



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF MEETING

RE: MIDDLEBROOK SOLAR FARM (SSD-10455)

COUNCIL MEETING

PANEL: MR RICHARD PEARSON (CHAIR)
DR SHERIDAN COAKES
DR BRONWYN EVANS AM

OFFICE OF THE IPC: MR GEOFF KWOK

TAMWORTH REGIONAL COUNCIL: GINA VEREKER
MURRAY RUSSELL
SAM LOBSEY
ADRIAN CAMERON
ANDREW SPICER
MITCH GILLOGLY
JAY MORROW
JESSICA ALLEN

LOCATION: SCHOOL ROOM, TAMWORTH
COMMUNITY CENTRE, 3 DARLING ST,
TAMWORTH

DATE: 11:30AM – 12:30PM
WEDNESDAY, 18TH SEPTEMBER 2024

<THE MEETING COMMENCED

5 **MR RICHARD PEARSON:** Great. So before we begin, I would like to acknowledge the traditional owners of the land on which we meet, the Kamilaroi people, and pay my respects to their elders past and present. Welcome to the meeting today with Tamworth City Council to discuss the Middlebrook Solar Farm (SSD-10455) currently before the Commission for determination.

10 The Applicant, Middlebrook Solar Farm Pty Ltd, proposes to develop a 320 megawatt solar farm and 320 megawatt/780 megawatt an hour battery, approximately 22 km south of Tamworth in the Tamworth Regional local government area.

15 My name is Richard Pearson. I'm chairing this Panel and joined by my fellow Commissioners, Dr Sheridan Coakes and Dr Bronwyn Evans. We're also joined –

MS GINA VEREKER: Excuse me [unintelligible 00:00:56].

20 **MR PEARSON:** Sure. And welcome to the other [unintelligible 00:01:03], Richard Pearson.

DR SHERIDAN COAKES: Sheridan Coakes [unintelligible 00:01:06].

25 **MR SAM LOBSEY:** G'day, how are you? Sam –

DR COAKES: Hi, Sam. Pleased to meet you. We'll need to shuffle up here.

UNKNOWN SPEAKER: Sorry we're late.

30 **MR PEARSON:** That's okay. I'll just complete this introductory statement that we're making. We're also joined by Geoff Kwok from the Office of the Independent Planning Commission. I do need to let you know also that we're recording the meeting as part of our protocol and that will be uploaded to our website.

35 So in the interests of openness and transparency and to ensure full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website.

40 This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It's important for the Commissioners to ask questions of attendees and clarify issues whenever 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
45 notice and provide any additional information in writing, which we will then put up on our website.

I would just request all members here today to introduce themselves before

speaking for the first time and for all members to ensure they do not speak over the top of each other, to ensure the accuracy of the transcript.

5 So with those words, we now begin the meeting and I think essentially the agenda was for Council to talk to any issues that it has, perhaps reflecting on your submission from 18 August 2023 or any other issues you would like to bring to the commissioners' attention on this project. So should I hand over to you, Gina?

10 **MS VEREKER:** [unintelligible 00:02:48].

MR PEARSON: Thank you.

15 **MS VEREKER:** Thank you to the Panel and thank you for being here and Jay Morrow has just entered the room.

MR JAY MORROW: Apologies. How's it going?

MR PEARSON: Good, thank you.

20 **MR MORROW:** Thank you.

MS VEREKER: So just to start, Mr Chair, Tamworth has an acknowledged support for renewable energy. There's just a couple of general comments and in our strategic document, blueprint 100, it's in one of the things that we support and Council does generally support the provision of renewable energy and in the broader sustainability achievements that it can bring.

30 However, we're not in the REZ and despite that, we are, I suppose, being impacted in various ways by a range of renewable energy projects and we do on a number of projects have some concerns. In this case, with the proposal before us, Council's remained neutral to the project. So we have not put in, certainly from a Councillor perspective, formal Council perspective, any objection or opposition to the project. However, in terms of the details, yes, we have some concerns and comments that I will hand over to the subject matter experts to talk further about. We also have a draft submission ready to go to the Commission, so it's in draft form. Thank you to Jessica, who's prepared it and the planner who's been generally responsible for the overall management of this application.

40 So firstly, I might hand over to our engineers because it is really in the road, the management of roads and the engineering aspects that our concerns lie. So if that's okay if I hand over to both Adrian and to Jay to talk in more detail about those aspects. Thank you.

45 **MR MORROW:** So again, apologies for – I run a little bit late. I'm Jay Morrow and I'm one of the senior operations engineers in our transport operations area here at Council. We are essentially the asset owners of the road networks, roads and drainage. So obviously as part of the development process, our development talk with us about ongoing concerns and issues.

One of the issues that has been raised with this proposal is obviously dust and I guess the existing condition of Middlebrook Road and the infrastructure there such as the bridge. So as part of this application, the proponent wishes to bring a lot of heavy vehicles in to import their componentry, so Middlebrook Road would need to be upgraded to cater for that. At the moment, it stands at 7 m, the requirement that we're looking for and that's basically to enable gazzettal from a heavy vehicle perspective, so you could actually gazette the road, which would be a great outcome.

Obviously, as part of the DA conditions, we'd like to see a seal applied to Middlebrook Road. That's a twofold thing from our perspective in terms of dust mitigation but also safety and that's the paramount one. So at the moment there's two accesses proposed off Middlebrook Road and I can't remember the exact DA condition, so apologies, but effectively the second access route's primarily going to be a heavy vehicle entry point because it's off the bend and the first access could be a bit more of a lighter vehicle or a planned access point if there's an escort or something along those lines, which we fully support. We think that's a great outcome on the provision that the seal actually goes to the second access point.

MR PEARSON: So do you understand how far this proposed sealing goes as per the latest situation? Do you understand how far Middlebrook Road is proposed to be – and Council doesn't think that goes far enough?

MR MORROW: No, at the moment it's only about 300 m past the first access point. We want it to go to the second access point because basically that's going to be the primary entrance and from a safety perspective, it's actually a much better location from a site distance perspective and just general safety in general. So obviously having it on a bend isn't ideal.

DR COAKES: Yes, yes. Richard, can I just ask a question?

MR PEARSON: Yes, yes.

DR COAKES: Just in relation – I noticed in Council's submission it did talk about potentially sealing to was it Marsden Park –

MR MORROW: Marsden Park Road, yes.

DR COAKES: Yes. I'm just noting there's a number of obviously – I don't like using that word "receivers" but landholders in that location, well not far away from there. So I just – yes, wondered just give us a little bit of context around your –

MR MORROW: Around the thinking?

DR COAKES: Yes, yes.

5 **MR MORROW:** Yes, absolutely. So again, my understanding is that there's going to be some internal roads that the proponent's going to be utilising and there's only those two isolated crossover points on Marsden Park Road. Hence why we can still work with the Applicant about how those crossovers work but the seal probably doesn't need to go all of the way to those points. But their second access, absolutely. I think that's paramount.

10 **DR COAKES:** What is just the distance, Jay, from that second access point? Obviously, we haven't been to the site yet but we will be, from that second access point to the Marsden Park Road?

MR MORROW: You might have to refresh my memory.

15 **DR COAKES:** Sorry.

20 **MS JESSICA ALLEN:** Jessica Allen and I'm senior development assessment planner. So in the original EIS, they were just proposing one access which was on the corner. In the response to submissions, they proposed a second access, which is about 500 m [unintelligible 00:09:21].

DR COAKES: Between the two roughly, yes.

25 **MS ALLEN:** No, sorry, they're proposing to seal to 440, which is about halfway, so between access 1 and access 2 it's maybe 800 m and that's about halfway –

DR COAKES: Along [cross-talk 00:09:35].

30 **MS ALLEN:** Along that [cross-talk 00:09:35].

MR MORROW: So it was about another 800 m from access point 2 to Marsden Park Road, is that right?

35 **MS ALLEN:** To Marsden Park Road. About that.

DR COAKES: Okay, thank you.

MR PEARSON: Can I just –

40 **MR MORROW:** [cross-talk 00:09:45].

MR PEARSON: Can we just orient on this, so this is Middlebrook Road access point 1 and where are you saying – this is, as I understand it, their access point 1.

45 **MR ADRIAN CAMERON:** Correct.

MR PEARSON: Off Middlebrook Road.

MR CAMERON: Yes.

MR PEARSON: So in your view, how far are they sealing and how far do you want them to seal?

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MS ALLEN: So what they're proposing in the second part is to seal to here. So almost halfway between one and two, they're not proposing to seal to two. We would like to seal to two.

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MR PEARSON: Right. Okay.

MR CAMERON: And then the two crossover points that we were just discussing as well and Marsden Park Road are just in this kind of vicinity and that's what we were saying, we can actually look at those crossovers in isolation in lieu of a seal.

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DR COAKES: A seal. Okay, yes.

MR PEARSON: That's useful, thanks.

20

DR BRONWYN EVANS: Can I ask a question? Bronwyn Evans. Jay, you mentioned that there's a bridge on the road, does the bridge have capacity in your –

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MR MORROW: At the moment, we've supplied a bridge inspection report, level 3, but that was done in 2020. So what we'd again like to see is another bridge report undertaken to determine the veracity of the bridge structure.

DR EVANS: And is it a concrete span bridge?

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MR MORROW: Yes, it is.

DR EVANS: Yes, okay.

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MR MORROW: Yes. But again, depending on exactly what configuration, truck configuration, heavy vehicle configuration the Applicants are going to be using, that may be a talking point or may not be because if they actually want to back and use general access vehicles, then it'll be okay. But if they're proposing to use B-doubles and things like that, oversize, over mass, that will be an issue, potentially.

40

DR EVANS: Thank you.

MR MORROW: And I think there is a condition for that [unintelligible 00:11:40].

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MS ALLEN: So the Applicant is aware of it, they've committed to it. It's not explicit in the condition. So that's something we're going to be proposing to make it clear that a bridge upgrade may be required.

DR EVANS: Right. Okay, thank you.

5 **MR CAMERON:** And I guess just on that note in general, there was a little bit of discrepancy between the numbers that the Applicant –

MS ALLEN: That one's now been resolved.

10 **MR CAMERON:** Okay, cool. Awesome.

MS ALLEN: Noting that the condition only refers to heavy vehicles, not all vehicles for the site.

15 **DR EVANS:** Yes.

MS ALLEN: But that was resolved through the response to submissions.

DR EVANS: Thank you.

20 **DR COAKES:** And Richard, just I had a question if that's okay. Just Jay and Adrian, while we're on roads, obviously the turning off the New England Highway, we've just noticed in some of the submissions that's been raised by landholders about the safety of that turn. Again, any [cross-talk 00:12:45].

25 **MR MORROW:** Yes, so effectively New England Highway actually will fall into the auspice of Transport for New South Wales. So the Applicant will require a WAD for any proposal there and I do understand and I haven't reviewed the design intently but there is a proposal to actually widen that out to enable the swept paths of the proposed vehicles. So which I think will need to happen.

30 **DR COAKES:** You'd need to happen?

35 **MR MORROW:** Yes, absolutely. But they'll need the approval of Transport for New South Wales prior to works commencing under that WAD process or s 138 concurrence.

DR COAKES: But from Council's perspective, you're comfortable with that?

40 **MR MORROW:** Yes.

DR COAKES: That is needed?

MR MORROW: It's absolutely required. 100%. But they just need to go through the process.

45 **DR COAKES:** The process. Yes, thank you.

MS VEREKER: So if I can just refer back to Jay and/or Adrian, there were other

matters from [unintelligible 00:13:40] that you wish to raise.

5 **MR CAMERON:** I suppose one more was with the battery fires and things recently, it's just with the extinguishing systems they have, so this is a possibility, some method to capture that on site if there is a fire, there is the possibility, so contaminated water from those batteries. You're going to want a way to ensure that doesn't leave the site.

10 **MR MORROW:** And management of that –

MR CAMERON: Fire risk.

MR MORROW: Yes. Run off effectively as well.

15 **MR CAMERON:** Yes, you'll have the normal stormwater runoff but there is concern. We've all heard about the lithium and nickel cadmium heavy metals that any fire system has a method of containing that material on site.

20 **MS ALLEN:** And just following on from that, so there is a condition, recommended condition for a fire safety study but this is something that Council's been giving all renewable projects is that cooperation between your fire safety experts and your stormwater experts. So that's probably more of a comment and something that Council can continue to liaise with the Applicant on. But it's that cooperation and –

25 **MR MORROW:** Could I possibly ask a question of you guys?

MR PEARSON: Yes.

30 **MR MORROW:** I imagine that you're probably going through a lot of these proposals at the moment for renewables in general. I just had curiosity how other areas are dealing with it, like the conglomeration and the cumulative impacts because from our perspective, managing access on our road network is tricky, particularly for some of the bigger projects like the wind farms and all that.

35 **MR PEARSON:** Yes, I mean it's fair to say that other Councils are raising similar issues in relation to traffic cumulative impacts, accommodation, workforce cumulative impacts, visual cumulative impacts. I suppose particularly Councils in REZs but also Councils like you that are bordering REZs and we know that these projects, as this one is, are occurring outside the designated REZs.

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45 So look, there's not necessarily any magic bullet on the cumulative impact issue, we do have to look at other projects that are proposed and committed to in the area, which we are doing and the Department does do some level of assessment of that. But it's the \$64,000 question really, isn't it, the cumulative impacts of these projects. We have to ensure that each project can stand on its own two feet in terms of managing its impacts but then we also do have to have an eye to ensuring A, B, C, D and E don't tip any of these things over the brink. It's not an easy

science but we've clearly got a mind to it. But if it's any comfort, they're the same sorts of issues that other Councils are raising and that we're dealing with and that we're trying to find a way forward on.

5 **MR MORROW:** Thanks for that.

10 **DR COAKES:** I guess just following on from that, the question back in terms of from the assessment did you feel in your reading of it as a team that there's been adequate sort of consideration of those cumulative impacts? Again, that's been raised in community submissions around whilst there may have been consideration of other renewable energy projects, there's also other development projects occurring within your Council area potentially also. So I just wondered what was the view?

15 **MR MORROW:** I might leave that to the development team because they've seen them all but –

20 **MS ALLEN:** This probably isn't the most challenging in terms of cumulative impacts on roads and so I think our engineers have done a really good job of considering the usual traffic users and this project. I think there's others where especially say the battery energy storage systems around the Calala Kingswood area, that's more challenging in terms of the road users. This one's probably in terms of cumulative impact, employment, accommodation, which we'll come back to.

25 **DR COAKES:** We'll come back to.

30 **MS ALLEN:** Yes, so this one's probably not the most challenging in terms of cumulative impact on the road.

35 **MR MORROW:** The real interesting one I think is the pinch points, how they get [unintelligible 00:18:26] or infrastructure actually to site from Muswellbrook, Tamworth, particularly again for the windfarms. Like we're talking 90 m blades and it's tricky.

MR PEARSON: Yes.

40 **MS ALLEN:** And I guess with this one, they'll have to confirm with the bridge but there is a good chance that it is going to be acceptable whereas other ones also have other ones where it needs new infrastructure. We know it needs new infrastructure and how do you also divide the [cross-talk 00:18:56].

MR MORROW: Sorry for the temporary segue.

45 **MR PEARSON:** No, that's all right. It's all relevant. Back to you, Gina.

MS VEREKER: Thank you, Jay. Thanks, Adrian. We might move on just to other planning issues before we talk about the VPA if that's okay.

5 **MS ALLEN:** So you might notice today we're focusing more on the issues that still are outstanding, so there are some things like visual impact we're not really going to mention, we think that's still – like the Goonoo Goonoo Station, there was additional work, that was addressed and we still think that the Applicant needs to continue to work with the community for the visual aspect and they've already committed to that.

10 **MR PEARSON:** Can I just ask a question there, have you had interaction with – do you pronounce it Goonoo Goonoo?

MS ALLEN: Goonoo Goonoo.

15 **MR PEARSON:** Have you had interaction with that station? Because I don't think they've made submissions.

MS ALLEN: No, it's from the heritage point of view. So our heritage consultant provided advice on that. So that's where we're coming from.

20 **MR PEARSON:** Yes, I saw your submission did talk about it but we haven't heard from them specifically but that's fine. Yes.

25 **MS ALLEN:** So I guess following on from the traffic, dust. So if the Applicant doesn't seal the whole length of Middlebrook Road to access 2, then dust really remains a concern and –

30 **MR MORROW:** Sorry, we'll jump in. It was remiss of me not to mention that the other benefit for the actual Applicant will be all weather access if you seal up to that second point. So it's actually a lot beneficial for them in that terms as well. So otherwise they might not be able to access their site [cross-talk 00:20:44].

MR CAMERON: [cross-talk 00:20:44] proposing to widen that section as well.

35 **MR MORROW:** Correct.

MR CAMERON: Fair bit of civil work there anyway.

MR MORROW: Already. There's already efficiency to just continue it.

40 **MR CAMERON:** Correct.

MS ALLEN: So the proposed condition from the Department's [unintelligible 00:21:01] was really the Applicant must minimise the dust generated.

45 **MR PEARSON:** Yes, it's a very general condition.

MS ALLEN: It's very general and I guess I've got experience in compliance and it would be very difficult really to ensure compliance with this condition and it's

certainly something that I think the community's brought up as well. So it's –

MR PEARSON: We've heard a lot of submissions about dust actually, yes.

5 **MS ALLEN:** So Council does think as well as the traffic, in terms of dust, the
best solution would be to seal the road to access 2. If for any reason that doesn't
happen, then we would like a more comprehensive condition for dust
management. It's going to be primarily for the BESS traffic, where the oversize
10 over mass, so it's probably only going to be for a proportion of the construction.
So it could be quite specific in terms of the timing, so it's not too onerous. But it
really needs monitoring, actual management of what's going to happen and –

MR PEARSON: Are you going to propose a condition in your submission or are
you just going to –

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MS ALLEN: Yes. No, we'll propose a dust management condition in
consultation with Council and but we would like it to be very comprehensive for
that time. And so yes, in terms of cost benefit, it may actually be better for them to
just seal the road.

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MR PEARSON: I'm trying to find the dust condition in the draft consent.

MS ALLEN: B19.

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MR PEARSON: B19. Good work. Yes. It just says, "The Applicant must
minimise the dust generated by the development." It's very minimalist.

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MS ALLEN: Yes. And it's quite out of the way in terms of Department doing
compliance. It would, I imagine, be difficult for them to come out here like every
time that a community member complains.

MR PEARSON: Okay. Well, we'll be interested to read your suggestion on that.

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MS ALLEN: So the next one is the resource use and waste generation. So this is
based on advice from our waste division. So the Applicant has – so we've
previously commented we want a waste management plan with the information on
waste generation for construction upfront. So our waste team have advised that in
terms of the cumulative impact, this is definitely one of them. They're going to
have waste generated from multiple renewables projects as well as existing use.

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So they really need to know to the level of like the volume, what material, what
volumes, they need to know that level upfront for the construction phase and they
need to know that before construction so that they can manage waste. We've
previously advised that our landfill's environmental protection licence allows
45 60,000 tonnes per annum. So there's limited capacity for additional waste
volumes. So we really need to know in advance is it going to be a – we can't just
have "It'll go to landfill," we need to know what's going to go and whether it can
go to landfill or if the Applicant has to arrange something else.

5 The Applicant has committed – they’d already committed to the waste management plan. In the response to submissions, they added it would be developed in consultation with Council and it would be prepared and endorsed prior to construction. So the Applicant’s coordinating with Council but it didn’t come through as a condition. So that’s what we want, we want the condition tightened. So it needs to be done before construction and in consultation with Council.

10 **MR PEARSON:** So are you talking about condition B34 or –

MS ALLEN: Thirty-four.

15 **MR PEARSON:** Right, okay. What about B36, which is about decommissioning and rehabilitation?

MS ALLEN: We’ll come to that.

20 **MR PEARSON:** Okay.

MS ALLEN: Yes. We’ll come to that next or come to that now actually unless you’ve got any questions about waste.

25 **MR PEARSON:** No. So you’re saying there should be a waste management plan details, destination of waste?

MS ALLEN: Yes. And the Applicant’s already committed to that, we just want that commitment actually as a condition.

30 **MR PEARSON:** Sure. Okay. Clear on that.

35 **MS ALLEN:** Then with decommissioning, this is probably one that’s come up in renewable projects across the board. So B34, 36, yes, the decommissioning and rehabilitation condition doesn’t account for any liability if the project is not decommissioned as planned or if there’s unexpected or temporary cessation. So if it goes into like a period of care and maintenance, my background’s in the mining industry, so care and maintenance can last a very long time and I guess that’s something we don’t want to see in the renewable energy sector. So Council’s preference is for a bond for decommissioning, otherwise we would accept a restriction on the title.

40 **MR PEARSON:** How would that work? How do you see the restriction on title would work? Because I did see that in your submission and I thought well that’s an interesting idea but I can’t quite – I’m just not sure how it would work in practice.

45 **MR LOBSEY:** So Sam Lobsey, manager development. I think it would probably need to tie to the approval and the conditions of consent in some way. I don’t

know what the wording is at this stage because I don't think we've had this got to a stage where we've been able to sort of formulate some wording around it. But it would put the onus on the owner of the land to ensure that any matters in relation to decommissioning, site maintenance, ongoing management of the site should be maintained by the owner of the land so there's no – future owners can't just put the blame back on the previous development, so it puts the emphasis on the consent itself. So I don't know what that wording looks like but that's sort of how I –

MR PEARSON: So the consent goes with the –

UNKNOWN SPEAKER: The land.

MR PEARSON: – land?

MR LOBSEY: Yes, the land.

MR MITCH GILLOGLY: And I would just say a general comment, Mitch Gillogly, is that I think generally these renewables need to be treated like mines in terms of like end of life, rehabilitation, bonds, there's specific requirements around that where I think it's just been progressing too fast and we haven't caught up quite yet with how we're managing that, so I just say that point. We should be treating it the exact same as the mines with bonds and things like that to ensure that there is money in case they go bust and they just pack up and leave.

MS ALLEN: So this is kind of two points. So the first one is financial and even the landholder in these cases is probably going to be a farmer, so how do they have capacity to be able to actually pay for it? So that's the information we want upfront, we want some type of financial surety, whether it's in a bond, whether it's part of a fund, to actually have that upfront to know that it will be able to be rehabilitated, there's that money. Some type of plan that's actually on paper and there's money attached to it and that's for general renewables, not specific to this one.

MR PEARSON: Sure. Yes, understood. In general, I mean as a comment I would say the Commission on consents that we've dealt with previously for solar farms does take a stronger approach to decommissioning and rehabilitation than the Department recommends. So the condition B36 is not what we will probably land on going forward. Can't kind of preempt it because we have to go through the process.

But that issue of bonds is something we have certainly talked to the Department about. Their view is that there's a commercial arrangement between the energy operator and the landowner and that's where the money to secure rehabilitation lives, in that commercial arrangement. You can argue how transparent that is and how adequate it is but that's the response I guess previously we've had on that issue. But it's a very real issue. We definitely consider it a significant issue.

MR LOBSEY: I think – sorry, just quickly, I think it’s just yes, we don’t know what those commercial agreements are so we’re 30 years down the track, it won’t be us in the room but how’s the Council going to manage –

5 **MR PEARSON:** Yes, no, it’s a very legitimate question, so we’ll be interested in your submission on that point. I’m not sure that Bronwyn or whether you want to add anything further?

10 **DR EVANS:** I think if we get it in your written submission, it adds to the impetus for this to be a broader consideration. So I think it is very useful to get your ideas about how that would be framed, where you would see the responsibility sitting. It just helps us understand what are some of those things to put in the mix of consideration.

15 **DR COAKES:** Yes. I think in previous projects, we have seen sort of some assurance between the Applicant and the landholder that there is some consideration of that potential liability but I agree, I think yes, pop those things down and it has been raised, as Richard said, it’s coming up with others as well.

20 **MS VEREKER:** And that’s good. What you just said is good because it assumes that we’ve got this company, commercial entity versus an individual farmer potentially who – like they’re not equal in their awareness –

25 **MR PEARSON:** No, no, no. Sure.

MS VEREKER: – of necessarily their rights, so we’re trying to protect community in the future.

30 **MR GILLOGLY:** And it comes back to how they’re set up as well. You know, the renewables lease their land whereas the mines own their land.

UNKNOWN SPEAKER: Yes, [unintelligible 00:31:58].

35 **MR GILLOGLY:** So they’re tied to the bond to the land and it is a lot easier when the mines are the ones making the money. Where these guys, you know, yes, it’s fraught.

40 **MR PEARSON:** Harking back to that question before, it’s an issue that comes up on every project, wind farm, solar farm, how do we guarantee that they’re not going to become ghost farms in the future that are not rehabilitated. Anyway, we’ll read with interest any suggestions you have about how to deal with that issue.

45 **MS ALLEN:** And then the second part of that is like the financial surety but then the actual rehabilitation plan. So I mean, yes, coming from the mines, we want a decommissioning plan upfront.

MR PEARSON: Well, we do too, so we’ll be on the same page on that issue.

MS ALLEN: Yes. And then revise it 18 months before cessation. It should be a legal document but we want that upfront as well.

5 **MR PEARSON:** That's what we have been imposing as a condition.

MS ALLEN: So I'll pass over to Mitch for the planning agreements and then we'll come back to me for the local economy.

10 **MR GILLOGLY:** Sure. So basically probably the main I guess issue is in the actual condition itself. I think there's an error. So in appendix 4, part A, so the third dot point, that shouldn't be in there. So basically that's saying that that portion of Middlebrook Road for that \$329,000 is going to form part of the VPA when it's not. So the revised offer that came through in July –

15 **UNKNOWN SPEAKER:** No.

20 **MR GILLOGLY:** – I think it was, it's clear that [unintelligible 00:33:56] was that Middlebrook Road is not going to form part of it now and that was based on our comments, saying that's a condition of consent. And so that shouldn't be in there. I think where they got that figure from is in the offer they just provide general comments around sealing makes up about 10% of the \$3.2 million total cost of upgrading the road. So I think that's where that figure's come from. So that dot point just shouldn't be in there.

25 **MR PEARSON:** So you're saying that it should be done as a condition of consent, whatever it costs is what it costs is what it costs.

30 **MR GILLOGLY:** Yes, and that's what it is. I think it's condition B6, appendix 5. So appendix 5 is the table that stipulates the road, what's required to be upgraded and then there's the map tied to that as well. So it's all covered under that. I think it's just a –

DR EVANS: Yes, a legacy drafting error.

35 **MR GILLOGLY:** Yes, a drafting error.

DR COAKES: Yes, and I think, Richard, we had some questions to the Applicant around that actually.

40 **MR PEARSON:** Yes, we did.

DR COAKES: As to whether it was part of the VPA or not.

45 **MR PEARSON:** Yes.

DR COAKES: We questioned that.

MR GILLOGLY: Yes. And in their last offer, they were clearly –

DR COAKES: They were clear, [cross-talk 00:35:04].

5 **MR GILLOGLY:** We've removed it, Middlebrook road upgrade as part of VPA. So it's more a [unintelligible 00:35:10]. Probably the only other comment I make, for some reason they haven't applied CPI to the community benefit fund, which is unusual because that would be worth not much money in 30 years.

10 **DR EVANS:** Yes.

15 **MR GILLOGLY:** And again, the management of the community benefit fund is not stipulated in the VPA offer. That is probably not so much of an issue because that could form part of the negotiations when doing that, but Council's preference is for a third-party provider to operate these funds and Council has a seat at the table and a veto and that's been pretty consistent with other renewable projects that we've been dealing with. And yes, the annual payment should just be CPIed as well to Council, not the net present value because the upfront payment's been removed, that option, and I think that's potentially a drafting error in the VPA offer as well.

20 **MR PEARSON:** Okay. Did you have any broader comments about the VPA because I did note in your submission you thought it should be a lot more [unintelligible 00:36:22].

25 **MR GILLOGLY:** Yes. Well, just generally – yes, it doesn't comply with our policy and it doesn't –

DR COAKES: Council has an adopted policy?

30 **MR GILLOGLY:** Yes.

MR PEARSON: It has a s 7.12.

35 **MR GILLOGLY:** So we put in our submission as well, which we've requested the Department to do as well is that if a VPA can't be agreed upon, then it defaults to a s 7.12 contribution.

MR PEARSON: Yes.

40 **MR GILLOGLY:** I guess the issue with this one is when this was lodged back in 2021, I think it was, there was a different set of guidelines, which were \$300 a megawatt. Since then, since I think it was last year the Department released the draft energy policy framework, which went up to 850 a megawatt. So they've based their offer at that 300 megawatt at the time when it was lodged. So yes, it is significantly less than what we would be expecting now but that is what the expectation was back in 2021 when they lodged that DA.

MR PEARSON: And this is again an issue that's coming up on all these projects

is this draft guideline out there that gives you two and a half times as much per megawatt. Being a planner, I'm sure you're aware of transitional arrangements and savings provisions and again that's an issue we're dealing with. There's nothing to stop the Applicant topping it up to 850 but there's nothing that can make – we don't have the ability to make them do that but we do understand how it looks when there's a changing policy environment. These projects are dealing with one that's been superseded or about to be superseded because I think they're not far off finalising those guidelines. Yes.

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10 **UNKNOWN SPEAKER:** Yes, yes, [unintelligible 00:38:19].

DR COAKES: And I guess picked up on the fact that with working in the mining industry, it comes back to the negotiation between yourselves and the Applicant. So yes, putting your case forward in that regard.

15

MR PEARSON: Yes.

MR GILLOGLY: Yes, I guess the issue is once it's locked in that consent, we're sort of – that's locked in.

20

MR PEARSON: Well, we have on some projects opening – put some wriggle room into the consent to enable [unintelligible 00:38:47].

MR GILLOGLY: For the monetary side of –

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MR PEARSON: Yes, we're perfectly happy if we can – happy to come to that arrangement. It's just we can't make it happen.

MR GILLOGLY: Yes, and it's a voluntary policy. Voluntary – they need to probably drop that word from it. But no, if some flexibility can be enshrined in that consent.

30

MR PEARSON: We'll definitely look at that.

35

MR GILLOGLY: That would be fantastic.

DR COAKES: Yes. And Mitch, just another question, there was some reference in your submission around the private waste services. Obviously, there's been some discussion between the Applicant and residents, just –

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MS ALLEN: Well, that really hasn't kind of followed through. So that was an option but it doesn't –

MR GILLOGLY: Yes, and it's another funny thing. In their VPA offer, they talk about a neighbouring sharing benefit, I think it is, you know, which is sitting outside of their VPA offer. Like, there's no cost put towards that as well. So they're just throwing it out there but there's no substance to what that may look like and what the cost is and again, it doesn't form part of the VPA or part

45

[unintelligible 00:39:54] something that potentially they will do on the side. So whether that form –

5 **DR COAKES:** Yes, I just wondered, it's been raised obviously in some of the submissions but there's obviously been some discussion between the Applicant and community around – particularly in that Marsden Park Road [unintelligible 00:40:11].

10 **MS ALLEN:** It did seem like maybe it didn't end – like after the discussions with the community, it may not have been the best option. It was an idea but at the last stage we were talking to them about, it really needed the logistics because road upgrades and how much does it – it seemed like a better idea than say a sporting club because more people would use it but if that hasn't been something that the Applicant's spoken to the community more about or it's not really feasible –

15 **MR GILLOGLY:** Yes, I think they did – they obviously tried to contact and get people on board for a community garbage collection and have a private –

20 **MS ALLEN:** Private company.

UNKNOWN SPEAKER: [unintelligible 00:41:00].

MR GILLOGLY: And obviously it [unintelligible 00:41:03] support for it or –

25 **DR COAKES:** So there's been no further discussion with Council in that regard?

MR GILLOGLY: No, no.

30 **MR PEARSON:** Okay. Was there any other stuff you want to talk to us about?

MS ALLEN: So just the local economy, local jobs, so in terms of the cumulative impact. So yes, Tamworth is very event focused, so that's something we put in our original submission, that in terms of accommodation, we've got all the renewable projects but we've also got our events at different times of the year. So there's 35 Tamworth Country Music Festival but we also have numerous sporting events and so we don't want all the accommodation to essentially be booked out by the renewable energy workers to –

40 **MR PEARSON:** Definitely, yes.

MS ALLEN: – adversely affect Tamworth's other [cross-talk 00:41:54].

45 **MS VEREKER:** And that's actually one of our biggest risks and one of Council's biggest concerns, that if the local motel, caravan park accommodations are taken over by renewable energy workers, we could lose some significant events because they'll just go elsewhere.

MR PEARSON: Yes, [unintelligible 00:42:14].

5 **MS VEREKER:** And we've just completed – I know I'm pointing at you, Andrew, but we've just completed our housing strategy. Certainly that's one of the things that we looked at in there and is a huge concern for us. So where is the accommodation going to come from and whilst all the operators and the same with EnergyCo talk to us about temporary housing, et cetera, the fact is that it's going to impact on the Tamworth region significantly and what's that do to our existing economy?

10 **MR LOBSEY:** Because I think the workforce and accommodation strategy that we'd be expecting in consultation with Council, it also should be – like we're looking at potentially 10, 15 years of construction and trying to get them to look at the other projects and where they've aligned themselves and the timing of those projects because if we can start to pull together all these separate reports and
15 studies you can start to get an idea of when there's going to be peak demands and try to work with the developers around our events, like Country Music Festival, large sporting events that we hold.

20 So at the moment, it's very up in the air because we don't have any real – there's no real on the ground work happening at the moment but we can feel it's coming very soon. So trying to get them to work with the other – reading up on the other studies and where the other developers are at with their projects, so and this is not just the accommodation but it's roads, it's everything, so we can get a good idea of –

25 **MS VEREKER:** And you're right, they're all done in isolation, so each [unintelligible 00:43:56] project, they look at their – so they do the employment, accommodation study in isolation with every other one.

30 **MR PEARSON:** Maybe we should be requiring them to liaise with other –

MS VEREKER: That would be lovely.

35 **MR PEARSON:** – renewable energy projects as part of that.

MR LOBSEY: Particularly around the timing of those that have been approved.

40 **MS VEREKER:** Yes, the timing and when their peak demand is going to be compared to –

MR MORROW: Or could we even condition along the lines of liaise with EnergyCo who's actually pushing a lot of those other [unintelligible 00:44:26].

45 **MR PEARSON:** Yes, well I don't know how – yes, I mean that's a good question but they tend to seem to me to be more focused on the transmission stuff.

MS VEREKER: Yes, they are.

UNKNOWN SPEAKER: Yes.

MS VEREKER: Certainly that's [cross-talk 00:44:37].

5 **UNKNOWN SPEAKER:** [cross-talk 00:44:39].

MS VEREKER: But they are [cross-talk 00:44:39] yes.

10 **MR PEARSON:** Well, it's worth looking at. Yes, we can have a look at that.

MS VEREKER: Though potentially they should – maybe consulting with both but maybe other energy developers as well as EnergyCo.

15 **MS ALLEN:** But there is a condition proposed that requires the preparation of an accommodation and employment strategy in consultation with Council. So we're happy that it's [unintelligible 00:45:02].

MR PEARSON: Yes, it's just whether we want them talking a bit more –

20 **MS ALLEN:** [unintelligible 00:45:06] with each other.

MR PEARSON: Yes. So they don't just come to you and they've all got the same solution. You know, that they're going to dive bomb the motels.

25 **DR COAKES:** I think just in relation to that, is there a requirement – I've just noticed that obviously that impact has been identified as a pretty high social impact in the social impact assessment. So are there any other stakeholders that you feel should be being consulted I guess in the preparation of that strategy? Obviously, yourselves, absolutely critical, as a key stakeholder, but are there other
30 stakeholders you feel need to be engaged in that regard?

MS VEREKER: Well, our social housing providers, the major one in Tamworth, which is Homes North. I mean, at the moment they're providing – using motel rooms, booking motel rooms for around about 250 – 150, 250 –
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MR GILLOGLY: I think they actually just bought a motel.

40 **MS VEREKER:** Yes, they have just bought a second motel, so they own two motels. But their recent stats, I think it's about 150 people a night they're putting in other motels.

MR GILLOGLY: And we also have Richard Crookes are building the Baiada processing plant here and I think they've booked out [unintelligible 00:46:17] rooms for the next two years.
45

MS VEREKER: Yes, 200 rooms [unintelligible 00:46:19].

MR PEARSON: Wow. We're lucky we've got somewhere to stay.

MR GILLOGLY: [cross-talk 00:46:24] and we also have three abattoirs here, which have a lot of visa Applicants from overseas.

5 **MS VEREKER:** Yes, Pacific Islander.

MR GILLOGLY: So there's already pressure that on that market.

10 **MR LOBSEY:** Well, you could almost say it's getting away from us without any of these projects. So yes, it is a concern. Other stakeholders maybe like the Business Chamber, Tamworth Business Chamber, TAFE, Joblink Plus, like just thinking about workforce.

15 **UNKNOWN SPEAKER:** Yes, because there's potential as well.

MR PEARSON: Yes.

20 **MR LOBSEY:** One of the concerns we've had is around the local industry, development industry and whether or not some of these projects that – that they'll be driven to these projects away from their existing sort of stock standard construction work that they do in town.

UNKNOWN SPEAKER: Like home building.

25 **MR LOBSEY:** Yes, like building homes, for example. So that's certainly a concern that we have around the local employment and where that goes.

DR EVANS: At the moment do you have close to full employment in the city?

30 **MS VEREKER:** It's quite low, our unemployment level.

DR EVANS: Yes.

35 **MS VEREKER:** I can't just pull it out of my head at the moment but it is quite low.

DR EVANS: Yes.

40 **DR COAKES:** So am I right in saying that there hasn't been a lot of engagement on that sort of – I know there's a condition around the strategy, I'm just wondering have you had much discussion with the company or engagement with the Applicant around that?

45 **MS ALLEN:** I would say there's been –

DR COAKES: Some?

MS ALLEN: – some engagement, maybe even a lot of engagement and definitely

5 in other areas but it's still that stage where they don't have dates and they don't know when they're going – the other companies don't know what they're going – so it's still kind of at that stage of engagement. So it would make me hopeful for the future but no one knows what's going to happen and with their company let alone other companies, so it's –

MR PEARSON: So there's no coordinated view on this, yes.

10 **MS ALLEN:** Yes, so it's engagement but there isn't coordination.

MR PEARSON: Yes. Okay, well that's very useful intelligence. Thank you.

MS ALLEN: No, you're welcome.

15 **MR PEARSON:** Are there anything else, Commissioners, that you want to raise, Bronwyn and Sherry?

DR EVANS: Certainly all the ones I had, waste, traffic and –

20 **MR PEARSON:** I remember your submission talked about rail transport of solar panels.

MS ALLEN: Yes, [unintelligible 00:48:51].

25 **MR PEARSON:** Is that at all feasible though?

MS ALLEN: Yes.

MR LOBSEY: That was in the context of our intermodal.

30 **MS ALLEN:** Yes, yes.

35 **MR LOBSEY:** Yes, so it was an option. It was something that we asked them to think about but I don't think they did. There was no follow up from that. But obviously we've got a brand new intermodal facility, so we try to take some of these materials off the roads and have less travel time.

MR PEARSON: So where is the intermodal?

40 **MR LOBSEY:** It's over next to the airport. So to access – to get these to the intermodal, you'd still need to – at this current time, still come through town and then back out. We do have plans for a future southern bypass from the airport that sort of tracks around the south of the city over to the New England Highway. If that was in play like right now, it would be a very viable option to get these
45 materials to the site. However, we don't have that at the moment.

MR PEARSON: Yes, okay.

MR LOBSEY: So it's a little bit complicated still.

MR PEARSON: It is an interesting idea.

5 **MR MORROW:** It's a good point though, Sam, because talking about bypasses, that's the southern bypass to the northern bypass and exactly what you guys described earlier, cumulative impacts and how you actually get these projects talking to one another because that's kind of a push to make those things happen if the demand's there.

10 **DR COAKES:** I think the only other one, Richard, if I can, was sort of cost of power. You raised around the reduced power, what was the benefit from a community perspective.

15 **MS ALLEN:** Yes. So the Applicant answered it and they didn't, yes, put forward any other benefits except for what we already know about, the neighbourhood benefit. So I guess it's answered.

20 **MR PEARSON:** So did you have a view that they could or should be providing subsidised power to –

MS ALLEN: It was just putting it out there to say if it could be done.

25 **MR LOBSEY:** Well, I mean, there was a time where we thought – well, not we thought but the discussion was around whether these companies were going to contribute to the local communities directly. However, it's been made pretty clear to us that they're obviously with the providers, the electrical providers, it goes to them and then they – so that was probably a couple of years ago we [unintelligible 00:51:21] our original submission.

30 **MR PEARSON:** Yes.

MR LOBSEY: So we sort of understand that the cost, electricity costs are –

35 **MR PEARSON:** There is another project we were involved in where there was some subsidised proposal and I think – I forgot what it was called, was it Localvolts, I think it was called.

40 **DR COAKES:** Yes, yes, I think so.

MR LOBSEY: Is it where the community would have to enter into it.

45 **MR PEARSON:** Yes, I think you had to sign up to it but it was discounted. Look, I mean conceptually the idea that these regions become renewable energy powerhouses and benefit through some energy reduction for consumers makes total sense but again it's a bit outside the planning system, so we don't have a direct ability to condition that obviously but it's definitely a valid issue.

DR COAKES: It's definitely going to be looked at. The Community Power Agency is doing quite a lot in that space. It might be worth also just Council having a look at that because there are Councils signing up to that sort of approach and looking at what further benefits can come from that power agency.

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MR LOBSEY: Community Power Agency.

DR COAKES: Yes. Just have a look and see. There's case studies of different communities around Australia that are doing that sort of work.

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MR LOBSEY: Yes, we did have a case study here in Tamworth at Manilla, so it was a 5 megawatt solar farm approved a couple of years ago and they're still working on it.

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UNKNOWN SPEAKER: I think it's still trying to raise money.

DR COAKES: Yes, yes.

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MR PEARSON: All right. Well, if there's nothing further, that was very useful. [cross-talk 00:53:09].

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MR GILLOGLY: Just before we were talking about the decommissioning and bonds and restrictions on title. So we have applied a condition requiring restriction on title for a previous solar farm that was approved by the planning panel because I remember we discussed this very issue with them as well. So we can send that through as well.

DR EVANS: Perfect, yes.

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MR GILLOGLY: I'd probably change a couple of things with this condition, to be honest with you. Country Road.

UNKNOWN SPEAKER: Country Road.

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MR GILLOGLY: Yes.

MR PEARSON: Was that an IPC – a planning Commission –

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MR GILLOGLY: Regional.

MR PEARSON: Regional planning – okay, yes, right.

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MR GILLOGLY: So it would just be – yes. It probably needs to be a bit tighter, to be honest with you. I still personally think a bond is the way to go rather than a restriction but yes, it's just an example of one that has been used before. So –

MR PEARSON: Well, yes, it'd be interesting for you to include that –

MR GILLOGLY: Yes.

5 **MR PEARSON:** – in your submission, yes. Regional Planning Panel. Okay. Well, thanks everyone. Very useful and that concludes our meeting. We'll post this up on our website. I mean, you might not get thousands of views but [cross-talk 00:54:27]. We found it very useful and thank you for sharing that with us and we'll look forward to your submission as well. Thanks all.

>THE MEETING CONCLUDED