited the site, Blue Hole picnic area and the walking track within the national park, and nearby residences to assess visual impacts and to further understand
20 residents' concerns. Following the exhibition of the EIS and to address concerns raised by the Department, agencies and neighbouring landholders, the Applicant significantly reduced the scale of the project by removing large sections of infrastructure, including increased setbacks from all residences to the west of the site and residence R5 to the east. All residences within two kilometres of the site would experience nil to low visual impacts, and the proposed onsite vegetation screening, which you can see in the green on the slide, would reduce views from these residences further. The Applicant is also committed to consulting with landowners to implement vegetation screening at their properties to assist and reduce residual impacts further.
30 Amendments to the project also provided a 1.3 kilometre setback from Blue Hole picnic area and a 1.2 kilometre setback from Threlfall walking track. With these amendments and the proposed vegetation screening, the project would not be visible and no visual impacts would occur.

The Applicant's glint and glare analysis identified there may be temporary glare at nine residential receivers and eight route receptors. However, the existing well-established intervening vegetation and the proposed vegetation planting would be effective in minimising views of the development from residences and the public road network. Whilst the project has the option of panels mounted on fixed or single access tracking systems, the visual assessment, including glare assessment, assesses the
40 worst-case scenario for single-access tracking. There will be no permanent night lighting installed within the solar array, only some security lighting around the

perimeter and buildings. The Department has recommended a condition that offsite lighting is minimised and does not shine above horizontal.

10 Regarding cumulative impacts, the project is within the New England's Renewable Energy Zone and there are seven state significant projects within 50 kilometres of the site. The closest state significant project is the operational Metz Solar Farm, which is approximately seven kilometres north-east. All other state significant projects are either at early stages of the assessment process or are located at least 20 kilometres from the site. There are two smaller solar farms in close proximity to the project, the Stringybark Solar Farm and the Olive Grove Solar Farm. Both projects were approved by the Northern Joint Regional Planning Panel in 2020 and would have a generating capacity of 29.9 megawatts. Neither of the projects had commenced construction when the Department provided its recommendation to the Commission. However, the Department has considered the potential cumulative impacts of the project with all other projects that have been approved and not yet constructed, as well as those currently under assessment and proposed. The key cumulative impacts considered are accumulated land use, traffic and visual impacts.

20 Regarding land use, the total area of this project on all SSD solar farms in the New England region would represent only a tiny fraction, about 0.07 per cent of the 7.9 million hectares of land currently used for agricultural output. It would result in a negligible reduction in the overall agricultural productivity of the region.

Regarding traffic, the state road network has sufficient capacity to accommodate construction and traffic of all the projects. The nearby JRPP approved projects are at a smaller scale with limited vehicle movements.

30 Regarding visual, the Department assessed the potential for cumulative visual impacts of the project with Stringybark Solar Farm and Olive Grove Solar Farm. There would be nil or low cumulative impacts associated with both projects due to distance, topography and intervening vegetation.

Regarding decommissioning and rehabilitation. The operational life of this project is about 20 to 30 years but there is potential for it to operate for a long period of time if solar panels are upgraded over time as permitted under the recommended conditions of consent. The large-scale solar energy guideline identifies four key decommissioning and rehabilitation principles for circumstances where an Applicant ceases operating the project, which are that the land must be returned to pre-existing use; infrastructure, including underground infrastructure, must be removed if operations cease; the land must be rehabilitated and restored to pre-existing use; and the owner or operator of a solar energy project should be responsible for decommissioning and rehabilitation.

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Regarding decommissioning bonds, it is the NSW Government's policy that financial assurances should not be required by conditions of consent, and any financial assurances should be dealt with in commercial arrangements outside of the planning system.

10 The Department also considered a number of other issues in its assessment of the project, and also included in the meeting's agenda. Regarding historic heritage, there would be no physical or direct impacts to any world, national, state or locally listed historic heritage items. The Gara Homestead, which is owned by the host landowners and is an unlisted item located within the site, is not within the development footprint and would have a minimum 60 metre buffer from the nearest project infrastructure. The project would not be visible from the curtilage of the Gondwana rainforest, which is a portion of the Oxley Wild Rivers National Park.

20 Regarding water supply, the project would require up to 96 megalitres during construction, which is mainly for dust suppression and the construction of new roads. This would be supplied by a licensed river offtake obtained under a water access licence. The Department's water group is satisfied that sufficient water entitlement and access to available water supplies is available, and Council did not raise any concerns. During operation, the project would require up to one megalitre of water per year, which would be sourced from onsite water tanks and farm dams.

Regarding flood risk, the site is not significantly affected by floods. However, Gara Road of the existing river causeway may be cut off for short periods by flooding following high rainfall. The Applicant is committed to developing a flood response plan to manage flood risks. The Department's recommended conditions require the Applicant to design, construct and maintain the project to reduce impacts on surface water and flooding at the site.

30 Regarding bushfire risk and asset protection zones. A small portion of the development footprint, about 3.4 per cent, is mapped as bushfire prone land. The Department considers that the bushfire risks can be suitably controlled through the implementation of standard fire management procedures such as establishing asset protection zones around solar infrastructure and the battery. The Applicant must prepare a fire safety study and emergency plan to ensure they comply with the relevant asset protection requirements as per the Rural Fire Service's standards.

40 Regarding noise, there are no noise exceedances during construction or operation of the project, in accordance with the relevant noise policies.

Regarding socio-economic impacts, the project would provide benefit to the community by providing 300 construction jobs, expenditure on accommodation and businesses in the local economy by workers, and goods and services. In addition, the Applicant would enter into a voluntary planning agreement with Council, providing contributions of 5.58 million for sponsorship of community projects and installation of electric vehicle charging stations. There would be broader benefits to the state through an injection of 370 million in capital investment into the New South Wales economy. The Applicant is committed to sourcing workers from the local community to reduce accommodation and service pressures. The Applicant's assessment concluded that
10 there is sufficient accommodation available in the Armidale region and Council did not raise any concerns. To encourage the employment of locally sourced workers and ensure cumulative impacts are considered, the Department has recommended a condition requiring the Applicant to develop an accommodation and employment strategy in consultation with Council.

In summary, electricity generating works on the site are permissible with consent and the project is located in the New England Renewable Energy Zone. It has good solar resources, direct access to the road network and direct access to the electricity
20 network. The project has been designed to largely avoid key constraints, including amenity impacts, agricultural land, water courses, remnant native vegetation and Aboriginal heritage sites. The project would assist in transitioning the electricity sector from coal and gas-fired power stations to low-emission sources and is consistent with New South Wales policy. It would generate enough electricity to power approximately 82,000 homes and 50 megawatts of energy storage to despatch energy to the grid when the energy generation from renewable resources is limited. The Department considers that the project achieves an appropriate balance between maximising the efficiency of the solar resource development and minimising the potential impacts on surrounding land users and the environment. Through job
30 creation, capped investment and the planning agreement with Council, the project would also stimulate economic investment in renewable energy and provide flow-on benefits to the local economy. On balance, the Department considers that the project is in the public interest and is approvable subject to the recommended conditions and consents. Thank you.

MR WILSON: Thanks Iwan. We would now like, I guess, to - we have a range of questions, I think, which relate necessarily to the agenda, which some you've spoken to and some I think we still need some clarification on. So if you don't mind, just try and use the time we have left to talk to these questions. I'll kick off. The first one is
40 traffic and transport. Before I hand over to you, Alison, I saw a map in relation to - I think it might have been the heavy vehicle or was it the vehicles that need to have

assistance, it seems to go a long way west in New South Wales to come back to Armidale. Is that correct?

MS ALISON McCABE: From the Newcastle port, it looks like it goes up the New England and then instead of kind of going up through Singleton and Muswellbrook-Aberdeen-Tamworth, it looks like it goes - okay, it didn't pick out - - -

MR WILSON: I can't find the map.

10 MS McCABE: - - - it didn't pick the town, but it looked like it had to go really, really west, then come up. It feels like it's coming up some back roads as a, as a main route to bring, we're presuming, heavy stuff.

MR WILSON: Batteries and - - -

MS McCABE: The big, the stuff that's really heavy.

MR DAVIES: Thank you. Our understanding is that that route was picked because there are restrictions or pinch points in shorter routes. I couldn't talk directly to what
20 those restrictions are now, but that was the route that was identified as being feasible by the Applicant to transport all the infrastructure to the site.

MR WILSON: We sort of assumed that but we would have thought that the New England Highway, which has direct access, would have been able to accommodate, but it may be something worthwhile you chasing up. So, look, I'll just hand over to - Alison, do you want to talk about upgrades?

MS McCABE: Yeah, upgrades. So just kind of in reading the report, I just wanted to be clear that we understand the kind of the scope of the impact of the upgrades and the
30 - we've actually got further, we've got further information having to, having spoken to the Applicant. I was a little bit, I just wanted to understand that the BDAR, which doesn't have any dimensions on anything, and we have actually asked the Applicant this as well, that the BDAR has properly considered the roadworks and access from, is it Waterfall Road, and then also the Gara Road upgrades in terms of what they actually entail, and is the plan that you put up, which is the plan that's attached to the amended traffic impact assessment for the Gara Road upgrades, is that plan the extent of the Gara Road upgrades? And the two questions I had, are they all fitting within the existing road reserve? Has the BDAR given enough width to deal with that? So just for argument's sake, Gara Road might be a 20 metre road reserve. Did the BDAR
40 knock out 20 or 25 metres? And if they're not in the road reserve, is there any land take or land dedication needed, and how did we see that happening? And, yes, it's

whether or not those things have come up. And the reason I'm asking that is the Applicant mentioned, you know, oh, yeah, we need to flatten out curves and we've got to, you know, we might, we have to dedicate some land and the appendix in the conditions talks about widening, and I just wanted to be clear whether the widening's within existing road reserves, whether there is a need to take other land, and if that is the case, how is that happening? Because - and probably this goes to just factually the land ownership, it looks like the owners are still in the process of purchasing land, and I'm just wondering whether that's been factored in as well.

10 MR DAVIES: Thank you. So, first of all, broadly, the Department requires biodiversity and heritage assessment of all potential impacts of projects, including main infrastructure but also road upgrades. Our understanding is that the revised BDAR for this project does include an assessment of the entirety of the project, including the road upgrades, including those along Gara Road. Our understanding also is that those road upgrades, particularly along Gara Road, are located within the road reserve.

MS McCABE: So in your assessment you've not anticipated the fact that there's
20 going to be need for dedication of lands because all of the road upgrades will fit within existing road reserve?

MR DAVIES: That's correct.

MS McCABE: Yeah, we understand there's road dedication or new road stuff to happen with the access coming in, but I think we asked that question and I think they also thought they would fit within all existing road reserves. So from your assessment, everything's within the existing road reserve, so if we've asked clarification from the Applicant on "Give me a dimension for the - yes, 'cause we've seen the BDAR, show us a dimension," that dimension should actually be - it should be the road reserve,
30 essentially. That's what you'd anticipate would be the answer back to that.

MR DAVIES: That's what we'd anticipate. We are happy taking that on notice or responding or reviewing anything that the Applicant does provide, should it differ from our understanding. Can I also add that should they wish to go beyond the approved footprint, that would require a modification.

MS McCABE: Yeah, that'd be problematic. I think they understood that. It was mainly that the consistency between documentation on these big projects sometimes gets lost, so the BDAR does something and then the engineers come and say, well,
40 we're doing, we need to do these upgrades. We're just wanting to be clear 'cause it really, it matters a lot, particularly from the BDAR and also just understanding the

extent of roadworks. And again from your assessment is it - you know, they're pretty standard. I'm not having to do major regrading. It's basically, you know, I might have to take, kind of do a base and then do a new seal on the road. It gets widened within the road reserve. You know, they're not, you know, they're pretty standard roadworks. Is that what you understand?

MR DAVIES: That's our understanding, yes, yeah.

10 MS McCABE: So the other aspect was - so moving off Gara Road, which you've said you reckon is in the road reserve. The application, as we're understanding and I think we got a plan back from Armidale, that the access off Grafton Road is coming through the existing landfill site and then turning probably left or right, whichever way you're coming, to access this land. What arrangements need to be in place or are you aware, and have we conditioned them properly? Because it's access over other land. Is there a need for easements or lands to be dedicated as a public road or for the public road to be in place at particular points in time? And do you think they're being - that mechanisms, have they been dealt with in the conditions? It's not that it can't be done. I'm just probably looking at the things that need to be in place and when.

20 MR WILSON: I mean, I'm assuming, Clay, that we would need to have those in place before construction commenced. So, I mean, my understanding, there's a need to reach agreement with landholders, whether it's purchased, leasing or whatever, there might be contractual negotiations, there might be issues with that. I would have thought that there would be a requirement to have those in place before construction commenced. Is that correct or not?

MR DAVIES: I'll jump in there again. So that is also our understanding. That's correct. And this is a matter that the Department certainly looked into or assessed in detail during our assessment, and sought information from the Applicant, Council and
30 Crown Lands. So to talk through that point, essentially the - and to give a little bit of background, so the landfill access road crosses a Crown land parcel when exiting Waterfall Way, or Grafton Road as it's known. The Department consulted with those three organisations - the Applicant and Council and Crown Lands - regarding the matter. It's our understanding that Council has commenced the application process with Crown Lands to opening the landfill access road as a public road, which would service both the landfill facility and the project. Importantly, both Council and Crown Lands are supportive of the Applicant's use of the landfill access road, and Crown Lands has advised the Department that the Applicant should seek any required
40 concurrence for the use of this access road from Council in the view that its acquisition by Council is in process. Unless and until the upper landfill access road is open for public access, the Applicant would be required to obtain authorisations under

the Crown Land Management Act 2016, including a Crown lands licence for easements, before use of the landfill access road commences.

MR WILSON: Okay.

MS McCABE: If you put those as conditions - - -

MR WILSON: Well, I think what he's saying is it's not necessary because - that's what you're saying? It's not necessary because they have to, before they can traverse the land, they need to have agreement in place, is that right?
10

MR DAVIES: It's required under the Crown Land Management Act so it would not be required in the conditions.

MS McCABE: So the Crown land bit, so first, basically, at the moment they've got no access to their facility 'cause they have to come off, I'm going to call it Grafton Road, so they've actually got no access to the facility. So they've got no access at the point that our, this assessment is saying where the access should be. So after the consideration of a number of access points, this assessment says the access has to be here. And then there's things that have to be in place for the development and I suppose the question is before any work commences would normally be the case, so you've actually secured appropriate access, 'cause they'll need to bring construction vehicles.
20

So there's two parts to it. There'll be the Crown Lands stuff, and what you're saying is Council's started the process with Crown Land. So to get access, either Crown Land is going to give them access or it's already a public road. And I suppose what I'm saying is should they see the agreement from Crown Land or it's a public road has to occur before work commences. And then the second part is then they're reliant on access over a portion of the Armidale landfill site, and the Armidale landfill site is just another person's private property, and the normal way that would be dealt with is either by a right of way or a licence agreement. Because again, physically, for this development to occur, for that access to continue and be in place, you want to ensure that the mechanisms are there in perpetuity because you don't want them coming back and say, oh, gee whiz, change of Council, Council's not happy with the trucks coming across our landfill anymore.
30

So I think it's important. So I'm just trying to figure out how do you ensure that that's in perpetuity at the point in time before people dig dirt or to ensure that it's always there, and probably more so with the change of council for argument's sake.
40

MR DAVIES: So, thank you, I think it's best we take that on notice. We are mindful not to impose conditions that may impede other legislation, but appreciate those questions and take that on notice.

MS McCABE: Yep, okay.

MR WILSON: All right, thanks. So just moving on then to landscaping screening, which is visual impacts, ostensibly. So in your assessment you draw conclusions in terms of moderate impacts or there's one residence with moderate impacts, and low impacts for several other non-associated receptors. And basically the conclusions are supported by screening. Now, we don't get the sense that - is that screening all at the source or is it a combination of source and receptor? Because we understand that the Applicant's made a commitment to providing at-receptor screening. Is that commitment part of your conclusions in relation to low and moderate impacts or is that conclusion primarily based on screening onsite?

MR DAVIES: It is not based on any screening. That is proposed offsite. Our assessment is only based on the existing or what would be the potential visual impacts in the existing environment, and then in addition to that the onsite vegetation screening. Certainly not any offsite screening that the Applicant has proposed for -

MR WILSON: So just correct me if I'm wrong, so your conclusions are based on - so notwithstanding that the Applicant's proposed landscaping around the edge of the arrays and so forth, your conclusions are based on the absence of that landscaping?

MR DAVIES: Our conclusions are based on the existing environment and the landscape screening that is proposed by the Applicant within the site, but not the landscape screening that is proposed by the Applicant offsite at, for example, the nearby residences.

MR WILSON: Is that why there's no condition in relation to offsite planting?

MR DAVIES: That's correct.

MR WILSON: Okay, all right. Okay. Do you have any other questions?

MS McCABE: Yeah, I had a question. The landscape, the documentation from the Applicant talked about a landscape plan and the assessment on the appropriateness and the mitigation measures for the visual impact relies on this vegetation screen. Where do I get or get told how deep or how wide they are? Did we get anything more than - I'm looking, it was figure 2 in your report, which is an extract of the plan that's got

some green stuff on it, and I think from our comment, our discussion with the Applicant, I think that's what they're referring to as a landscape plan. There's a cross-section in the visual assessment. But if I'm relying on this screen, I'm just looking for a bit more particularisation and specification. Like, is it five metres, is it 10 metres deep, is it 20 metres deep? What are we thinking or what did we look at when you were doing the assessment? Or what did you base your assumptions on?

10 MR DAVIES: So, firstly, we considered that the visual impacts are low regardless of any vegetation screening, so we don't consider that vegetation screening is required to reduce visual impacts from, say, high or moderate to low. Essentially we consider that the visual impacts on residences are low regardless of any vegetation screening, whether that's onsite or offsite. Regarding the vegetation screening, the Department has included a condition requiring a landscaping plan. That plan would have the detail that is being sought. But ultimately our conditions have not required the vegetation screening to reduce visual impacts on certain residences because of the low visual impacts rating without screening.

20 MS McCABE: Yeah, I understand what you're saying. I probably didn't get that from your report. Because the report at 5.5 talks about visual assessment, visual contents, visual mitigation, and then it just says, "OSD has proposed the following avoidance and mitigation measures to reduce the potential visual impacts on the surrounding network, on the surrounding receivers," and it includes a reference to the vegetation screen.

MR WILSON: I mean, this is something we'll firm up when we go onsite anyway.

30 MS McCABE: Yeah, and I think, I think if we're going, if we're accepting - my reading of it, it's accepted so there wasn't a kind of a thing that says that you didn't need to do it, notwithstanding we're going to condition it anyhow type thing. But I think if we're going to have it there, I'd be probably looking to be a bit more specific about the requirements. Do you know what I mean? And if they've said they're going to do it, then they'll do it to a particular standard.

40 MR DAVIES: Yes, so I do need to correct myself. Because of the low visual impacts, we do have a visual screening condition, so a vegetation buffer condition, but because we are not relying on the landscape, the landscaping to reduce visual impacts, we actually do not have a landscaping plan within the recommended conditions because of those low impacts. But the vegetation buffer condition itself has requirements for that landscape screening given that the Applicant did propose that, so we did want to include some measures to manage that vegetation screening.

MS WENDY LEWIN: And, Iwan, on that, in our discussions with Council, they raised an interest in having consideration for an enforceable condition with respect to the maintenance of the vegetation screening and for some periodic inspections by Council. Was that raised in any submission or discussion by the Department?

MR DAVIES: It wasn't raised by Council as a concern.

10 MS LEWIN: Right. It then would lead to possibly introducing into the conditions - a question, really, not a statement - would it then lead to including in the water supply, condition B27, an additional wording related to including volumes required for the maintenance and support of vegetation screening for the life of the project? Would that be something that the Department would consider reasonable?

MR DAVIES: That condition is all-encompassing. Happy to take it on notice but that's condition B27 regarding water supplies or encompassing for the entirety of the development, which would include all infrastructure, including the vegetation screening.

20 MS LEWIN: The Council's really looking for something that is more, that really does target that as a part of the operations that are important in the visual and socio-community sense, I suppose, visual assessment, community sense.

MR WILSON: Yeah, Iwan, basically what Council was saying is that it's all very well establishing vegetation screening, but if it, you know, we may be heading for drought already so I guess what they're saying is that it'd be nice if it was maintained and inspected. But you can take that on notice as well.

30 MS McCABE: We asked the Applicant, there's a condition I think talking about all ancillary infrastructure blend in or be colours that will blend in with the environment. In your experience, and I'm presuming you've done other solar farms, what does that condition effectively result in? And we've got the battery storage which, in my experience, is going to have to be light but we've put that on notice with the Applicant. Have you see what the outcome of that is on other solar farms? What do we finish up getting? Is it a little bit of a catch-all and hope for the best?

40 MR DAVIES: It's not a hope for the best but it's, look, it's assuming that that infrastructure is - ultimately it doesn't go beyond what, I mean, the condition is the condition in terms of blending in, but it's ensuring that particularly there's no advertising signs and logos and the like, and that those paints or colours of infrastructure are not dissimilar to other similar projects or infrastructure types or batteries or substations and the like. So it's just ensuring that, I suppose, standard

approach to that infrastructure to ensure that applicants or contractors don't go above or beyond what is used on other sites.

MS McCABE: Again from your experience, have you seen what it ends up being? Like it's - - -

MR DAVIES: Yeah, quite standard colour paints for a number of the, for a lot of the infrastructure, including that battery and substation. So just, yeah, standard grey colours, essentially. But I don't have any further details.

10

MS McCABE: All right, okay.

MR WILSON: Let's talk about decommissioning and rehabilitation. Throughout your report you're saying the site will be rehabilitated and infrastructure will be removed. In our discussions with the Applicant it turns out that, yes, it'll all be removed but beyond, well, lower than 500 millimetres, is that right?

MS McCABE: Yep.

20 MR WILSON: There may be infrastructure that's left behind. Is it the Department's view that everything should be removed from the site or is it the Department's view that some may stay behind and what's the nature of that? We've asked the Applicant to answer this, so I don't expect you'll know the answer to what may be left behind, but what is your understanding in terms of rehabilitation of the site and whether or not that infrastructure should all be removed?

MR DAVIES: From our understanding and what we've conditioned is that all infrastructure, including all below-ground infrastructure, is removed.

30 MR WILSON: Okay. And that's the Department's position, that it should all be removed?

MR DAVIES: That's the Department's position. There have been instances in the past with perhaps agencies or applicants who have argued that anything below 500 millimetres would not impact agricultural use of the land, particularly for grazing. But essentially the Department's position is that all infrastructure should be removed.

MS McCABE: Just picking up on that, I'm not sure that condition B38 actually does that. And my probably question, is that a condition that you've used on other solar
40 farms in terms of the condition requiring if it was above ground and below ground, I might have actually been quite specific and just understanding what have you done on

other solar farms where you've conditioned - because not all of them come to us, presumably, so you have to have done some as part of the, in the Department as well.

MR DAVIES: Yes, so this is our standard rehabilitation condition that requires that all infrastructure is required to be removed and we haven't specified that that's above or below ground, but ultimately it's all infrastructure.

MR WILSON: Okay.

10 MS McCABE: Yeah, rightio. Well, yeah.

MR WILSON: All right, thanks. Okay, so that's - is there anything else in relation? Cumulative impacts, you got any questions on that?

MS McCABE: I haven't - we've got the approval. The cumulative impacts, just interested, in looking, did you get a chance to look at the Stringybark Solar Farm approval and do you know how far it is from the boundary? Did its array go right up to the boundary of this site, do you know? If you don't know, it's all right. We've got the approval. I can have a look at it. But in your assessment of cumulative impact,
20 did I finish up with a gap or have I got arrays meeting on the boundary?

MR DAVIES: It's certainly a matter we considered in our assessment but I don't have the exact distances and setbacks -

MR WILSON: And, Iwan, I suppose the glare assessment, did it consider, it considered the cumulative impacts as well, did it, of those two joined together?

MR DAVIES: Can we take that one on notice, please?

30 MR WILSON: Sure, yeah, no problem.

MS McCABE: Well, in that case can you figure out what the setback is as well, if you're going to take that on notice? Saves me doing it.

MR DAVIES: Happy to, yes.

MS McCABE: Thanks. I just wanted to make sure my understanding is right. You've got the conditions for biodiversity. They've all got to be done before any work commences. Essentially, the BDAR says they might do some stewardship, but if
40 that doesn't work out, they'll just pay all the money into an offset scheme. Is that essentially what it is? You've allowed for, you know, options. Either way, all of

those options have to be in place and figured out before any work is started. It was just trying to get the feel whether or not they're actually going to, they're doing a stewardship site or not. There's mention of it, but in my reading it still thinks they're still trying to figure it out. Have I got that right?

MR DAVIES: That's right. That's our understanding too that there's mention of an offset site but ultimately there's no real detail there, and hence why we have the standard conditions.

- 10 MS McCABE: Yeah, yeah, so it all, they can't do anything without that being resolved, and they've done enough work to understand where it can head and that there are options to deal with it.

MR DAVIES: That's correct. And just to add to that, so there's biodiversity offsets prior to carrying out any development that could directly or indirectly impact on biodiversity values, so there are some activities that may be undertaken prior to that offset. Ultimately, any direct or indirect impacts on biodiversity values could not be undertaken until the offsets are (not transcribable)

- 20 MR WILSON: Okay, so I'm mindful of time so I just might move on because, Clay, have you - oh, Clay's disappeared so he must have had another meeting. Okay, so, look, we'll try and finish up, I guess. Do you have any questions on heritage?

MS LEWIN: Not yet no.

MR WILSON: We'll move on from heritage. Water supply. The Applicant. Flood risk I think we're okay. We've asked the Applicant in relation to flood-free access, haven't we?

- 30 MS LEWIN: Yeah, and the batteries.

MR WILSON: Yeah, and the batteries. With the bushfire risk and the APZ, so you've got this vegetation screening and you've got this need to produce a, to establish an APZ I presume around the edge of the site. Have you looked at the interaction and whether or not it actually can be achieved, the APZ, and the vegetation screening? I presume that can't, the vegetation screening, can it impinge on the APZ or - - -

MS LEWIN: It will have to be managed in a certain way, yeah.

MR WILSON: Managed in a certain way. Has that been considered, whether or not they can actually achieve those, achieve both the APZ and the vegetation screening? Like is there room physically to put the APZ around the edge?

MR DAVIES: Our understanding is that there is, and that vegetation screening is separate to the APZ and to the perimeter road around it.

10 MR WILSON: Yeah, okay, so you've got the vegetation screening, you've got the perimeter road and you've got, and the perimeter road forms part of the APZ. So there's room, there's definitely room. We've asked the Applicant this as well but - so we'll get a response, but your understanding is there's room for the APZ to be established?

MR DAVIES: That's our understanding and this application is a little different with the vegetation screening, I suppose, in many instances at least is not hard up against the project boundary and it's more up against the development footprint, whereas some solar farms, say a rectangular site, often be vegetation screening, the project boundary and the development footprint are in fairly close proximity to one another throughout the site.

20 MS LEWIN: And you're comfortable that it therefore provides a defensible space around the perimeter in relation to fire risk?

MR DAVIES: Yes, that was included. That's certainly consistent with our assessment and we certainly took on board comments from Fire and Rescue and RFS, as in all assessments, but also in this instance National Parks and Wildlife Service, and hence why they have a role in some of the conditions or have been consulted on some of the conditions for this project.

30 MR WILSON: I don't have any questions on noise at this stage. Obviously we've still got a lot of work with site inspection and hear from the community. But just in terms of socio-economic, and I guess Council raised this in their meeting, and I understand it's a broader issue. You have a condition which has asked them to do a, is it a worker accommodation strategy? I think that's what it's called. Council said there's a 1 per cent vacancy rate in Armidale. We're just wondering, you know, is it feasible? I think they said they're going to source 50 per cent of their workforce from the local area, which is fine. So that's 175 workers still coming into the site, coming into the region and looking for housing and so forth. So in terms of what's happening here and, look, I understand it's a broader issue, but in terms of the REZ itself, I mean, 40 what's been done to ensure that - I know it's construction workers mainly, given the low operational employment rate, employment, employee numbers - being done to

ensure that there's sufficient accommodation for, well, apart from just, you know, a strategy to ensure that the work, construction work doesn't happen at the same time because I presume there's going to be all sorts of economic imperatives for people to start their construction work. And the ability to house, accommodation, the construction workers is very much an applicant's or a proponent's prerogative when they're going to want to start construction. I mean, if someone told me to put construction off for six months so I have nine months while I construct my job, I find that a little bit, well, not unreasonable but unfeasible. So just wondering if you've got any comment in relation to that, the broader issue of housing and housing of
10 construction workers.

MR DAVIES: Yeah, thank you. I can talk to, I suppose, this project and the potential cumulative impacts and note your comments on the REZ more generally. And I think it's fair to say the environment here is a little different to, say, the Central West Renewable Energy Zone at this stage, and ultimately it was a matter that we assessed in detail and during our assessment, and certainly required information from the Applicant and sought Council's comments on the availability of accommodation for construction workers. Council didn't raise any concerns during our assessment. I'm
20 unsure of your discussions with Council to date. But ultimately our assessment found that there was sufficient accommodation available, noting that Armidale as a regional centre is only 14 kilometres away and Guyra not too much further too. But despite there being available accommodation, we have included the accommodation employment strategy. We don't do it on all projects. So despite the availability of accommodation, we've included the strategy and we've ensured that that's developed in consultation with Council, and it's important to note that that strategy also includes a requirement to include a program to monitor and review our effectiveness of that strategy over the life of the development, including regular monitoring and review during construction.

30 MR WILSON: Iwan, are you aware of any work that EnergyCo might be doing in relation to this matter?

MR DAVIES: Perhaps I'll take that one on notice. Energy Corporation is certainly considering a number of different matters across the Renewable Energy Zones across New South Wales, and perhaps something for EnergyCo to comment on, but certainly happy to take that no notice.

MR WILSON: Thank you very much. Do you want to move on to questions on
40 subdivision?

MS McCABE: Oh, yeah, the subdivision, it probably just goes to some of the writing on the statutory provisions. I just didn't get, I didn't actually understand completely why we're saying subdivision is prohibited and therefore we're using the provisions that allow for the development that's permissible and partly prohibited. That framework under the Act. And I was just looking for that to be stepped out because presumably one subdivision's permitted with consent under the LEP. The LEP has a minimum allotment size. I suspect that the minimum allotment size I'm just going to assume for the moment is probably 40 hectares. This subdivision is less than 40 hectares. Can I use clause 4.6? I suspect there's something in clause 4.6 that doesn't
10 allow me to vary the minimum allotment size under X, therefore it then becomes prohibited. Is that why? And I'm just, as I said, is that why that is the case or is it it's a subdivision that will be subject to 4.6 and therefore it then strictly isn't prohibited? So I'm just looking from a statutory point of view how we got to that position and either one way or the other.

MR DAVIES: Thank you. Our understanding is that it's the former. So the - yeah, so
- - -

MS McCABE: Minimum allotment size, 4.6, I think it's 6 says something about rural
20 subdivisions. I don't meet that criteria so the only way I can do the subdivision comes full circle back to.

MR DAVIES: That's correct. That's my understanding of what is correct and the minimum lot size is 200 hectares. I couldn't reference the exact clause section, but that's the, those are the provisions that we've assessed this.

MS McCABE: I think it's important for the assessment report just to kind of step that out as to why you've kind of got to that. It wasn't clear as to why. And just probably on some of the statutory things, I think there's a little bit in the LEP. There's acid
30 sulfate soil provisions and earthworks provisions that trigger actual considerations that probably should have turned up in that appendix at the back of the report in terms of just demonstrating that you've considered them. And I'm not sure, and it's not clear whether the flood planning clause in the LEP 5.21 actually applies or not. It may not, might not be mapped. But again that criteria, whether that applies, and just generally and probably just trying, just understanding the actual provisions of the SEPPs that we've actually got to consider. The, you know, the resilience and hazard, the ones, you know, that will have the contamination. So it's kind of easier if I've got in that appendix the actual provision that, as the consent authority, we have to be satisfied about. And I just kind of was looking to make sure they've got that, and I was just
40 looking for primary production SEPP. The resilience and hazard. I'm not - you know, the transport and infrastructure. Again, not totally clear whether there's actually

criteria that we have to consider for, you know, it's kind of, yeah, checked it off. There's nothing here to look at, so probably wanting to understand that with making sure we understand that properly.

MR DAVIES: Thank you. Is that the - appreciate the comments and certainly we consider all provisions of each of the SEPPs and other policies such as LEPs. Ultimately we try and find the right balance between a detailed report and a consolidated report. But can I just check, is that something that you would like set out in a question on notice? Or is it more for perhaps -

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MR WILSON: No, I think what we require is the Department seems to have moved away from its summary of EPIs. There used to be an attachment in terms of EPIs and their relevance to the application. We just couldn't find it. There's one paragraph but there used to be an appendix that went through all the relevant EPIs, draft EPIs and so forth. But at the moment we've just got the one paragraph, which is in appendix 1, is it? Appendix I.

MR DAVIES: Yeah, okay.

20

MR WILSON: You might just want to just have a think about that because we as the Office here quite often look to those - we have to, well, they're management considerations so we have to look at them, so, and we need to understand the Department's position on those management considerations as well. So you might just want to take that on notice as well.

MR DAVIES: Happy to, yep.

MS McCABE: And that's the LEP and all of the relevant SEPPs because we have to turn our mind to it.

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MR WILSON: It's a, yeah, it's a precondition. There's no DCPs that apply. Okay. Look, that's it for today, I'm sorry. If we have any further questions - we're likely to have further questions after our trip next week. And, Iwan, are you coming up, are you?

MR DAVIES: Yes, I'll be there on Tuesday.

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MR WILSON: Well, I appreciate you making the effort. So we'll see you next Tuesday. Tuesday? Yeah, okay. And, thank you, look, I'm sorry we've gone way over time and I appreciate the fact you stayed behind. So, and thank you for your contribution today and we'll see you next week.

MR DAVIES: No problem at all about that and thanks for your time.

MR WILSON: That's all right. Iwan, what we might do is we might send through a clarification email about the questions on notice today. Did you - yeah, yeah, just to confirm that that's what we've agreed to.

MR DAVIES: That would be great. Thank you.

10 MR WILSON: Okay, no problem. Thank you very much.

MS LEWIN: Thank you.

MR DAVIES: Okay, thanks all.

MEETING CONCLUDED

[10.50am]