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O/N H-1349513

**INDEPENDENT PLANNING COMMISSION**

**YASS VALLEY COUNCIL MEETING**

**RE: SPRINGDALE SOLAR FARM**

**PANEL:**                      **PROF ZADA LIPMAN (Chair)**  
**ANDREW HUTTON**

**OFFICE OF THE IPC:**    **JANE ANDERSON**

**COUNCIL:**                      **CHRIS BERRY**

**DATE:**                              **12.30 AM, TUESDAY, 8 DECEMBER 2020**

PROF Z. LIPMAN: Good afternoon and welcome. Before we begin, I'd like to acknowledge the traditional owners of the land on which we meet and pay my respect to their elders, past, present and emerging. Welcome to the meeting today for the Springdale Solar Farm Project. RES Australia propose to develop a 100-  
5 megawatt solar farm on a rural property located approximately 2.5 kilometres north of the ACT and seven kilometres north-west of Sutton village in the Southern Tablelands region of New South Wales.

10 My name is Professor Zada Lipman, and I am joined by my fellow commissioner, Andrew Hutton, and Jane Anderson 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 full transcript will be produced and made available on the Commission's website.

15 The 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 to clarify issues where it is considered appropriate. If you are asked a question, and not in a position to answer, please feel free to take the question on notice, and  
20 provide any additional information in writing, and it will be placed on the Commission's website.

I request that all members today, ah, introduce themselves before speaking for the first time, and, um, to avoid speaking at the same time, so there'll be no, ah, no  
25 confusion, and for the accuracy of the transcript. We will now begin. Um, Chris, I'm not sure how you – ah, we provided you with an agenda. Did you – have you got a copy of that?

30 MR C. BERRY: Ah, yes, I do.

PROF LIPMAN: Um, feel free to address any issues you'd like to address, but if you could cover those issues, um, it'd be very useful for the Commission. And, um, would you like us – we have a few questions. Should we ask those as you're going through the various items, or would you like us to wait until you've finished your  
35 presentation?

MR BERRY: Oh, look, I'm – I'm pretty easy. I'm – I'm happy to take questions as we go, if that's – if that works, but, yeah, I'm pretty flexible.

40 PROF LIPMAN: Great. Thanks. So over to you, Chris.

MR BERRY: Okay. Ah, look, um, I guess from a – from a – a Yass Valley perspective, um, ah, we're on record as having opposed the project, um, largely because we have a policy position regarding development around the New South  
45 Wales/ACT border. Ah, we developed that policy through, ah, our Yass Valley Settlement Strategy. Ah, we called it a transition zone, um, at the time, thinking that

the standard LEP clause, ah, relating to transition zones might be a useful mechanism to be able to manage land use in that vicinity.

5 Um, we didn't adopt the transition zone in the end, mainly because the Department of Planning at the time didn't support its use. Um, but, look, we, um – we were trying to recognise, ah, if you like, the planning objectives of that area. We wanted to make sure that, ah, Canberra didn't continue to sprawl into Yass Valley. Ah, we wanted to make sure that the environmental values and the rural landscape values of that area were, ah – were protected, largely by maintaining the status quo, and we  
10 thought the transition zone might be a useful tool, if you like, to – or statutory tool to separate the urban Canberra from the, ah, farming and rural landscape of, ah – of – of Yass Valley in that location. So that was – that was the reason that we – we went down that track.

15 Obviously, the Department didn't endorse the use of the transition zone, so what we did is, effectively, call it a – if you like, a buffer, for want of a better word, but the idea being that we wanted to maintain the status quo in terms of the landscape and the land-use activities out there, and we took that, if you like, as a policy position and included it in our – our Local Strategic Planning Statement. So, certainly, if you like,  
20 that's the evolution of – of – of how we came about to create that policy position about having a buffer, if you like, between the Canberra urban and the – and the rural landscape of – of Yass Valley.

25 So council felt that, at the time, when it initially got this proposal, that a sort of a – a – a renewable energy project of a solar farm didn't seem to be compatible with the landscape values that we were trying – and rural landscape values we were trying to protect in that area. We also noted that this is part of a – an environmental corridor that stretches all the way from the Blue Mountains all the way down to Canberra, and that biodiversity values and conservation values are very important, and we just  
30 didn't see how that fitted at the time with, um, ah – with those objectives that we were – we were trying to protect. So I guess that's where council's coming from.

We've continued to have discussions with both Departmental officers and the applicant, ah, regarding, ah, our position, but, more importantly, that if there is a  
35 decision to approve the development, what are the sort of requirements that we would like to see included in any approval. So I guess that's where we've shifted our focus, if you like – is to concentrate a little bit more on – on, ah, the sort of requirements that we – we would like to see in any approval if – if the Commission is of a – of a mind to do that.

40 So the – I guess the key areas for us are – and I'll start with the easiest one first. It's probably the road upgrade requirements. We've always considered on these major projects that they – they do have a traffic impact, particularly in the construction  
45 phase.

PROF LIPMAN: Excuse me, ah, Chris. Sorry. I just – ah, sorry to interrupt you there. Can I just ask you how consistent, generally, you feel the – a solar farm is with the council's goals and directions in the strategy that you've adopted?

5 MR BERRY: Oh, well, look, we're certainly – the council's – ah, has been supportive of renewable energy projects. It's certainly got a policy position in – in regards to renewables. The council feels that we have taken our share of the wind farm burden, if you like, ah, in this area, and has said, ah – said that it believes that we're at the – or they've – the council feel that we're – they're at their limit with  
10 wind farms.

But, obviously, renewables are not just about wind farms. They – they – solar farms are part of that mix. And we've certainly said that, um, ah – that we'd be supportive them in – of them in the right locations, and, ah, we've certainly got a couple of  
15 other, ah, proposals for – for solar farms, ah, in Yass Valley that we are currently looking at at the present time. They're very much in their preliminary stages. This particular project is – is – is the most advanced of them all, because it's – it's been around for some time.

20 Um, we do recognise that renewable energy generating projects need to be located where the transmission lines are, or near where the transmission lines are. That's a given. Um, otherwise we've – we end up extending the – the transmission network across the rural landscape. So we do recognise that they need to go in that location, and, from that perspective, this – this particular proposal is located well, in terms of  
25 where the existing infrastructure is located.

But, again, we've got to try and find the balance between supporting renewables and the – and the locations, and our other planning policies as well. So that's that tension that we've been trying to – to grapple with for – for some time. Certainly, council  
30 are very supportive of, ah, the views of its local community, who've – who've indicated that they have some reservations about the project, not necessarily the same reservations that we have, but certainly, ah, council is supportive of their right to – to express their concerns.

35 So, as I said, the tension here for us has been, yes, it's a good location for access to the grid, but, by the same token, it's an area that we've identified where we would like to preserve those rural landscape values and environmental values. So that's the tension, if you like, that we've had as a council, and we've tried to find a – a balance with that, and council at that stage said, "No, we don't – we don't think it's an  
40 appropriate location in this instance." But, as I said, in discussions that we've had with the proponent and – and the Department, it's about, "Okay. That might be our view, but if it's to be approved, what do we need to see in the approval to make it work for us as a – as a community?"

45 So – so we've – we've sort of focused on, um, ah – on probably two major areas – or three major areas: one is the policy area which I've just been talking about; ah, the second area is – is road impacts and – on – on – on the local road network; and the

third area is the community enhancement arrangements – fund arrangements that we – we focus on. So they’re the – the broad three areas that we generally focus on.

5 The road upgrades – ah, from what I can see in the assessment report, the – the draft conditions are generally reflective of council’s policy requirements. So, ah, we’re – we’re – we’re reasonably comfortable with that. I – I guess there’s a couple of points that I – I would just like to make – is that, um, in the – in the conditions there’s no mention of, ah, Tintinhull Road, which is a Crown road, and, of course, that’s not council’s responsibility, um, but it is being used by a number of local residents in  
10 that area, and there’s no – there’s no, um, ah, reference to Tintinhull Road and its – and its maintenance as part of any – any construction impacts. Ah, so that may’ve just been an oversight, but – but, certainly, I just would draw that to your – to your attention.

15 PROF LIPMAN: Excuse me. While you’re on that, could I just ask you, um, I noticed that there were some comments from, ah – in submissions that it’d just been – recently been realigned. Is – is that correct?

20 MR BERRY: Yeah, that’s right. The, um – originally, it was – we made a suggestion that, um – because the way Tintinhull Road is – it’s – it’s a Crown road that links into a Crown reserve, which then goes onto a public road, Tallagandra Lane, and the – historically, ah, the – the Crown reserve and Tintinhull Road have been used to access some rural properties.

25 Now, the – the Crown reserve is a bit of a problem, because, um, they – while it can be – it’s actually currently under a lease at the moment with a – with another nearby landowner, and it’s also an old, ah, borrow pit that we use for – for road-making works, or have been in the past. It’s – I think it’s just about exhausted, that pit, so there’s no real public use for that – for that area. But, nevertheless, people have been  
30 using that Crown reserve to get onto the Crown road to access their properties.

We suggested that, um, ah – that maybe a realignment of Tintinhull Road through the development site, ah, would create a better, more certain, ah, provision for legal access to those rural properties. Um, it was originally going to be – the – the – the  
35 solar farm people originally were – were looking at doing that and were quite comfortable with doing that. But it turns out that the landowner who, ah, has the property decided to proceed with that, um – with that realignment as part of a project that they were doing.

40 So that realignment has occurred, and, um, Tintinhull Road now does not rely on access through the Crown reserve to get onto the public road network, which is a – which is a good solution for those – for those residents that access their properties via Tintinhull Road. So, in – in essence, that – that matter’s resolved itself, ah, so the project doesn’t need to resolve that matter.

45 The only issue for us is if the – if it is being used for accessing into the site through the construction phase, then, obviously, the maintenance of that road needs to be

considered as part of the, ah – of ensuring good access to the, ah – to the construction zone. So, hopefully, that addresses that .....

PROF LIPMAN: Thank you, yes.

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MR BERRY: Um, obviously, the, ah – there's a – there's a requirement in the – the draft conditions for a Traffic Management Plan. Obviously, we'll see that as that plan is prepared, and we'll look at how that manages the traffic implications.

10 I guess our – our issue with all of our major projects, um, particularly these renewable projects, is the impact of the construction heavy vehicles on the – the Local Road Network. Um, it's not so much for – look, certainly for wind farms, our experience has been it's not so much the over-dimensional vehicles. They spread their load over many axles. It's the sand, cement, gravel and – and water trucks, ah,  
15 which cause us more problems for our – our – our road condition.

And what we've – what we've, ah, asked for – and this is no – not – is not dissimilar. What we've asked for is that the roads be fit for purpose for the – for – for getting  
20 construction vehicles to and from the site, and that those roads are maintained over that construction phase, ah, while – while – while that – while ever they're out there working out at the site. So that's certainly something that we have, um – we've insisted upon to minimise the traffic impacts on the roads.

We do know that lots of residents talk about the behaviour of truck drivers on rural  
25 roads. Um, we've recognised that that's not a policing matter that council can get involved in, other than trying to make the environment suitable for all types of vehicles, um, ah, but we see that as something that should be dealt with through the other regulatory authorities, like the police, if there is, ah, poor behaviour of those – of those vehicles, and particularly if they're marked up, ah, as associated with the  
30 site, it's – it's easy – it's easy for the community to identify who the – who the – who the problem – who's causing the problem with, ah, all those drivers causing the problem. Other unmarked trucks we can pursue through other – other avenues, but we can certainly separate them out from the – from the, um – from the solar farm construction vehicles.

35

So, again, as I said, our view has always been to get the roads fit for purpose, ah, and making sure that they have minimal impact on the local community throughout that construction – construction phase. So that appears to be in the – in the consent  
40 conditions, although it does say that there's no requirements to do maintenance and repairs beyond the dilapidation reports, and, again, what we try to encourage these major projects to do is deal with the problems as they arise. So if the road is breaking up, deal with it before you, um, ah – rather than waiting for the dilapidation report and then doing the fix-up at the end of the project.

45 Um, it's often during the construction, if the road breaks up, we need to make sure that – that other road users have a, um – you know, there's a reasonable response to fixing up the road for the – for all the other users, not just the construction vehicles

themselves. Um, so that – I guess that’s only a – a – a point that we make out, that, ah, we would expect the maintenance of those roads over that construction phase to be done as needed, not just waiting for the work to be done at the end of the dilapidation report.

5

Um, ah, so I think that takes care of – from my perspective, it takes care of the road upgrade requirements that we’ve there. As I said, generally, we’re – we’re – we’re comfortable, because they – they’re – in the main are reflective of council’s policy requirements for, ah – for the road upgrade standards.

10

PROF LIPMAN: Can I just ask a quick, ah, question now?

MR BERRY: Yes.

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PROF LIPMAN: Um, I noticed that, ah, there’s a section of Tallagandra Road that has – is unsealed - - -

MR BERRY: Yes.

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PROF LIPMAN: - - - and there has been some consideration of how that should be dealt with. Ah, initially, it was proposed that it be sealed, and now I understand it’s to be gravel sheeting - - -

MR BERRY: Correct, yes.

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PROF LIPMAN: - - - rather than sealing.

MR BERRY: Yes.

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PROF LIPMAN: I wondered why this change was made, whether it’s satisfactory, and, secondly, whether there might be more dust arising from it as a consequence.

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MR BERRY: Look, my – my, ah – my recollection was – is that the proponent offered to seal the road. Um, it wasn’t coming from our policy position. And the difficulty we have – I mean, we’re – we’re grappling with our road – ah, unsealed road and sealed road maintenance programs and – and upgrade programs at the moment, and – and the reason that we – that we’ve gone for the – the gravel re-sheeting is because that is the standard that we have for that road at the present time.

40

The – the sealing of the road then becomes, potentially, an asset burden – a different type of asset burden for us down the track, and one of the things that we’re trying to do with council at the moment is to get them to think about what roads they want to be sealed and maintained at that particular standard, versus roads that they’re quite happy to see at a – at an unsealed, ah – unsealed standard, and we’re trying to work that out where they’re – where the council’s priorities are for – for that, and – and – and we haven’t done that work at this stage. So the idea of sealing this section of Tallagandra Lane – while it benefits the – the, ah – the development, potentially, and

45

for those few people – or the people that live on that section of the road and benefit from that section, it doesn't necessarily address what the wider community feels about the road network and where they want to see roads upgraded and the like.

5 Now, the only information that we have at the present time that the community of Sutton have said to us is they would like to see a bypass of the Sutton village as the major road upgrade priority for this locality. So one of the suggestions we made to the proponent was, "If you wanted to upgrade a road, that would be the priority, 'cause there's clear community support for that, rather than, ah – rather than the road  
10 that leads to your front door, when we can adequately deal with that through the – through the gravel – gravel re-sheeting of that to – to – to cater for the expected traffic." So that – that's – that's why we've, um, taken, ah – taken that view in regards to the road upgrades for this, ah – for this section of, ah, Tallagandra Lane.

15 PROF LIPMAN: Right. While – while – you raised the question of – of, um, bypassing Sutton.

MR BERRY: Yep.

20 PROF LIPMAN: I noticed there's a lot of concern about safety issues, particularly the schoolchildren in Sutton. Um, I just wanted to – some of the submissions say that there are no pedestrian crossings for schoolchildren in, ah, Sutton, and, ah, that there's, ah, quite a lot of safety issues associated, um, with turning from, um, East Tallagandra Lane to Mulligans Flat Road, which is a very sharp turn, and also that  
25 there's no – seems to be no intention, ah, for having, um, a footpath or a pavement in Tallagandra Lane opposite the solar farm, and I just wondered what your thoughts were on that.

MR BERRY: Oh, well, certainly, ah, the – the – the problem we've got is we've  
30 got, um, if you like, a regional road. Er, the Sutton-Gundaroo Road runs through the middle of the village, and it certainly splits the village. Um, there is quite a – a – an amount of traffic on that road, and, certainly, um, there is heavy vehicle logging trucks on that road, as well as general construction trucks, um, and – as well as farm trucks that move through that area, so it's always been a bit of – in contention, and –  
35 and we find this with any school that we have.

Even here in Yass, we find the same problem with, you know, the school on the main road through Yass – is that – is how do you move people safely from one side of the road – road to the other. The front entrance to the school is – is actually off Victoria  
40 Street. It's not off the – the – the Gundaroo-Sutton Road. Um, the – the school provides its own facilities onsite, but, as with a lot of schools that are bursting at the seams, um, they – they – they would certainly like to access the council public open space for some of their recreation activities and sporting activities that the school use, and one of the things that we've identified is the need to improve the footpaths  
45 in the village, to facilitate safe movement through the village.

Now, crossing of the roads becomes another challenge, but – but, generally speaking, if we can steer the pedestrian, the children onto footpaths, certainly, the way schools operate is that they can manage the crossing of the road safely using the – the teachers and the – and the parent aids that – that might be there. But, look, it's  
5 certainly an ongoing problem around all of our schools, including Sutton.

Um, the bypass idea was if we could take the through-traffic out of the village, that that relieves the – the – the current road through the village of some of the heavier vehicle traffic and the through-traffic so that we end up with a lower level, if you  
10 like, of traffic in the vicinity of the – of the school, so that, predominantly, there's – the traffic then is associated with the school, rather than travelling down to Canberra or out to, um – out to Gundaroo.

So that – that's why we've supported the community in exploring options for a  
15 bypass. Um, we thought we might be able to – to do that with a rezoning proposal next to the village, but the council, ah, didn't agree with that rezoning proposal, because it was – well, look, it – it, very bluntly, fell very short of the mark in terms of meeting all the requirements, ah, for a planning proposal for rezoning, so, um, ah, council knocked it out.

20 But it's still on our books as something that we need to explore, and that's why, I think, if – when the developers asked us what's the – the biggest local road priority, we said, "Well, the community's already spoken to us and said that the bypass of Sutton is on – is the top of their list. Um, they would like to see that before any more  
25 development happens in the area." But, again, ah, that's – that's, ah – that – that, ah – that's a funding – a funding challenge for the – for the council and the community about – about how we fund a bypass.

30 PROF LIPMAN: Thank you. Andrew, any questions on that?

MR A. HUTTON: Yes, just one question, Chris, if I may, just in relation to the potential, ah, cumulative impacts of, um, other projects – and I – I note in the Department's assessment report, they talk about a – a current wind farm proposal that's, um, maybe moving into construction shortly. Do you foresee any cumulative  
35 traffic impacts around this particular proposal and – and conflicts or – or issues with other major developments?

MR BERRY: Not – not really. The – the – most of the wind farms that we have, the – the ones that are due to construct or under construction at the moment, are north  
40 of the, ah – the Hume Highway.

MR HUTTON: Okay.

MR BERRY: Ah, they're – they're heavy haulage routes that're coming down the  
45 Hume Highway generally from Port Kembla or Newcastle. Um, the local – the local trucks, ah, supplying, you know, gravel, sand, cement and – and, ah, water for those projects are generally emanating from Goulburn, Boorowa, Harden and Yass, and

they're predominantly getting onto the, ah – the state highway network, um, and – and – and – and are – and are getting more access on there. This is at the – this solar farm's at the other end of the – of the local government area - - -

5 MR HUTTON: Okay.

MR BERRY: - - - so I can't see their – their traffic actually conflicting in a ..... way with – with our wind farm areas. Um, the biggest problem that we have, I guess, is the logging trucks that are – have been there, historically, for many years, ah, but we  
10 also have a local problem here with, um – with the development that happens in Canberra. The more apartments they – they build, the – the more basement car parks they generate, the more fill that they – they produce, and they like to find places to put that fill, and that tends to be in our – our local government area.

15 MR HUTTON: Okay.

MR BERRY: Um, and – and so we – we do have a problem, an ongoing problem with, ah – with – with trucks laden with fill, looking to deposit that on land in our – in our rural areas, and it's been a bit of a problem in that – in that Sutton area for  
20 some time. We're – we're – mind you, we're trying to limit the amount of fill, um, and we're working through a number of options on how we can do that, and we're also looking at, ah – where those filling projects require approval is looking at, ah, a heavy haulage levy, um, through a – a sort of a section 94 plan, that we're in the midst of preparing, to – to allow them at least to contribute to the maintenance of the  
25 road network.

MR HUTTON: All right. Thank you.

MR BERRY: Okay. If you want me now to turn to the community enhancement  
30 fund, I'm – I'm happy to do that. Um - - -

MR HUTTON: Yep.

PROF LIPMAN: Yes, please proceed.  
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MR BERRY: Yeah, basically I – I guess this came out of – originally out of the wind farm, ah, projects that were in our region, and, certainly, we've looked at work that particularly Upper Lachlan Shire have done in terms of, ah, setting up an ongoing legacy, if you like, for, um – for sharing the benefits of these new major  
40 projects to the community.

So, um, what we've – what we've done is that we've, um, ah – building on that work with our neighbours, um, we've developed our – our own policy, and – and the basis is that, rather than take development contributions for projects of this nature, we'd  
45 rather see a community enhancement fund be set up so that the benefits of that project, ah, come in to the community over the life of the project. And I guess the – the – the way we approached it was to – to look at the fixed levy that is permitted

under the – under the EP&A Act, and we’ve recognised that one per cent of the capital – upfront capital cost – paying that money to us upfront does potentially impact on the feasibility and viability of the project.

5 The other concern we have with that is, of course, if you give council all that money upfront, chances are we’d be looking to, ah – well – well, there – there is the risk, I guess, that – that we spend that money upfront, and then future generations or future members of the community, later on in the project life, don’t have access to that community enhancement fund. So the trade-off, if you like, is to say, “Why don’t we  
10 enter into an agreement whereby you drip-feed us that money over the life of the project, and that we can, ah – we can adapt to changing community needs and provide some – some decent funds into the community, um, over the – over the life of the project?”

15 Now, there is a – there is a risk to us in doing that. Part of the risk is if, ah – and we – we’ve based in this particular project the – the design life, if you like, or the asset life of the solar farm as being 30 years, and what we’ve said is that, ah, our risk is that they pull up stumps in 20 or 25 years, and we don’t get those contributions equal to that one per cent. So – so that’s the – the risk that we take.

20 The risk for the applicant, I guess, is that their project lasts longer than the design life. Um, and, as we know, lots of infrastructure does last longer than its design life. Ah, many houses are now – now hundreds of years old, and, ah – and we’ve now got – you know, most of our roads last longer than the 50 years that they were designed  
25 for. So there is a risk to the – to the applicant that, ah, their contributions would continue to apply as long as they operated.

30 So I guess what we were trying to do was look at sharing the risks, if you like, between both parties, and – and the idea of coming up with a annual contribution that, for while ever they operated, um, that would go into the community to do community – good community enhancement works that benefits, ah, current generations and future generations that might move into the area over the life of the project.

35 So that – that – that’s the – the basis of our policy, and we’ve applied that consistently on every wind farm in Yass Valley, and that’s been accepted as, ah – well accepted by the, ah – by the wind farm renewable community. Um, ah, and I guess our concern that we have with the draft conditions as they are – they are just simply limiting it to the – the 30-year – the estimated life, ah, of – of the project, and,  
40 as I said, we’d prefer to see some consistency between all our renewable projects, not just, ah, a different set of rules, if you like, for – for solar farms, as we had for the – for the wind farms, and, again, trying to have that level playing field between all the different players in – in our local government area.

45 So, um – so that’s the genesis of where we’re coming from. Um, don’t pay us all the money upfront. We can’t, ah – that – that becomes, um, an issue – administrative issue for us to manage that funding, you know, over the life of the project. Um,

having the money staged, if you like, is better for the – in our view, for the – for the proponents, but it allows us to manage the application of those funds over the, um – over the life of the project, rather than, ah, all up front.

5 So, um – so that's – that's where we're coming from. We want to try and be equitable. Ah, we've tried to use firm planning principles that are already there in the legislation as a basis to develop this approach, but the voluntary planning agreements that we've drafted up with our wind farm projects has been a useful  
10 template for this one. Um, we've drafted one up for the proponent's consideration, and my understanding is that we're – we're certainly pretty close in terms of the format of that voluntary planning – planning agreement. Um, ah, certainly, they haven't signed off on it yet. I guess they're waiting for whether they will have a, ah – a – a – a project to do or deliver, or whether – whether they don't have one, so, um – but, certainly, we're very close to finalising a – a – a voluntary planning  
15 agreement.

PROF LIPMAN: Thanks for that. Could you just tell me, with the voluntary planning agreement – is the – are the community enhancement, ah, grants built into that particular agreement?

20 MR BERRY: Yes. The – the – the agreement is structured in such a way that, um, the money comes into council. We hold that money in trust. We have a – what we're, ah, using the section 355 committee structure under the Local Government Act. That – that, um, ah, committee would comprise of the proponent, council  
25 representatives, ah, like the, ah – an elected representative. Um, it would also include, ah, members of the community that don't already receive a benefit, so the – the idea being that the community that don't, ah, host the – the – the facility, um, have an input into – to the sorts of – the selection and the sort of projects that would come forward.

30 The committee would call annually for – for applications to come forward from community organisations and individuals. They would then be evaluated, and – and grants issued on the – on the merits of those particular projects. So, while a project may not get, ah, funding this year, it may be funded in a subsequent year, because  
35 they would have a secondary opportunity to – to put forward that project. So the idea is – is that we use that – and – and those community committees are very public committees. Um, they're – they're – you know, they're open meetings. They – they have to, ah, evaluate the submissions that come in, and their decisions are subject to public scrutiny by the – by the council, because the committee makes a  
40 recommendation to the council, and the council will either agree or disagree with those, ah – with those recommendations.

My experience is it's – it would be hard-pressed for a council that sets up one of those committees with community representation and – and the involvement of the,  
45 ah – of the proponent to act against the advice being received from that group. Um, I think that would be – that would be certainly – certainly, ah, would – they would receive criticism from the community if they were making ad hoc decisions without,

ah – by – by ignoring advice of a – of a committee set up to administer the, um – the evaluation process.

PROF LIPMAN: Just one more question on that.

5

MR BERRY: Yep.

PROF LIPMAN: Um, it's a little bit unusual in your case that the, um, applicant has decided to extend the development for five years, but hasn't extended the VPA for  
10 five years.

MR BERRY: Yeah, well, that – that's why we're saying – is that the – the VPA – we would prefer to see that the VPA continue to apply while ever the, ah, facility operates, rather than an arbitrary design life of – or asset life of 30 years. So, as I  
15 said, there's a risk to us in that if they pull up stumps after 20 years, we miss out on 10 years worth of – worth of contributions.

By the same token, if it lasts longer than 30 years, um, that legacy is there while ever they operate, and, again, I guess it's, ah – it's an encouraging way for us to ensure  
20 that we have a good corporate citizen, ah, amongst our midst. That – that principle's been well accepted by the wind farm industry. We're – we're only just starting with solar farms in – in our area, ah, but our council was very keen on making sure there was consistency, regardless of the nature of the renewable energy project.

So, again, it's – from our perspective, it's about being consistent, and, um, you know, the last thing I need is – is all the wind farms to come back to us now, having seen a limit put here, to say, "Oh, we'd like to modify our – our community enhancement scheme to be – you know, to – to just be for a limited period of time." So I guess that – I guess that's what we're trying to do, is be consistent with our planning  
25 decisions and our approach to – to all our renewables in – in – in the Yass Valley.  
30

And – and, to be honest with you, what we've done as well is that with our – with our wind farm projects, we've collaborated with our two neighbouring councils to ensure there's consistency in the approach that we take to community enhancement  
35 between, ah – I think in the Rye Park Wind Farm, for instance, there are three local government areas involved, and we've tried to make sure that we're consistent between the three local government areas, rather than having inconsistent schemes, ah, for – for each of those areas. So, again, it's that – I guess it's that old planning adage of trying to be consistent with our decisions.  
40

PROF LIPMAN: Right. Thank you. Could I just ask you about, ah, your thoughts on the loss of agricultural land resulting from wind farms and solar farms in this type of, ah, proposal that we have in front of us. Um, the subdivision – I understand you now allow subdivision into smaller holdings, rather than large farms, and I was  
45 wondering what are the minimum size subdivisions, and what is the current agricultural use on these properties?

MR BERRY: Er, we've – we've had a long history of – of minimum rural lot sizes in Yass Valley. Um, some of the lots in this particular area were created under the former Yarralumla Shire, where they had, um – I guess their – their council at the time, ah, had a – a – a view of smaller lot sizes, around the 20-hectare, 15-hectare lot sizes, to promote, um, rural – rural living, if you like, rather than – rather than farming. Farming was to be used as a way of keeping the grass down and managing the – the land, but – but it was more about a lifestyle, that they would continue to work in Canberra while living and enjoying, ah, a rural lifestyle.

10 Um, when the standard LEP template was rolled out, the – the first version of that in 2013, the minimum lot size across the local government area was 80 hectares. Um, now, that was on the back of, ah, I think, some work that the Department of Ag did at the time or Primary Industries did at the time out in the Central West, and they wanted to see larger rural holdings. Ah, there was a – a major outcry at the time in  
15 Yass Valley, mainly because we had three LEPs coming together. Two of those LEPs had, um, ah, 40 hectares as their minimum lots size. The Yarralumla one had, as I said, a variety of lot sizes around the 20 to 15 hectares in size. And the community felt that it was important that there was consistency across the new local government area. Ah, they settled on 40 hectares.

20 Um, after about the best part of five years, the – the – the Department of Planning agreed with a planning proposal to introduce a blanket 40-hectare minimum lot size with the provision of averaging, so the idea being you could have an average of 40 hectares, but some could be smaller and some could be larger on those larger rural  
25 holdings. And that's been pretty consistently applied since that time, but we do still have this legacy of past planning decisions by governments – local governments at the time that go back prior to the 2013 LEP that we, ah – that we developed after the, ah – the 2004 amalgamations of – of local government in this region.

30 So, um, yeah, the minimum lot size in this area is 40 hectares. There's still arguments around the place about whether 40 hectares is sufficient to, ah, make a decent living as a – as a farm, and I would tend to agree that the vast majority of farms in our area are – are dependent on off-farm income, so that's usually the people who live there are still working in Canberra or still working in other business  
35 enterprises, um, and they're not – they're not making, ah, a sole living off the land, as we – as we see in more traditional, ah, large-scale farming operations elsewhere.

So it is a bit of a challenge for us, ah, but I guess that's where we've landed. Um, whether that's – whether that's right or not, I – I – I – you know, I – I have my – my  
40 personal views on – on that. I would – I would've preferred to have seen a – a – more adaptive lot sizes based on – on the landscapes and the – and the localities and proximity to services, rather than just a blanket control, but, um, ah, that – that blanket control of 40 hectares has been – been endorsed now and is – it's certainly what we have to work with.

45

PROF LIPMAN: Andrew, do you have anything on that?

MR HUTTON: Not on the minimum lot size, no. Thank you, Zada.

PROF LIPMAN: All right. Um, could we, um, just perhaps have a look at, ah, your  
5 views on biodiversity, um, impacts and how this is being managed on the site, in  
your opinion.

MR BERRY: Look, I guess we take the view that we're humble planners and not  
necessarily experts in biodiversity. Um, we certainly rely heavily on the state  
agencies in terms of the – of the biodiversity values of an area ..... from a – from a  
10 broad planning perspective, though, we do note that this is a – is a – part of a  
biodiversity corridor extending from the outskirts of Canberra and Mulligans Flat all  
the way through to the Blue Mountains, um, and that – that – that in the near  
proximity to this site, there are some, ah, very important, ah, national, ah,  
biodiversity values that've been protected, particularly the Mulligans Flat area, with  
15 what Canberra's been doing.

Um, in our area, of course, we – we do have the biodiversity, um, overlays, um, and  
we, ah – but, again, we – we expect that major projects or all landowners in – in Yass  
Valley looking at doing development does their – their due diligence in regards to  
20 their biodiversity assessment, and looking at their impacts and how they can mitigate  
those impacts or avoid those impacts, and if they can't, that they – they  
appropriately, ah, ensure that they have, um, ah, offset credits that they need to –  
need to ensure that they comply with.

25 From what I've seen of – of the work that they've done in relation to their  
biodiversity impacts, it looks as though it's followed all the right procedures, and –  
and – and, as I said, I'm happy to – to bow to the expertise of those people that did  
those – that work, and also the oversight that is provided through the state agencies.  
So, um, certainly accept that they've – they've done their – their due diligence and  
30 homework in that regard, and – and – and I accept the outcomes of, um – of, ah, you  
know, organisations like the Office of Environment and Heritage and, ah – and – and  
the experts in those – in those areas.

35 So, um, yeah, I – I – I – I don't – I don't really – I don't really have any concerns  
with the work they've done. It seems to have been, ah, you know, a pretty solid body  
– body of work, um, and – and certainly accept the – accept the findings.

PROF LIPMAN: I was interested in – in your comment, um, that, ah, you would  
prefer mature plantings, and I was wondering whether that was to enhance  
40 biodiversity or to improve views for the impacted residents.

MR BERRY: Look, I think it's – it's more about – it's more about the, ah, visual  
impacts. Um, if – I mean, a – a solar farm doesn't look like a farm in the – in the –  
you know, with grass and livestock grazing over it. It's, ah – it's a different type of  
45 farming, of course. It's, um, enhancing the – the solar energy. Um, but – but  
visually it – it's – it's very different to the surrounding land use, so, again, if we're to  
look at visual impacts, the assistance with some mature planting, ah, would – would

provide, ah, a way of mitigating those views from outside of the site into – into the site.

5 Obviously, we – we – we would like, ah, species selection that would enhance the biodiversity values of – of that – of that environmental corridor more broadly, ah, but, again, I think there can be a balance between the – between the two there. We, er – so there's two objectives for the landscaping in our mind: minimising the visual intrusion, if you like, to surrounding land use, but also enhancing the environmental biodiversity values of the locality generally. So we think we can achieve that with  
10 the – with – with the requirements that we've – we've made for some mature planting in, ah – in – particularly in the view corridors.

PROF LIPMAN: How successful, ah, is it likely to be, given the lack of water in the area? I understand the mature plantings .....  
15

MR BERRY: We've got plenty of water at the moment. Um, look, compared to 12 months ago, when, you know, the – the landscape was virtually a dustbowl out here, um, we've had good rains. Um, ah, the landscape has regenerated well. Um, look, certainly, with a – with an active landowner landscaping the site, we would expect  
20 them to, um, care, if you like, for those plantings, ah, while they become established, ah, but, again, right species selection should be, ah – should be very good for adapting to the changing climatic conditions that we have in this – in – in – in these rural areas.

25 So, um, ah, that's why, you know, appropriate, ah, species selection is – is important for the durability, if you like, of that landscaping to provide that visual buffer, but also to enhance those biodiversity values, so, um, yeah, we'd prefer to see – we'd prefer to see the appropriate species selection that, ah – that achieves both of those objectives, and – and – and manages with the scarcity of water that we – we do get  
30 from time to time in this region.

PROF LIPMAN: So I noticed that, um, the – the applicant's, um, proposal is to – during construction to use exactly the same amount of water as they'll – roughly that they'll use in operation. It seems, um, fairly low, in order to maintain the vegetation  
35 and the dust suppression. Um - - -

MR BERRY: Yeah, look – and, inevitably, we know on these big projects – is that – that water will be sourced from other areas. Um, I mean, it's just like us doing  
40 roadworks in these areas. Um, you know, we generally source water locally within the environment, if we can. If not, we – we look at, um, transporting water in from nearby areas.

So, um, for instance, there is, um – here in Yass we have a – a standpipe that is often used by people in the construction industry. They pay, obviously, for the water, but  
45 they, um, ah – they – they source the water here, and they transport it to the site, um, for use in dust suppression or – or other construction that they do. Particularly on

wind farms they use a lot of concrete production, so they use the water for that – for that purpose as well. Um - - -

5 MR HUTTON: Chris, any concerns – any concerns that you can – you can maintain the supply needed from that standpipe in town? Does it – during drought conditions, for example?

10 MR BERRY: Ah, look, ah, a lot of the water locally in, um, ah – in, ah – in Sutton is – is from groundwater - - -

MR HUTTON: Okay.

15 MR BERRY: - - - and groundwater is – is generally unreliable. There is no town water supply there. Ah, people rely on roof-water harvesting and, ah – and groundwater for their water – water needs. Um, there will be – on – on our rural properties, there will be some water source that they are able to harvest themselves, and, certainly, on our rural properties, most – most landowners are doing that.

20 But, certainly, in extreme conditions, ah, we – we’ve noticed in the last, ah – last little while that a lot of farm dams have – have dried up and – and people have imported water from – from elsewhere. Um, whether that’s for household use or whether that’s for stock – stock use, um, that’s been a feature of the way we’ve operated for – well, I guess since we – since we’ve been farming this area. Er, it’s – it’s nothing unusual, and – and, certainly, people in rural areas adapt – adapt to the changing climatic conditions. Ah, obviously, it’s been more challenging in recent years than it has been, ah – in – in – in other – in other more – more, ah – more fertile years, I guess.

30 And I – I – I don’t have any particular problems, but it – it has been a particular challenge for all major projects for sourcing water when, ah – when we do have those drought conditions, and, ah, it’s been a challenge for – for every – every – every project that we’ve got, including ourselves. In fact, we – we had to suspend our gravel re-sheeting and gravel grading programs because we had no water, and, um - - -

35 MR HUTTON: My – my question related to the project requirements for water, principally, but I – yeah. I – I hear what you’re saying.

40 MR BERRY: Yeah. Look, I think dust suppression is probably going to be the biggest water use for them. Um, as I understand their construction methodology, it’s not using a hell of a lot of concrete, um, and it’s like a solar farm that – that I was involved in, um, ah, considering. Um, ah, they – they just drive the poles into the ground, and then they bolt the poles ..... bolt the poles to the poles.

45 MR HUTTON: Yeah, yep.

MR BERRY: It's – it's not a particularly, ah – not a particularly sophisticated, ah, construction system.

5 MR HUTTON: Quick question, if I may, Zada, just around waste management and the anticipated waste from construction, be that packaging waste, etcetera, um, but then also turn your mind forward 30 years to think about decommissioning and what that looks like. Um, the council's capacity to be part of the waste management disposal option, noting that there'll be a recycling, re-use element mixed in – but any comments?

10

MR BERRY: Ah, yeah, it – look, it – it – it is a challenge, because, ah, we don't have any landfills. In fact, our landfill is down at Jugiong, um, further to our – to our south, um, and we have – a number of, ah, our – our landfills have been converted to transfer stations, ah, and we transport to landfill down at Jugiong.

15

Um, one expectation that we have had is with, um, the need for a waste management plan – the proponent to have a waste management plan. Um, there are a number of options that, ah – for commercial waste, ah, including Canberra, ah, Woodlawn, ah, possibly, and, um – and, obviously, our transfer stations down to – to Jugiong. In fact, where these major projects are, we – we encourage them to go direct to – to Jugiong, if that's where, ah – where they go, rather than handing it over to us, and then we – then we have to transport it down there. So, for commercial operations, we tend to get them as part of their plan to – to identify where they're taking their waste, and, um – other than what they're re-using and, ah – and recycling, um, and – and – and they'd have that part of their – part of their approval. So, um, that – that's what we would expect here.

20

In terms of the long-term issue of decommissioning, um, that's one of the things that we've been, ah, talking about as part of our waste strategy – is that in, you know, 10 years, 20 years, 30 years time, what do we do with all the solar panels that're coming to the end of their useful life for – for all the houses that've put – put them up, and what do we do with them. Um, part of us, I guess, is saying that there may be a solution down the track. Um, ah, part of us is thinking, "Yes, we might end up with all of this in our landfills, and how do we manage all of that in the – in the future?"

35

So it's something that we don't have a – a – a – an answer to at the present time, ah, but it's something that we are certainly talking about and looking at how we might have to adapt our own waste strategies, going forward. We're not the only ones. Um, it's an issue that we're working collaboratively with our neighbours, through the – the joint organisation, about these sort of challenges that are – or new waste challenges that are – that are facing us down the track. So I don't have – sorry. I don't have any easy answers .....

40

MR HUTTON: No, no. It's – it's – I appreciate your comments on that one, so - - -

45

MR BERRY: Yeah, yep.

MR HUTTON: - - - yeah, thank you.

MR BERRY: Yeah, not a problem, not a problem.

5 MR HUTTON: No further questions from me, Zada.

PROF LIPMAN: Are there any other issues that you'd like to raise, Chris?

10 MR BERRY: Ah, look, not – not necessarily. Um, there're just a couple of things in the assessment report. Er, I – I – I've mentioned about the policy, that, if you like, the reason we didn't implement the transition zone was because we weren't, um, the  
15 ..... weren't – weren't particularly supportive of that at the time. It's still a policy position of ours, um, and we believe that we can implement that in the meantime as a policy, ah – a policy approach. Ah, it is a project for us to look at in the future about if there is a statutory mechanism to implement that buffer area around Canberra, but, um, you know, we – we – we – that's a future project for us to do. We – we – we think the policy position we have at the moment will do – will stand us in reasonable good stead in the meantime.

20 Um, the – the – there is a suggestion, I think, in the draft consent about Crown roads – for council to purchase Crown roads. Um, my understanding is that they – Crown Lands can't compel a council to purchase land. They certainly have the powers, I believe, to change the classification of a Crown road to a local road through a gazettal process, but I don't think they can compel us to buy it, um, and, certainly,  
25 that's not something that we have done in the past, unless there's been a public need to acquire a Crown – a Crown land for a public purpose.

So, um, I think that that might need some tweaking in the condition, um, in, um, ah – in the – in – in the consent, so – I think that – that was mentioned in the assessment  
30 report, but there doesn't appear to be any condition specifically saying that in the – in the consent, so there might be a bit of a disconnect between the assessment report and the draft consent conditions at this stage. But I just highlight that as a – as a particular area that might need a little bit more, ah – more adjustment, if, ah – if the project is to be – be approved.

35 PROF LIPMAN: Yeah, we'll have a look at that, yeah.

MR BERRY: Yeah. But, look, at the end of the day, ah – oh, look, the only other issue I've got, um, ah – the usual – the usual rumour mill happens, ah, when, ah –  
40 when people get notices of a – of a, er – of hearings. Um, obviously, early on in the process, before COVID, we were – we were keen to make sure that we had the opportunity to – to meet people locally and to visit the site. Um, I'm sure you'll make other arrangements to do that.

45 Um, we've taken the view that we won't go to the public hearing, because we, obviously, have this opportunity, um, and, ah, we don't think you need to hear from us twice on the same issue. Um, we'd rather see people, ah – local people have their

say at those public hearings, and, um, I know, er, some – some feedback that we've received in the last few days is that, ah, people would like to see, ah, an opportunity in the new year for – for people to address because of the upcoming holiday season, but, um, I – I leave that for you to consider.

5

Um, ah, our job is to make sure that there is opportunities for people to address you about their concerns, and you have done that, ah, but it – whatever time you pick won't suit somebody, so I – I don't know how you handle all of that, but there has been some representations made to our councillors for you to, ah, consider, ah, the run-up to Christmas and the, um – and the – the holiday season coming up, but, again, I'll leave that in your capable hands.

10

PROF LIPMAN: Well, thank you very much, Chris. It's been, ah, very, very informative and comprehensive.

15

MR BERRY: Yep, not a problem, not a problem .....

PROF LIPMAN: We appreciate you coming today.

20

MR BERRY: That's okay. That's, er, my pleasure. It's, ah, always a good opportunity to have these – these, ah – our say, if you like, so, um, I appreciate the opportunity.

PROF LIPMAN: Thanks for that. Bye.

25

MR BERRY: Okay. Thanks very much.

MR HUTTON: Thank you. Cheers.

30

MR BERRY: All right. I'll, ah – I'll leave the meeting. Thank you.

PROF LIPMAN: Thanks, Chris.

MR HUTTON: .....

35

MR BERRY: Bye.

PROF LIPMAN: The meeting is closed.

40

**ADJOURNED**

**[1.29 pm]**