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**TRANSCRIPT OF PROCEEDINGS**

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O/N H-1349518

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH DEPARTMENT**

**RE: SPRINGDALE SOLAR FARM**

**PANEL:** **ZADA LIPMAN (CHAIR)**  
**ANDREW HUTTON**

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

**DEPARTMENT:** **NICOLE BREWER**  
**ANTHONY KO**  
**NATASHA HOMSEY**

**LOCATION:** **ZOOM VIDEO CONFERENCE**

**DATE:** **2.03 PM, TUESDAY, 8 DECEMBER 2020**

PROF Z. LIPMAN: Good afternoon everyone, 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 a meeting today for the Springvale Solar Farm project. RES Australia propose to develop a 100  
5 megawatt solar farm on a rural property located approximately 3.5 kilometres north of the ACT and seven kilometres northwest of Sutton Village in the Southern Tablelands Region of New South Wales. My name is Professor Zada Lipman. I'm the Chair of this Commission panel and I'm joined by my fellow Commissioner, Andrew Hutton, and from the office, Jane Anderson joins us from the Planning  
10 Commission.

In the interests of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded and the full transcript will be produced and placed – and made available on the Commission's website. This  
15 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's important for the Commissioners to ask questions of attendees, and to clarify issues when considered appropriate. If you're asked a question and are not in a position to answer, please feel free to take the question on notice and to  
20 provide us with an answer in writing, which we will place on the Commission's website. I request that all members here today introduce themselves before speaking for the first time, and for all members to ensure that they do not speak over each other, so that the transcript will not be unclear.

25 We'll begin the meeting now. Now we did send out an agenda of the principle items that we thought we'd like to hear about, but if you have a presentation, we'd be happy to hear that. How do you propose to go ahead, Nicole?

30 MS N. BREWER: Thanks, Commissioners. Look, we're happy to answer the questions around the key issues that you had, given that we've presented – you have the benefit of the assessment report, with that summary of issues. We can refer to the presentation and figures in that presentation as we go, in answering those questions, if you like?

35 PROF LIPMAN: Well that'd be very useful. Would you like to take questions during the presentation or would you like to wait until you've finished your presentation?

40 MS BREWER: I'm happy just to take questions straight up, if that works, Commissioners?

PROF LIPMAN: That'd be good. Yes, thank you.

45 MS BREWER: Yes.

PROF LIPMAN: So please proceed.

MS BREWER: So I mean, I guess going to – as you mentioned, the – the proposal is for a 100 megawatt solar farm, and we – you’ve noted that I guess there are some key issues that you wanted to discuss, and that the first of those was around agricultural impacts. Were there particular questions or was that something you  
5 wanted me to provide a summary of or - - -

PROF LIPMAN: We did – I did have a few questions on that, but I’ll hear from you first and if – if it’s – anything that’s not covered, that I wanted to ask, I can ask then.

10 MS BREWER: Okay. Thanks, Commissioners. Perhaps if we can go to the agricultural slide that we have. So you can see that we’ve got a site that is currently used for agriculture. So the Department recognises the concerns of the local community about potential impacts on agricultural land and of – you know, of the project, as well as, you know, other solar projects on agricultural land in the region.  
15 And we’re aware that there are concerns about the ag – important agricultural lands mapping that’s been underway for some time by the Department of Agriculture. This assessment’s based on the available agricultural land mapping and as you can see from the figure there, the majority of the site has been mapped as Class 4 Agricultural Land. So that’s the green that you can see in the figure.

20 The site overall is 370 hectares, and within that there’s a footprint that’s 185 hectares. So it’s – as I said, it’s currently used for grazing and the applicant, RES, has proposed to have cheap grazing in and around the panels during operation. Similarly as we have for other solar projects, there will be – there are recommended  
25 conditions around, you know, managing the land and to – following decommissioning, to restore that land capability for agriculture, but also to manage that, you know, with ground cover and that sort of thing while the project is operating.

30 PROF LIPMAN: Thank you. Nicole, can I just ask you a question here. We’ve just been discussing this with – prior meeting with Council, and I understand that the land in that area has been rezoned for subdivision into 40 hectare-minimum lot sizes and consequently, to what extent would you say that the land is still being extensively used for agriculture in the area, given the rezoning and the changes in lifestyle for  
35 hobby farms?

MS BREWER: Okay. Look, I mean, I know that there was the – the Yass Valley Settlement Strategy, which council made comment on in their – in their submission, and that talked about there being a transition zone and that – that that was something  
40 that then wasn’t adopted in the – you know, the final settlement strategy. If I - - -

PROF LIPMAN: Why not? Sorry, why was that not – why did – why did the Department not support that?

45 MS BREWER: Look, I – I’m – I can get that information, if – if you want us to – to look into that further, but I – what we understand is that the strategy did propose a – a transition zone originally, but that that wasn’t something that was adopted when the

strategy was finalised. But the – the applicant did assess that kind of land use, you know, those – that – the change in land use, as the Department did in its assessment. I think – I think probably – yes, I could get more information, if you – if you were after that.

5

PROF LIPMAN: Look I don't think it's essential. I was just interested in – in that the – that the Council said that it was opposed by the Department.

MS BREWER: Right, okay.

10

PROF LIPMAN: I – I – I was just wondering if you had in mind other developments for the area at the time.

MS BREWER: Look, I mean, that's – our regional teams deal with the – these – these kind of regional plans, so that it's not something that our – the assessment teams, you know, have detailed involvement in those decisions that are made.

15

PROF LIPMAN: Yes. Well it – be that – I mean, we've just got to live with it. That's the strategy we have at the moment, so don't worry about going into that aspect.

20

MS BREWER: Sure.

PROF LIPMAN: But my feeling with this particular solar farm proposal is that the submissions have not been as vehement about the loss of agricultural land as in some of the other ones and I'm just wondering to what extent you think that the smaller – the small holdings and the subdivisions have contributed to that. Has there been a loss of, sort of, agricultural land as a consequence of that already in the area?

25

MS BREWER: Look, I mean, I couldn't talk to the, I guess, you know, people's feelings in submitting. I mean, I think the – the nature of the region, particularly for some of the other solar projects that we've dealt with, have had, you know, perhaps a broader mix of the types of – of agricultural use, with a mix of some cropping and grazing, where this – you know, this particular site itself is, you know, currently used for just grazing. So I think perhaps it is just the nature of the – the land use in this region being a little bit different to the other regions.

30

35

PROF LIPMAN: Yes. Yes. Okay, thank you.

40

MS BREWER: Were there any other questions on agriculture or - - -

MR HUTTON: Not – not from me thanks, Nicole. I'm – I'm happy with that, unless Zada's got some further questions.

45

PROF LIPMAN: No, no. I'm happy with that.

MR HUTTON: Yes.

PROF LIPMAN: Thank you, Nicole.

MR HUTTON: Yes.

5 MS BREWER: Thanks, Commissioners.

MR HUTTON: I – I'd be keen to hear a little bit about some of the biodiversity  
challenges for the site and in particular, some of the amendments that were made in  
relation to that, as a mitigation strategy. I guess – and perhaps if that would lead into  
10 just some brief discussion about the offsetting approach, to the extent that the  
Department can comment on that. I'd be happy to - - -

MS BREWER: Sure.

15 MR HUTTON: - - - just get some feedback.

MS BREWER: Okay. So the – as you can see from the figure, the – the site layout,  
or the development footprint which is shown in yellow there – I would just note that  
this is the development footprint from the original – the first application. It hasn't  
20 - - -

MR HUTTON: Right.

MS BREWER: - - - it wasn't updated in this instance. Obviously other – the  
25 current recommended conditions include that development footprint. But it is – you  
can see that that yellow area is, you know, an unusual shape and it is set back in a  
number of areas, to avoid the constraints on site. So we've got – over to the western  
side of the site, we've got areas of vegetation and we've got areas of threatened  
species habitat. So there are areas of Golden Sun Moth habitat and there are – and  
30 there's low-quality habitat and medium-quality habitat. So you can see the panels  
are set back quite some distance into the site, to avoid that area to the west. There's  
also a band through the middle that avoids that unnamed creek, and that also  
provides some of the – some of that habitat for the Striped Legless Lizard. So some  
– you know, some work went into – on the applicant's part, to avoid these constraints  
35 on site and provide those – those setbacks.

I think – and I guess sort of the rest of the site and the areas that the footprint – the  
development footprint are proposed in are heavily disturbed from grazing. Another  
point that I'd make is that the site isn't located within the regions mapped  
40 biodiversity corridors. So that's the South Eastern Tablelands Biodiversity  
Corridors, which was an issue that was raised by – in submissions quite a bit. So that  
kind of avoidance, I think, has led to good outcomes for the project and the – the –  
the residual impact, I guess, is the clearing of around 5.38 hectares of native  
vegetation, which also includes 4.5 hectares of Golden Sun Moth habitat and .95  
45 hectares of Superb Parrot habitat. There was also an area of Superb Parrot habitat  
that was avoided through the amendments, as well.

So the – the – those residual impacts are proposed to be offset, you know, through the Biodiversity Offset Scheme, as is, you know, part of the Biodiversity Conservation Act, but there are also, you know, additional commitments that the applicant has made around fencing that area to the west, around the Golden Sun Moth habitat, so that it can, you know, regenerate and provide additional habitat. And that woodland enhancement zone, sort of in the middle of that western area. So  
5  
- - -

10 PROF LIPMAN: I've just got a question here. I thought it was really interesting that this 60 hectare site has been set aside for conservation. Is there any prospect of that area being part of the applicant's offsets?

MS BREWER: So look, I mean, that would really be up to the applicant. At the moment, I understand they've really proposed that as – you know, that they would be  
15 looking at the offsets – you know, providing an offset perhaps, you know, through the other mechanisms available under the offset scheme and that this was kind of an additional measure. It – it may be something the applicant, you know, might want to investigate further. If they are looking at that though, there may be considerations for them with the land holder, in terms of land stewardship agreements and that sort  
20 of thing do provide, you know – do obviously restrict the – the land use and perhaps that's not something that, you know – I think that's probably a question for the applicant and to – to resolve with the host land owner. But my understanding is that this is – this is something that they are proposing in addition to offsetting through the usual mechanisms.

25 PROF LIPMAN: Yes. I was just thinking it seems like an excellent opportunity, you know, to – for both purposes; for the approval and for the – in perpetuity or protection or 30 year protection of the area, to – to do it through the offset scheme, if they can. Yes. Okay. That's - - -

30 MR HUTTON: Nicole, I just wanted to step back just to understand something clear. You said the site's outside of the mapped biodiversity corridor. Can you just talk us through that, and do you have a map that shows the current location of the corridor? Just so - - -

35 MS BREWER: Sorry, I – yes, I don't have one in – in the presentation that we prepared, so no, sorry. I don't have ..... - - -

40 MR HUTTON: Okay. That's fine. It did come up in conversation with – with Council, so I'm sort of keen to sort of put those two bits of material together and just have a look at that, so that's – that's – yes. Is that something that you can put your hand on easily for us, or we can chase it up, I guess.

45 MS BREWER: We can have a look into that, yes, to get that to you.

MR HUTTON: Yes. Just a figure would be great, perhaps with a polygon or an arrow that shows approximately where the – the site is, would be useful.

MS BREWER: Okay.

MR A. KO: It's Anthony Ko here. So yes, we can provide you with a map. Just –  
just to give you a feel for the distances, the site's about 1.2 kilometres east - - -

5

MR HUTTON: Okay.

MR KO: - - - of the corridor to the west, and about 500 to 600 metres west of  
another corridor that's east.

10

MR HUTTON: Yes.

MR KO: But we can – we can provide you with that.

15 MR HUTTON: Yes. And it's fair to say, based on the figure in front of us and  
other plans, that there's not a great deal of connectivity in vegetation – that I can see.  
That'd be a fair assessment?

20 MS BREWER: I'd agree. I mean, I think the site – as I've said, the site has been,  
you know, heavily grazed - - -

MR HUTTON: Yes.

MS BREWER: - - - and – and you know, it appears to be so - - -

25

MR HUTTON: Yes.

MS BREWER: - - - in the areas surrounding, as well.

30 MR HUTTON: Yes. I wonder whether – while we're talking about amendments,  
Nicole, you wouldn't mind – sorry to be jumping around the issues – but just some of  
the set – setbacks that came out of the – the work that was done post-submissions  
and exhibition around, you know, property boundaries, setbacks, that sort of stuff.  
Are you able to talk through some of those changes for us?

35

MS BREWER: Sure.

MR HUTTON: Great.

40 MS BREWER: So – yes. Perfect.

MR HUTTON: Yes.

45 MS BREWER: So there was removal of an area of panels that were proposed south  
of Tallegandra Lane, was one of the amendments that was made. The amendments  
that I talked to earlier, around biodiversity – around - - -

MR HUTTON: Yes.

MS BREWER: - - - reducing the footprint to avoid the legless lizard. There was an increase to the setback of the solar arrays from the dwelling to the north, R35. So  
5 R35 – and I can get into this, I guess, when we talk in more detail about the visual impact assessment – but R35 is a residence that was constructed following the exhibition of the project.

MR HUTTON: Okay.

10

MS BREWER: And the – the original setback was around 30 metres from that residence, and the applicant amended, to set it back to 50 metres from the residence. We, as part of our recommended conditions, have also recommended a further setback, to take that total setback from R35 to be 90 metres. And I can talk about  
15 that in a little bit more detail, if you'd like, but just to run through the other amendments: relocating the onsite substation was another amendment that was made in order to reduce the visual impact, particularly for the residence to the south. In particular, R5. So the – relocating the substation tucked it in behind some existing mature vegetation, that led to, you know, better visual outcomes for that residence.

20

MR HUTTON: That was moving back further to the – what would be the east, of its proposed location. Is that right?

MS BREWER: Correct. I thought it was to move - - -

25

MR KO: ..... the west, so the - - -

MR HUTTON: West. Okay.

30

MS BREWER: .....

MR KO: .....

35

MR HUTTON: Okay, the other way. Yes. Okay. I see. Yes.

MS BREWER: So there was also additional access track crossing the gas pipeline, additional vegetation screening. The – the application, I guess, was – extended the anticipated operational life from 30 years to 35 years, but as you'd be aware, with our, you know, current recommended conditions, that we don't limit the life of  
40 operation and providing it can stay within the development envelope, that it – you know, it could be maintained or improved as technology improves. And they also provided a revised subdivision plan and – and additional detail around the VPA. So they were the sum of the amendments that were made through the assessment process.

45

MR HUTTON: That's good. Thank you.

MS BREWER: Did you want to jump to visual, or - - -

PROF LIPMAN: Yes. Yes, thank you.

5 MR HUTTON: Yes please.

PROF LIPMAN: Thank you.

10 MS BREWER: Sure. Thanks, Commissioners. So in terms of – in terms of the visual impact, the site is quite undulating and has a gentle slope from the west to the east and there's a – I guess for a number of factors – you know, for a number of residents around the site, there's a combination of the topography and buildings and vegetation that screens the site. You know, there are 35 non-associated residences within two kilometres, and I think probably the five, you know, immediately  
15 surrounding the site are the ones that might warrant additional mention, because I think those combination of the factors earlier mean that the other – the others further afield are unlike – we – the Department considered unlikely to have significant impact.

20 The – I think the amendments in this instance have contributed to reducing the visual impact. In particular, looking, I guess, to the west of the site, we've got R1. So that's about 410 metres from the footprint. It's got that existing intervening vegetation that they're retaining. There's also proposed landscape screening that is along that western edge of the – of the solar panels. Moving around to the north of  
25 the site, up to R2 and R35. R2 is about 300 metres at its closest point, from the footprint. It – it has existing structures and vegetation limiting the views and there's also, along that area, a proposed landscape planting at around 20 metres wide.

30 R35, which I touched on earlier, as I said, is – was newly constructed. That one, it – as I said, we recommended increasing the setback from that residence an additional 40 metres from the amended project that RES submitted to us. We felt that that would, you know, reduce the impacts to an acceptable level and I guess we felt that the undulating nature of the landscape at that location, combined with the – with that setback, would reduce the impact. So that additional 40 metres halves the vertical  
35 angle of view. There's established plantings already along – that they have planted as part of constructing that residence. There's also some, you know, habitat between that residence and the footprint, and so that allows, with the – that habitat, an additional, you know, 20 metres planting. And that setback also, I think, has benefit for the visual impact at R2.

40

To the south of the site, as I mentioned, one of the – the amendments to the project was removing the panels to the south of Tallegandra Lane. The – so that R5 is around 630 metres from the development footprint and the – so those amendments around removing the panels, as well as moving that substation to the west, have  
45 improved those, you know, outcomes for that residence. And as I said, I think the location for the substation, it tucks it in behind some existing mature vegetation. .... go to the – we've got some – some of the – the montages in the slide. So this – this

is from R35. So that's the residence to the north. This – and I note these are photo montages with the 50 metre setback, which is as the applicant proposed.

5 The figure at the bottom is the 50 metre setback with vegetation, so, I guess, you know, showing that the panels in and of themselves would be obscured by that planting. But it's our feeling that the – the panel should be set back a little bit further. You can see that there's a fall to the land, you know, sort of beyond there, and so we felt that that – you know, reducing that visual angle by the further setback would achieve better outcomes at that location.

10 MR HUTTON: Would that – Nicole, would that roughly be – you look in the middle section of that top montage, there's a break in the panels. How – is it there roughly, do you think, that extra setback? Or are you talking about it goes beyond that ridge?

15 MS BREWER: No, I think – Anthony, perhaps if you want to jump in, but my understanding is it – it's approximately at that break in the panels.

MR HUTTON: Yes, okay.

20 MR KO: Yes. It's roughly at the break. So the applicant, you know, said it's just an indicative design and .....

MR HUTTON: Yes, of course.

25 MR KO: - - - so – but it would be a good guesstimate to say that roughly at the break would be where the 90 metres is.

MR HUTTON: Yes. Okay.

30 MS BREWER: Perhaps if we jump to the next - - -

PROF LIPMAN: And are you going - - -

35 MS BREWER: Sorry.

PROF LIPMAN: You recommended – in your report, you recommended mature plantings. Endemic – mature endemic plantings. But – and these look like mature trees, or is this down the track?

40 MS BREWER: So – I mean, I think the – the visual plantings, you know, are to achieve the best outcome, and so in different areas, you know, those mature plantings – it's really about achieving that best outcome over the longer term. So that would be detailed in the ..... sorry, in the landscaping plan, and those – I mean, that photo  
45 montage does show, you know, with some growth. But I think it's around the sorts of species that will give kind of the best outcomes, and that will be identified through the landscaping plan.

PROF LIPMAN: I see. But – but is – are they going to be mature plantings as well?

MS BREWER: I think – I think that's something for the landscape plan to identify.

5 PROF LIPMAN: Right.

MS BREWER: Were there – so this photo montage is from adjacent to, I guess, the roadway near R2. So looking down onto the – the – the solar farm in the distance.

10 MR HUTTON: Yes.

MS BREWER: The – off to the, I guess, the – the left of the photo, you can see the shed and some planting – some existing planting, which has been provided by that – that landowner of R35. So this – you know, you can see R2 is located some distance,  
15 you know, it – but further to – in what – further to the northeast from where this photo was taken. But you can see the undulating nature of the land at that location, as well, in the .....

MR HUTTON: Yes. So Nicole, that shed is R35? Yes. Okay.  
20

MS BREWER: Yes.

MR HUTTON: Yes. Excellent.

25 MS BREWER: And then to the next – I think we've got another – so this is a view from R5, to the south.

MR HUTTON: Yes.

30 MS BREWER: So again, you can see the undulating nature of the site. Sorry, my mistake. From ..... R1. Yes, my apologies. So R1 is located off to the – that was immediately west of the farm.

PROF LIPMAN: The west, yes.  
35

MS BREWER: Yes.

MR HUTTON: So those – those trees we can see on the left there would be the trees that would be retained as part of the – the biodiversity retention strategy there,  
40 would be my guess.

MS BREWER: I would imagine so. I don't know. Anthony, is that - - -

MR KO: Yes. Yes, that's the existing land vegetation, sitting amongst the .....  
45

MR HUTTON: Yes. Okay.

MR KO: Yes.

MS BREWER: Okay. So I think overall, you know, our view is that the – the  
5 changes made to the project have substantially improved the visual outcomes for the  
residences where there was potential for, you know, a significant visual impact. So  
the – the combination of the setbacks, as well as, you know, the – were both  
proposed by the applicant, as well as the additional setbacks that the Department's  
recommended and the changes to the, you know, location of infrastructure – the light  
10 response stage.

MR HUTTON: Very good.

MS BREWER: And this – this slide just shows the location of the landscaping. So  
15 you can see they've proposed landscaping - - -

MR HUTTON: Yes.

MS BREWER: - - - you know, around sort of all the key – key locations adjacent to  
20 the residences.

MR HUTTON: But at that – this plan predates the 90 metre setback, or that – that  
does represent the – for R35, the – it doesn't – yes, okay.

MS BREWER: Anthony - - -  
25

MR HUTTON: Doesn't – doesn't probably matter.

PROF LIPMAN: It's got the 90 metres at the top, yes.

30 MR HUTTON: Yes. Yes. Yes. Regardless – and the substation down the bottom  
left - - -

PROF LIPMAN: Yes.

35 MR HUTTON: - - - has been moved to the west. Yes, okay. That looks good.

PROF LIPMAN: That's right.

MR HUTTON: Thank you.  
40

MS BREWER: So I didn't – I didn't have anything – any other comments to make  
on visual, unless you had any other questions?

PROF LIPMAN: No.  
45

MR HUTTON: I have no further questions on visual, thanks Nicole. Unless you  
do, Zada?

PROF LIPMAN: No, I don't have any.

MR HUTTON: No.

5 MS BREWER: So I note, just running through the agenda, noise was something that you also wanted to discuss?

PROF LIPMAN: Yes.

10 MR HUTTON: Yes, I guess particularly – and you know, the – the sites that are in close proximity to the array and – and that sort of construction – typical construction noise issue. So yes, this looks good.

15 PROF LIPMAN: And I'd also like to discuss the – the inverter noise and how that's been handled with the horseshoe shelters.

MS BREWER: Okay. So – I mean, I guess, in – in an overall sense, during construction is when a large amount of the – the impact is likely to be, with noise. So all receivers are below the highly noise-affected criterion. There were five  
20 receivers that were predicted to experience construction levels that are above the noise-affected criterion, so between 46 and 56 DBA. But I think as we've seen from most of these types of projects, that would be, you know, short-term. The overall length of construction is around 18 months. But within that, it – these construction exceedances are, you know, shorter term within that, that they'd be intermittent and  
25 that they'd be limited to the standard construction hours. And in particular, when there are a number of activities that are proposed adjacent to the – adjacent to those residences.

30 So the – and – so that the – our recommended conditions do recommend that they put in place the mitigation – standard mitigation measures, in accordance with the – the construction noise guideline. So I think – and just to reference the – the proposed construction period is a bit shorter than 18 months. It's around 10 months, in this instance. This is a smaller project ..... that we've – we've presented here recently. So to the – I guess, the operational noise. The – the – there is mitigation that's  
35 proposed around the – the six invertors in the middle of the site, and that would ensure that they could meet the operational criteria at the nearby residences.

MR HUTTON: Nicole, do you have a map like this for the construction noise? Like, I mean, I note your comments about noise levels, but do you have the – the – a  
40 similar figure?

MS BREWER: I don't have a figure, other than to say that the ones – essentially, the ones that we talked about with reference to the visual impact, so – that the ones that were – that – where there was potential exceedances are those ones that are  
45 closest, so that it was R5, R1, R2, R3 and R35.

MR HUTTON: Yes. Okay, thank you.

PROF LIPMAN: Right. I just wanted to ask about – the invertors would seem to be fairly noisy then, if it required that additional sheltering through those horseshoe surrounds. Would it be helpful to have those in other areas as well? Or are other areas not going to be impacted to the same extent?

5

MS BREWER: So those invertors where they've proposed the noise walls through the centre of the site are the invertors that – that were contributing to the exceedances. So the – the other invertors where no noise walls are proposed weren't identified, as I understand it, to be an issue contributing to that exceedance, and that those – you know, I mean, you can see that those ones are obviously closest to the closest noise receiver, being R35.

10

PROF LIPMAN: I wonder, it's quite close to the – the invertors.

15

MS BREWER: So – I mean, R1 is still – R1 is around 400 metres from the footprint. So it's – it is still further than – you know, quite a bit further than R35 is.

PROF LIPMAN: Indeed, yes.

20

MS BREWER: Yes.

PROF LIPMAN: And R2 is fairly close to the invertors on the western side – north western side.

25

MS BREWER: I mean, R2 is around 300 metres from the footprint. So that's from the - - -

PROF LIPMAN: Yes.

30

MS BREWER: - - - edge of that – that hatched zone, so the invertors are further again, I guess. So they would be – in those instances, I – I'd imagine that the – the – given the distance is further, that those – those invertors through the middle are the ones that were identified as being the issue contributing to the exceedance.

35

PROF LIPMAN: Yes. Okay, thank you.

MS BREWER: I didn't have any other comment to make on noise. Were there any other questions?

40

MR HUTTON: No, that's fine for me. Thanks, Nicole.

MS BREWER: Yes. The next item that you had on the agenda was around the Aboriginal heritage impacts. So we have – so there was an Aboriginal Heritage Assessment that was done and those surveys were undertaken with the Registered Aboriginal Parties. There were 15 identified heritage sites and 12 of which would be avoided by the – the revised – the revised development footprint, and essentially, most of those, as you can see from the figure, are in the western portion of the site.

45

The project wouldn't impact on important Aboriginal heritage sites that are in the locality. So the – those important sites are – are more than two kilometres away. There's the Derrawa Dhaura Aboriginal Place, which is 2.5 kilometres away, and that's an ochre quarry. And that was identified as part of the quarry that has been  
5 proposed and approved.

So that was – I guess you can – you know, the historic activities that have occurred at that site, you know, have aligned with what has been proposed, you know, for development as a quarry, you know, in later times. There's also a campsite that's  
10 about 4.5 kilometres away. So we've – there's no impact to those – to those important Aboriginal heritage sites. The – the recommended conditions provide for a Heritage Management Plan, which includes a methodology for a test excavation program, and that's to inform the detailed design of the program – the project, and to dis – and to include a description of those measures to manage any items that are  
15 identified during that test excavation.

MR HUTTON: But that – that'd be subject to discussion with the stakeholders, I guess, in preparation of the plan?

20 MS BREWER: That's right.

MR HUTTON: Yes.

MS BREWER: So the – the Heritage Management Plan would be prepared - - -  
25

MR HUTTON: Yes.

MS BREWER: - - - in consultation with those Registered Aboriginal Parties - - -

30 MR HUTTON: Yes.

MS BREWER: - - - and the – Heritage New South Wales.

MR HUTTON: Yes. Yes. And so, the location of the test pits would very much be  
35 part of that consultation. They haven't identified those at this point, they're just going to inform the detailed design?

MS BREWER: That's right.

40 MR HUTTON: Yes, okay. Thank you.

MS BREWER: Yes.

PROF LIPMAN: Can I just mention here that BCD and the Aboriginal Elders were  
45 very concerned about having subsurface test excavations conducted before any approval was given. But it seems to have been changed now, to be prior to construction. Is there a comment on that?

MS BREWER: I mean – yes. So we did – I mean, we did look at this in detail, and I think the – the significance of the sites that were identified – so there were – there were submissions from – from Aboriginal Elders, which we felt the applicant responded to, in terms of some sites that they felt weren't identified, that they  
5 responded to had been identified. But I'd say, I guess the significance of the site – given that it has, you know, quite extensive grazing and is some distance from – from this – you know, the – this important Aboriginal heritage area that is the ochre quarry that has been identified as part of, you know, a change in land use for a quarry, so that that – that land use in that area, I think, you know, supports what historically had  
10 happened in that area. So here I think, you know, given that there's been quite substantial grazing over a – you know, a long period of time, the significance of the area was, you know, quite different to that – that important – that important heritage site, two kilometres away.

15 PROF LIPMAN: I can understand that about the surface artefacts, but I'm talking about the subsurface test excavations that were required.

MS BREWER: In – so I mean, I think the subsurface testing, you know, as we've – as we find on many of these grazed sites, there's – you know, there are areas that –  
20 that have potential, and I think what's shown in that figure - - -

PROF LIPMAN: So you are going to carry them out ultimately, but it's been postponed from pre-approval to pre-construction, because tests – your last point there, the test excavations recommended to inform the project design, lead to high  
25 subsurface archaeological potential. So that potential is being recognised, notwithstanding the grazing background.

MS BREWER: So in – in certain areas, they're identified areas of potential.

30 PROF LIPMAN: Yes.

MS BREWER: And that the – that – that was a commitment made by the applicant, that those – that those test excavations inform the – the project design and that in  
35 consultation with the Heritage New South Wales and the Aboriginal groups, that the – the management of those – of what's discovered is identified through that – that Heritage Management Plan.

PROF LIPMAN: Yes. They did ask that it did pre – be done pre-approval around that pre-construction and that – I was just wondering why there had been that change.  
40 That – that's all I'm asking.

MS BREWER: Sorry – is that – sorry, was there – have I – has that covered the questions that you - - -

45 PROF LIPMAN: Well, not quite, I'm just wondering why there has been this switch from not doing them prior to the approval, to later in the – prior to construction.

MS BREWER: I guess it was felt that in – that the areas of sensitivity and the significance of the site was such that that – you know, with that commitment from the applicant, that it be done prior to the – that it be done to inform the design, that it – that was an appropriate point for the – those excavations to be done.

5

PROF LIPMAN: Okay. Thanks.

MS BREWER: Construction traffic was the next thing on the – the agenda here. So we are aware that there – the community had concerns around construction traffic and – and safety travelling through Sutton Village. So the – the transport route goes from the Federal Highway to the site, via Sutton Village. Along Sutton Road, leading into the Sutton Village, and then along East Tallegandra Lane, Mulligans Flat Road and Tallegandra Lane. The – the Department felt that the – those potential safety concerns around travelling through Sutton Forest could be managed through the Traffic Management Plan and the applicant committed that those – you know, the heavy vehicles travelling through the village would avoid the school zones. We did also look into – and I guess the thing – the important thing to flag here is that all of the route designated is a route designated for use by B doubles already and over-dimensional vehicles, and that it's – and it's sealed along that network, up to a point 150 metres from the site access.

So as part of the consultations with Council, Council requested that that last 150 metres be resheeted with gravel. I think the combination of that road upgrade and management through the Traffic Management Plan would manage the concerns through the – primarily through the construction period. So again, we've got a – you know, a 10 month construction period. There's a five month construction peak and that – you know, at the peak, there are a number of heavy vehicles and light vehicles, but that that could be managed through the Traffic Management Plan. We did look at some of the potential alternate routes, so there is potentially, you know, an option for the traffic to exit the Federal Highway to the north, so earlier off the Federal Highway.

But that's an uncontrolled intersection, whereas this route has a dedicated off-ramp, and that route also would lead to, you know, about 23 kilometres of local road usage and the – we felt that this, you know, I guess focusing on the prioritising the use of that state road network was important in this instance and – but the concerns around safety could be managed through the – the Traffic Management Plan and noting, you know, as I said, that that construction period is – is, you know, it's relatively short construction period, but still those safety concerns could be managed through that Traffic Management Plan. Were there any other questions on traffic, or concerns that you had?

MR HUTTON: Not for me. Not for me, thanks.

PROF LIPMAN: Not at the – not at the moment, thank you.

MR HUTTON: Thank you for that.

PROF LIPMAN: Just the site access and road upgrade is of interest, yes.

MS BREWER: Sorry, Commissioner?

5 PROF LIPMAN: No, no. That's fine, thank you.

MS BREWER: Okay. Perhaps I can jump to the decommissioning.

10 PROF LIPMAN: Sorry, I'd like to go to the site upgrades.

MS BREWER: The site - - -

PROF LIPMAN: The previous slide. Yes.

15 MS BREWER: Sorry.

PROF LIPMAN: Right. Just to – just to ask you about the gravel resheeting of the carriageway. I notice that was – originally the applicant suggested that they would seal that area, and then it was decided to use gravel resheeting. How comfortable are you with that change?

20

MS BREWER: That was something that I understand was discussed with Council, and that – that was some – that was an upgrade that was proposed in consultation with Council.

25

PROF LIPMAN: And what about the – the gravel resheeting, would that result in more dust than sealing?

MS BREWER: I – look, I think any kind of, you know, resurfacing reduces the potential from a – you know, from a dirt road, and I think then also, the – you know, dust can be suppressed through other mechanisms, such as, you know, water carts and such.

30

PROF LIPMAN: Yes. While I'm on the water, I notice with this particular solar farm, that they're only – they propose to use the same amount of water during construction as they do during operations, and it's only two – two megalitres, or something like that, as opposed to the normal solar farm, which would be about 20. And would that, in your opinion, be adequate to deal with the dust that's going to arise from the construction, and perhaps for vegetation maintenance? And are there other areas where they could access water during that time?

35  
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MS BREWER: Perhaps Anthony, do you have any more detail on the – on the water?

45 MR KO: On the water usage. So I think – you know, for – for this project, as Nicole mentioned, because we are on the sealed road network for quite a lengthy period and there's only that short 150 metre of gravel resheeting, compared to some

other projects, the dust – the water usage, which is mainly for dust suppression, is, you know, predicted to – to be lower than – than some of the other projects that we have assessed.

5 PROF LIPMAN: But when the area's being cleared, surely, to put in the panels, there would be a lot of dust arising from that, that would have to be dealt with. So you'd think that there would be more water usage for dust suppression during construction than operations.

10 MS BREWER: Look, I mean, perhaps that's a question for the applicant.

PROF LIPMAN: The applicant.

MS BREWER: Yes.

15

PROF LIPMAN: Yes, sure.

MR HUTTON: Yes.

20 MS BREWER: I mean, I think there's – this is – you know, this is a smaller solar farm, I guess, than some of the other applications that we've had, at the 100 megawatts, and it is 180 hectares for the development footprint. So I think those factors perhaps, you know, focus also to – you know, a potential lower water usage. But I'm – perhaps that's a question for the applicant.

25

PROF LIPMAN: Sure. Yes. Okay. Right. That's all my – all I wanted to ask you.

MS BREWER: Okay. So to – I guess to jump to the next issue that was identified on the agenda, around decommissioning and rehabilitation. As I said at the outset, part of that expected operational life that was proposed for the project is that it would be around 35 years, but the project, you know, may involve infrastructure upgrades that could potentially, you know, extend that operational life with technology – improvements to the technology for the panels. We've got, as we have for the – the other solar farms, recommended conditions with strict outcomes for decommissioning and rehabilitation, such that the – the site is restored to its land capability to its pre-existing use, prior to the development of a – of a – the solar farm, should it be approved. The – there are conditions around waste management, to minimise waste and classify waste and that it's, you know, stored and managed in accordance with those waste guidelines.

40

PROF LIPMAN: Yes. Just a question on this. I notice that there's no commitment on the applicant's part to remove below-ground cabling, other than where practicable. There's also no condition to that effect.

45 MS BREWER: So I guess we've – the proposed conditions are around removing the – removing all infrastructure, unless otherwise agreed, and that, you know, there may be – there may be circumstances where infrastructure – for example, a site

access road – you know, may be desired to be – to be maintained as part of the – following decommissioning, by the landowner. So that’s – that’s the idea around that potential flexibility.

5 PROF LIPMAN: Yes. I was just talking about under – below-ground cabling and  
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MS BREWER: Look ---

10 PROF LIPMAN: Sorry.

MS BREWER: Sorry, Commissioner.

PROF LIPMAN: Please proceed.

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MS BREWER: I mean, I think it’s – it’s around the – the, you know, potential for opening, you know, the significant earthworks that are required for removing the underground infrastructure and that that potentially is, you know, an impact in and of itself. And if the landowner is – you know, accepts that that underground  
20 infrastructure can be maintained on site and if that’s acceptable, that then that, I guess, reduces additional impacts through, you know, opening the site up again to remove that underground infrastructure.

25 PROF LIPMAN: Thanks. And the other question was in relation to rehabilitation and decommissioning. Have you given any thought to requiring the applicant to prepare a decommissioning and rehabilitation plan within say, three years operations, setting out exactly what is going to be done, as we’ve conditioned in other cases?

30 MS BREWER: Look, I mean, I think as we’ve discussed for a number of these projects previously, and we’re aware that the Commission is of a mind to include such a condition for the management plans. And I think the – you know, we feel that the outcomes in the conditions achieve the same endpoint. That the – the outcomes are there to – for the applicant to adhere to and that those outcomes achieve the same endpoint as having a plan to manage – to, you know, identifying that. That if we, I  
35 guess, as part of a broader program that the Department’s looking at, having outcome-focused conditions, so that the applicant has, you know, strict outcomes to adhere to and that – that they – they may well have, you know, a plan for that, but the endpoint is that it’s, you know, safe and stable and non-polluting and that restores that land capability to its pre-existing use and that those outcomes are identified in  
40 the conditions, rather than – than having, you know, the additional plan. But look, I mean, we – we accept that the Commission, you know, is – is of a mind to include a condition such as that.

45 PROF LIPMAN: Thank you. Any questions, Andrew?

MR HUTTON: No thank you, Zada. I’m happy with that, thanks.

MS BREWER: Okay.

PROF LIPMAN: Thanks, Nicole. Is there anything else on that? The only other  
5 thing that we – Council had expressed a view that it's very – you know, with  
construction waste. There's quite a lot of construction waste and packaging, and  
Council emphasised the difficulties with finding disposal facilities in the area.

MS BREWER: So look, I mean, I think this is – there are a number of, I guess,  
10 transfer stations within the LGA and they did, you know, advise a preference that,  
you know, a particular transfer station wasn't used. I think that, you know, overall,  
you know, we'd consider that waste is a – a user-pays service and that the  
Department expects that the Council would charge the applicant, you know, or the  
solar farm, for these services accordingly and – but if waste is unable to be accepted  
15 at a waste facility, that an applicant would need to find another appropriately  
licenced waste facility.

PROF LIPMAN: Yes.

MS BREWER: I do note that there's been some recent work done by the EPA. So I  
20 guess this is separate to construction waste and more around the end of life waste,  
but the EPA has done some work in this area and in August 2020, committed around  
\$10 million to pilot initiatives to improve the environmental performance by  
diverting that end of life solar panel systems from landfill. So there are – there is  
work being done, you know, across government, around that. And we're - - -

25

PROF LIPMAN: Is that to a recycling facility, by any account?

MS BREWER: The – they look at, you know, reuse of the panels and battery  
30 systems.

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PROF LIPMAN: Right. Yes, right.

MS BREWER: And we're aware that some of the solar projects have also been, you  
35 know, recycling the wooden pallets onsite and then reusing them as garden mulch.

35

PROF LIPMAN: That's interesting. Is there any other points you'd like to refer us  
to?

MS BREWER: I did note that – so socioeconomic was on the – on the agenda.

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PROF LIPMAN: Yes.

MS BREWER: I'm happy to – to talk to that.

45 PROF LIPMAN: Yes.

MS BREWER: I mean, there are obviously the – the benefits of the project and the other socioeconomic issues around the – you know, 200 jobs during construction and five jobs during operation. The – there is, you know, we feel, significant – sufficient, you know, established towns around the area that accommodation for the short  
5 period wouldn't be – you know, could be managed with those large – within those large towns. There is also a VPA that the applicant has proposed and that's valued at around \$1.26 million, and that consists of a one-off payment and then additional annual payments after that.

10 PROF LIPMAN: Right.

MS BREWER: I would note, I guess, that the VPA was the – the resulting, I guess, offer was the outcome of some lengthy negotiations. Council's requested that the VPA continue for the life of the project, so that would be beyond the sort of 35 years,  
15 if the project is still operating. At this stage, you know, the nature of voluntary planning agreements is that it is an offer from the – from the applicant and at this point, the applicant, RES, has made the offer for a period of 30 years. The Department's, I guess, looked at this and considered that that's reasonable, given that that equates to, you know, around the 1 per cent of the CIV, which is what's  
20 contemplated under section 7.12 of the Act. So our feeling was that that was reasonable and that, you know, a voluntary planning agreement is as its named, and that that's what RES has offered and that that was reasonable. And so that was – that's what's been included in the recommended conditions.

25 PROF LIPMAN: That's true, but it is a bit unusual, because initially the project – the life of the project was 30 years and with the amendments, I suppose because of the reduction in the number of panels, the life of the project was extended to 35. But the offer for the VPA didn't extend – wasn't extended at the same time.

30 MS BREWER: I think that's the - - -

PROF LIPMAN: I guess that's the – sorry, I was just going to say that's probably the – up to the applicant and the Council. But it is a bit unusual.

35 MS BREWER: I think it's more tied to the total amount - - -

PROF LIPMAN: I see.

40 MS BREWER: - - - and the proportion of that as the CIV, and that that was – that was where the 30 years in that instance has come from.

PROF LIPMAN: Okay.

45 MR HUTTON: Council did raise an interesting point this morning, which is about consistency across the LGA with other renewable energy projects. Yes, it's just worth – it was an interesting comment, to say that it's setting precedents, I guess, which is moving away from potentially what they've done with some wind projects,

in terms of their VPA. So it's just worth noting that comment, I think, Nicole.  
That's all.

PROF LIPMAN: Yes.

5

MS BREWER: Yes. Look, I mean, my area is – is wind and solar, so I'm aware  
that those - - -

MR HUTTON: Okay.

10

MS BREWER: - - - VPAs have – you know, are – are what has been offered by the  
wind industry - - -

MR HUTTON: Yes.

15

MS BREWER: - - - over a longer period. I guess we're – we're working with the  
offer made by the applicant in this instance - - -

MR HUTTON: Yes.

20

MS BREWER: - - - and that it is the outcome of some lengthy negotiations through  
the process.

MR HUTTON: Yes. No, I completely understand that. I just thought it was  
interesting about the Council's view to, I guess, addressing a whole range of  
renewable projects in their LGA and trying to formulate some consistency, so – but  
yes, if you're aware of it, then it's probably not too valuable to you, because you're  
already aware of it.

25

MS BREWER: Yes. I mean, it's definitely – we'd also say that there's – the sorts  
of things that we think would have the draw on services for these types of solar  
projects with the short construction periods, and that the – you know, primarily the –  
the impact on council services and infrastructure is around the – the road upgrades  
conditions those. So you know, as we do for other renewable projects, but that those  
– those road upgrades are already allowed for, as part of the – the recommended  
conditions.

30

35

MR HUTTON: Thank you.

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PROF LIPMAN: Right. Thank you very much. Have you got any more questions,  
Andrew?

MR HUTTON: Zada, I don't think I do. I think that's been a – a great session. It's  
addressed our key agenda items and I – I'd just like to thank the Department again,  
for coming together and talking to us about those issues and also just to acknowledge  
the assessment report was a good report and easy to follow and so, well done. It's  
good.

45

PROF LIPMAN: Yes. I – I support that entirely. Thank you so much today, for all your patience and for taking us through all the issues and I also found the report very helpful. Thanks very much, Nicole, Natasha and Anthony.

5 MS BREWER: Thank you. Look, we really appreciate the – the feedback and also the opportunity to answer any questions that you have today, and hope that it has been helpful. So – but happy to answer any other questions if there are other issues that come up, perhaps as – you know, out of site visit or through your, you know – through your, you know, final stages in the project.

10 PROF LIPMAN: That would be great, thank you. We've got a public meeting on the 22<sup>nd</sup>, so if – you know, we might have some further questions at that stage.

15 MS BREWER: Okay. Thank you.

PROF LIPMAN: Thank you very much for that.

MR HUTTON: Thank you. Thanks .....

20 PROF LIPMAN: We'll close the meeting now.

MR HUTTON: Thank you.

25 MS BREWER: Thanks, Commissioners.

PROF LIPMAN: Bye-bye, everyone.

MS BREWER: Thanks everyone.

30 PROF LIPMAN: Thanks a lot.

MS BREWER: Bye.

35 **MATTER ADJOURNED at 3.03 pm INDEFINITELY**