



**New South Wales Government**  
Independent Planning Commission

## **TRANSCRIPT OF MEETING**

RE: MIDDLEBROOK SOLAR FARM (SSD-10455)

### **DEPARTMENT MEETING**

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

OFFICE OF THE IPC: GEOFF KWOK

DEPARTMENT OF PLANNING,  
HOUSING AND INFRASTRUCTURE: IWAN DAVIES  
SAMANTHA OYSTON

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 2:00PM – 3:00PM  
MONDAY, 2<sup>ND</sup> SEPTEMBER 2024

**<THE MEETING COMMENCED**

5 **MR PEARSON:** I'll just start by saying good afternoon and welcome and before we begin, I would like to acknowledge I'm speaking to you from Gadigal land and I acknowledge the traditional owners of all of the country from which we virtually meet today and pay my respects to their elders past and present. Welcome to this meeting today 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 hour battery, approximately 22 km south of Tamworth in the Tamworth regional local government area.

15 My name is Richard Pearson. I'm the chair of this commission panel and I'm joined by my fellow commissioner, Dr Bronwyn Evans. Dr Sheridan Coakes, the third appointed member of the panel is unfortunately unable to join us today but Sheridan will review the transcript of today's meeting and submit any further questions in writing that Bronwyn and I don't cover between us. We're also joined  
20 by Geoff Kwok from the Office of the Independent Planning Commission.

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

25 This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It is important for the Commissioners to ask questions of attendees and clarify issues whenever it is considered appropriate. If you are asked  
30 a question and are not in a position to answer, please feel free to take it on notice and provide any additional information in writing, which we will then put up on our website.

I request all members today to introduce themselves before speaking for the first  
35 time and for all members to ensure they do not speak over the top of each other to ensure the accuracy of the transcript.

40 We do have an agenda that we've previously provided to the Department and I assume the Department may have a presentation which it will want to run through. If you don't mind, Iwan, we would prefer to be able to ask questions as we go in an iterative manner, rather than waiting until the end of your presentation. So with those few comments, we will now begin the meeting and I guess I can hand over to you, Iwan.

45 **MR DAVIES:** Thank you, Richard. So Samantha, could you put up the slides, please? Perfect. Can the IPC see that?

**MR PEARSON:** Yes. Perfect, yes.

5 **MR DAVIES:** Okay, thank you. Good afternoon. I'm Iwan Davies, director for energy assessments at the New South Wales Department of Planning, Housing and Infrastructure. I'd like to acknowledge the traditional custodians of the land on which we all join today's meeting. I'd like to pay my respects to their elders past and present and extend that respect to any Aboriginal and Torres Strait Islander people here today. Next slide, please.

10 I'll provide a brief overview of the key assessment issues focused on those in the Commission's agenda and absolutely open to questions being asked throughout the presentation and in particular, I'll present on the key reasons for the Department's recommendation to the Commission to approve the project. Next slide, please. I'm still seeing the first slide, I'm not sure –

15 **MR PEARSON:** Yes, we're still seeing the first slide, yes.

**MS OYSTON:** Apologies. Samantha Oyston, senior assessment – I'll just try sharing again and [unintelligible 00:05:07].

20 **MR DAVIES:** Thank you. Whilst we are awaiting the slides, I think perhaps just hit p 3 on the left-hand side there, Samantha and it's not presentation mode but that should be okay, I think. Okay, before I dive into the assessment issues, it's important to provide some strategic context about the project in relation to its location and access to the electricity network.

25 Noting that all coal fired power plants in New South Wales are scheduled for closure in the next 20 years, the project would assist in providing large scale renewable energy generation to meet increased electricity demand. The Department considers that the project is consistent with the relevant national, state and local policy documents, which identify the need to diversify the energy generation mix and reduce the carbon emissions intensity of the grid, while also providing energy security and reliability.

30 There are additional considerations from a regional context that the project site would benefit from. The site has direct access to the existing 330 kilovolt electricity transmission lines that cross to the site. The site has good transport links and is in close proximity to the New England Highway. There are minimal impacts to biodiversity values. The site is located on land that is not mapped as biophysical strategic agricultural land, that is BSAL land, and predominantly on land that has a land and soil capability of class 4 and 5. The land is currently primarily used for grazing. There are no significant visual or noise impacts on residences.

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45 Overall, the Department considers the site to be appropriate for the project and is consistent with the Department's large scale solar energy guideline. The project would provide flow on benefits to the local community, including up to 400 construction jobs and contributions to council of 3.7 million. There would be broader benefits to the state through an injection of approximately \$856 million in

capital investment into the New South Wales economy. Next slide, please.

5 The Department exhibited the EIS in July and August 2023 and received 129 public submissions, consisting of 120 objections, four comments and five in support. The most common matters raised in public objections were agricultural land, economic and visual amenity. Throughout the assessment process, the Department sought advice from 10 government agencies in addition to Tamworth Regional Council and visited the site. Next slide, please.

10 I'm now going to talk about what we found to be the key areas for assessment and the matters identified in the Commission's agenda. Next slide, please. Regarding land use compatibility, the proposed development is permissible via the Transport and Infrastructure SEPP and the project is consistent with the local and regional plans, including council's Delivery Plan 2023–2025 and Environmental  
15 Sustainability Strategy and Action Plan 2022–2026 and the New England North West Regional Plan 2041, which includes a direction to leverage new renewable energy opportunities and contribute to the state's transition to lower emissions.

20 The site is currently primarily used for grazing and some cropping and is mainly comprised of class 4 and class 5 land, which has limited agricultural capabilities. A small portion, less than 1% of the development footprint, is class 3 land. The project's development footprint, which is about 515 hectares, combined with other approved and/or operational SSD solar farms in Tamworth LGA would be approximately 670 hectares, which represents a tiny fraction or 0.09% of the  
25 730,000 hectares of land in the Tamworth LGA currently used for agricultural output and an even smaller portion of the 6.7 million hectares of agricultural land in the New England and North West region. The land subject to the development of the solar farm would also be capable of returning to a usable agricultural land following decommissioning of the project.

30 Additionally, during the project's operation, the applicant has committed to grazing sheep on the property where appropriate in conjunction with landowners. However, the Department does not rely on this information in its assessment of the project. Notably –

35 **MR PEARSON:** Sorry, Iwan, just a question on that proposed or potential joint use of the land for agriculture as well as power generation. I recall in the – I think it was the Department of Primary Industries' submission, they were, from memory, requesting an agricultural management plan. I forget the precise  
40 terminology but there was a request for a plan to actually show how they would do this dual use of the land. I didn't see that in the Department's proposed conditions. Do you have any comment on that?

45 **MR DAVIES:** Because it doesn't form part of the SSD application and is essentially a separate commitment from the applicant, we didn't consider that all impacts of that element form part of the application and appreciate previous IPC questions regarding perhaps the type of infrastructure that would be required, whether that's farm buildings or access gates and the like. Because it doesn't form

part of the SSD application, it has not all been assessed and the Department therefore has not included that advice or the request from the agency. I'll advise if any different in writing after the meeting.

5 **MR PEARSON:** Sure. Thank you.

**MR DAVIES:** Bear with me, sorry.

**MR PEARSON:** Do you have anything at this point, Bronwyn or Geoff?

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**DR EVANS:** No, I think with your question that's fine.

**MR PEARSON:** Yes, fine. Well, let's keep going, Iwan.

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**MR DAVIES:** Thank you. So neither council or DPI Agriculture raised concerns that the project would compromise the long-term use of the land for agricultural purposes and importantly, the loss of a relatively small area of agricultural land in the region must be balanced against the broader strategic goals of the government, along with the environmental and economic benefits of solar energy.

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The Department notes that the project's location aligns with the relevant technical and commercial factors required for selecting suitable sites for large scale solar energy development under the New South Wales government's large scale solar energy guideline and based on the findings of the EIS, the project would not result in any unacceptable impacts on the local community or the environment. Overall, the Department considers the project represents an effective and compatible use of the land within the region and that the site is suitable to accommodate the development. I'll now move on to biodiversity unless there are any further questions on land use compatibility.

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**MR PEARSON:** Not at this stage, thanks.

**MR DAVIES:** Okay. Thank you. So the site has been historically cleared for grazing and some cropping and is largely devoid of native vegetation. The applicant has designed the project to avoid areas of significant biodiversity value with only 4.3 hectares of native vegetation impacted within the development footprint.

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The remainder of the development footprint comprises roads, areas of exotic vegetation, tracks and category 1 land of 495 hectares, which does not require offsetting under the New South Wales Biodiversity Offset Scheme. The Department notes that the amendment report presented a 1.78 hectare increase to native vegetation impact due to additional widening of Middlebrook Road, requested by council, and changes to methodology in mapping.

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Direct impacts resulting from the development would generate 40 species credits for the squirrel glider, 77 ecosystem credits and 159 scatter tree credits for the clearing of 189 scatter trees of which 115 contain hollows. BCS did not raise

concern about the impact of scatter trees or hollow bearing trees. The Department has recommended a number of conditions to mitigate the residual impacts, including retiring the relevant biodiversity credits prior to carrying out any development that could directly or indirectly impact on biodiversity values in accordance with the New South Wales Biodiversity Offset Scheme.

And preparing the Biodiversity Management Plan in consultation with BCS, including measures to protect and manage vegetation and fauna outside the approved disturbance area. With these measures, the Department and BCS consider the project is unlikely to significantly impact the biodiversity values of the locality. I'll now move on to traffic, being the next item on the agenda, unless there are questions?

**MR PEARSON:** No questions.

**MR DAVIES:** The heavy vehicle transport route during construction would be from the Port of Newcastle via New England Highway and Middlebrook Road. The Department has prohibited the use of Middlebrook Road east of the second site access point, except in emergency circumstances, as recommended in the conditions. And that was noting some communities' concerns regarding the use of local roads to the east of the project.

Transport for New South Wales and council support the proposed transport route, subject to the recommended conditions requiring road upgrades to be undertaken to support the increased traffic associated with the project. Road upgrades include a basic left turn treatment for vehicles turning from the New England Highway on to Middlebrook Road from the north and the widening and sealing of approximately 4 km of Middlebrook Road from the New England Highway to east of the main access point.

Two new access points along Middlebrook Road and crossing points to provide access between the eastern and western portions of the site would be constructed as rural property access types. Subject to the recommended conditions provided, the Department, council and Transport for New South Wales are satisfied that the project would not have any significant impact on road network capacity, efficiency or safety.

**MR PEARSON:** I notice, Iwan, quite a lot of submissions talk about dust generation from the project. Is that – so is the sealing of Middlebrook Road as well as obviously dealing with traffic volumes, I'm presuming that will obviously have a benefit in terms of dust generation, but to be honest, I was surprised by the number of submissions that in my review raised dust and the generation of dust as an issue. What else I guess is being done to manage that from the project?

**MR DAVIES:** No, thanks, Richard and that's a fair question and we appreciate the number of submissions that raised dust on the project and that's often raised for a number of our regional projects. First of all, there's a condition requiring the applicant to minimise dust.

Now, that's a blanket across all elements of the project and you're right out to point the sealing of Middlebrook Road and what I would advise there is that the sealing of that road was not ultimately required to be compliant with the relevant traffic and transport legislation or council policies. It is an additional means put forward by the applicant and forms part of the VPA. So to be compliant, the applicant simply needed to widen Middlebrook Road but the applicant has put forward the sealing of about 4 km of Middlebrook Road, which would certainly assist in reducing dust beyond the recommended conditions.

**MR PEARSON:** Was that change post the EIS exhibition, do you recall, Iwan, or was that in there from the get go?

**MR DAVIES:** Yes, I believe I'd have to take that one on notice, I think. Actually, my answer will be and I'll change it in writing if otherwise, but it formed part of the EIS and that was proposed to be for the 4 km and up to the first site access points and 150 metres east of the site access point. As part of the applicant's response to submissions, they worked with council and council wanted that sealing to be a few hundred metres beyond the first site access point and the applicant agreed to that. So I believe that was the change. I might just answer that question now – I might just check that now because I know it's in –

**MR PEARSON:** Yes, yes.

**MR DAVIES:** I'll come to it at – yes, I'll sort that now, in fact. I'll just jump into the assessment report because I know we made it clear in one of the tables there. Bear with me. So as part of the EIS – no, according to this table, as part of the EIS, the road upgrades proposed were to upgrade Middlebrook Road, being just widening with an unsealed surface but as part of the amended project, so in the amendment report which sat alongside the response to submissions, there's a commitment to seal that. So that's when the change occurred and I'll advise in writing if any different to that. So just in s 4 of the assessment report on p 15 shows that change.

**MR PEARSON:** Okay. Thanks for clarifying that. It's useful.

**DR EVANS:** Iwan, Bronwyn Evans here. If I could continue on the question around dust suppression, quite a few of the submissions raised issues about using potable versus non-potable water in the dust submission. I notice in the table on p 15 it mentions 100 megalitres of non-potable water will be used but then somewhere else they talk about using a council standpipe and I had understood a standpipe might have potable water. Is that something that is incompatible, the use of the standpipe and the access to non-potable water?

**MR DAVIES:** I think I don't know the absolute detail off the top of my head for this project, so I perhaps will take that question on notice, Bronwyn.

**DR EVANS:** Okay. Thank you.

**MR DAVIES:** Thank you. Okay, so moving on to visual impacts. The Department visited the site and nearby non-associated residences to understand the visual impacts and to further understand residents' concerns.

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The applicant has incorporated a number of measures into the project design to minimise its visual impacts, including use of single portrait panel arrays, up to 3 metres high, implementing minimum resting angle restrictions for specific panel arrays to reduce the potential glare along Middlebrook Road, using non-reflecting materials and paint and minimising unnecessary nighttime lighting of the development and using lower intensity lighting to reduce disturbance to neighbouring properties.

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The Department recognises that the introduction of a solar farm to a rural setting would result in a change to the local landscape but considers the development would have a limited impact on the local landscape and region as a whole. A total of 34 residences are located within 4 km of the site, with the closest residence located 360 metres north.

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The visual impact to all residences surrounding the site would be low or very low due to separation distances, topography and intervening existing vegetation, that is no additional mitigation beyond current. Three public view points would have potential views of the development, being Middlebrook Road, Marsden Park Road and the state heritage listed Goonoo Goonoo Station. Visual impacts at these locations would be either low or very low due to topography, existing vegetation and adequate setback distances.

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In response to additional information requested by the Department, the applicant committed to restricting the minimum resting angles in certain areas of the panel array. As a result, glare would be eliminated along Middlebrook Road and there would be no impact to road safety. Subject to the recommended conditions, the Department is satisfied that the applicant has adequately reduced the visual impacts, including glint and glare of the project to an acceptable level.

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**MR PEARSON:** So Iwan, is there a condition similar to Wallaroo about restricting the angle in that sort of early morning period to minimise or to eliminate glint and glare?

**MR DAVIES:** I believe there is. I'll just locate that now, Chair, because I know we updated Wallaroo to be consistent with Middlebrook. I'll just check that condition now. Bear with me. Yes, so condition B20 on p 12 has a limit. So it limits the angle of the solar panel backtracking in accordance with the information that was provided by the applicant. So it's quite stringent in that it doesn't simply list the hours or the angles, it includes the requirements in the information provided to the Department by the applicant in the document dated 24 June 2024.

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**MR PEARSON:** Okay, great. Thanks. And just my only other question on visual is so there's no recommended screening or proposed screening for this project.



Can you just comment on that because that's not typical with solar projects, is it? There's normally some level of planted screening associated with these developments.

5 **MR DAVIES:** Yes, that's a fair question, Chair. So no screening is proposed for the residential receivers because the assessment indicates that the existing impacts are either low or very low and that is in accordance with the New South Wales government's Large-Scale Solar Energy Guideline. The Department has assessed the project also in accordance with that guideline and considers that those impacts  
10 are low or very low. Often applicants of solar farms propose screening, whether there's impact or not, but for this project, because there aren't those moderate or high impacts, it has not been proposed and the Department does not consider it is required. Yes, some residences and road users will see the site or see the project but we don't consider that those impacts are significant.

15 **MR PEARSON:** Okay, thank you.

**MR DAVIES:** I'll move on to the Commission's next item on the agenda unless there's anything else. So the Department also conducted a detailed assessment of  
20 the matters listed in this slide and concluded that there would be no significant impacts. I will now discuss the other matters in the Commission's agenda. So regarding Aboriginal cultural heritage, surveys identified 32 new Aboriginal sites comprising 19 isolated finds, 11 artefact scatters and two modified trees. An archeologically sensitive area comprising the flood plains within 150 metres of  
25 Spring Creek was identified and one previously recorded Aboriginal site could not be located.

The project would avoid 21 Aboriginal sites, including the two modified trees and the sensitive area proximate to Spring Creek. Twelve sites would be subject to  
30 direct impact, however the applicant has committed to salvaging stone artefacts in consultation with the registered Aboriginal parties, if they cannot be avoided following detailed design work as a mitigation measure. If Aboriginal artefacts or skeletal material are identified during construction of the project, all work would cease and an unexpected finds procedure would be implemented.

35 With the implementation of the proposed mitigation measures, the Department and Heritage New South Wales consider the project would not significantly impact the Aboriginal heritage values of the locality. Regarding historic heritage, there would be no direct impacts to any world, national or state listed historical  
40 heritage items. The locally listed Goonoo Goonoo Station runs adjacent to the western boundary of the site with the closest building within this area being approximately 1.3 km from the site.

45 Visual assessment concluded there would be a low visual impact at this receiver. Regarding contamination, the Department considered the remediated land provisions of the Hazards SEPP. A preliminary risk screening confirmed the project was not categorised as potentially hazardous or potentially offensive development. The site is also not listed as a contaminated site in the New South

Wales EPA's contaminated land record and list of New South Wales contaminated sites. Given the site has historically been used for agricultural uses, the Department considers the site would be suitable for the proposed development.

5 Further to this, the use of metals in solar panels has not been found to pose a risk to the environment as they are enclosed in thin layers between sheets of glass or plastic within the solar panel. To readily release contaminants into the environment, solar panels would need to be ground to a fine dust. As such, contamination of soil resulting from the proposal is not expected. The Department  
10 has included strict soil and erosion operating conditions in the draft consent, including measures in line with government guidelines and a soil and water management plan, which includes monitoring and reporting requirements.

15 Regarding accommodation and workforce, up to 400 workers would be required during the peak construction period of 18 months. The applicant's assessment concluded there is sufficient accommodation in Tamworth and the surrounding region for the accommodation workforce. Council did not raise any issues about workforce accommodation and asked to be consulted to maximise local benefit.

20 The Department is satisfied that there is sufficient accommodation in Tamworth LGA and notes the applicant's commitment to hiring locally where possible. The Department has conditioned an accommodation and employment strategy be prepared for the project in consultation with council.

25 **MR PEARSON:** Sorry, Iwan, just on the accommodation and employment strategy and this is obviously a standard condition that is being imposed on these renewable energy projects for good reasons. But what if they all come back with their strategies and they all propose similar things? They're all – we might get multiple strategies proposing to use the same accommodation in Tamworth  
30 potentially. I guess it goes to your next point on cumulative impact, how do we ensure that these accommodation strategies talk to each other, if you like, so that we don't get them all proposing the same solutions?

35 **MR DAVIES:** Yes, that's a good question, Chair. So ultimately the accommodation employment strategy will be prepared importantly closer to the commencement of construction, when the specific dates for that commencement and the duration of construction would be known by the applicant. Importantly, we have ensured that the strategies are prepared in consultation with council. So when the strategies are submitted to the Department, our team would consider all  
40 strategies and projects that have been approved to date and would, again importantly, understand what council's comments are.

45 So it's important to note that the Department also meets with councils on a quarterly basis, which means we meet with a council or two almost weekly across the state and we discuss broader matters at those. But specific to this project and others in the region, we'd be considering council's comments and all the strategies that have been approved to date.

**MR PEARSON:** Does the Secretary sign off on the strategy? I can't remember, is it required to be approved by the Secretary or is it just for submission to the Department?

5 **MR DAVIES:** Yes, so it depends on the potential impact, Chair. So for this project, given council has not raised any concern regarding in particular accommodation, this is submitted to the Department but the conditions allow us to require action from applicants where required. So that needs to be submitted to the Department and we can use the conditions to require further information if  
10 needed.

**MR PEARSON:** Okay. Thank you.

15 **DR EVANS:** Just a follow up question. One of the elements of the Tamworth region is the annual Tamworth Music Festival where there will be peak demands on accommodation and I just had a question if there was consultation with Destination New South Wales about how that particular event gets factored into these accommodation strategies?

20 **MR DAVIES:** So the Department hasn't consulted with Destination New South Wales on this project. I will correct that if otherwise. As with Wallaroo Solar Farm, I'd be happy to include Destination New South Wales as a consultation body within this strategy.

25 **DR EVANS:** Thank you.

**MR DAVIES:** So I'll perhaps move on to cumulative. So in accordance with the Department's cumulative impact assessment guidelines for SSD projects, the assessment of cumulative impacts has considered projects that have been either  
30 approved or exhibited and are currently under assessment. For Middlebrook Solar Farm, cumulative impacts with the Hills of Gold Wind Farm, Tamworth Solar Farm and Calala Battery have all been considered with a particular focus on agricultural land and workforce accommodation.

35 Regarding land use, as previously alluded to, the development footprint of the project and all other operational approved solar farms and batteries in the Tamworth LGA represents only a small fraction, being 0.09% of the 790,000 hectares of land currently used for agricultural output. The project would result in a negligible reduction in the overall productivity of the LGA and the New  
40 England North West region, noting the development footprint comprises 0.008% of the 6.7 million hectares of agricultural land in the region.

45 Regarding workforce accommodation, the applicant concluded there is sufficient accommodation in Tamworth and the surrounding region to house the construction workforce of 400. The Department is satisfied that there is sufficient accommodation in the Tamworth LGA and council did not raise any concerns. Notwithstanding, as just noted, we have included the accommodation and employment strategy in consultation with council and we'd be happy to include

Destination New South Wales in that. The Department is also satisfied that the project would not result in any significant cumulative impacts from visual, noise and traffic.

5 Regarding decommissioning and rehabilitation, the operational life of the project would be about 30 years but it could operate for longer if solar panels are upgraded over time. The considers that the project would be suitably decommissioned and rehabilitated with the implementation of objective based conditions, including requirements to return the land to its pre-existing use,  
10 remove all infrastructure including underground infrastructure if operations cease, rehabilitate and restore the land to its pre-existing use and the owner or operator of the project should be responsible for decommissioning and rehabilitation.

15 The Department has recommended rehabilitation objectives requiring the site to be rehabilitated within 18 months of cessation of operations. Regarding decommissioning bonds, it is the New South Wales government's policy that financial assurances should not be required by the conditions of consent and any financial assurances should be dealt with in commercial arrangements outside of the planning system.

20 I'll move on to community benefit. Many submissions raised concerns regarding the economic impacts of the project. The Department considers that in addition to its contribution to energy transition, the project would generate direct and indirect benefits to the local community, including construction workers over the 21 to 30  
25 month construction period, including up to 400 construction workers during the 18 month peak construction period. Expenditure on accommodation and businesses in the local economy by workers who would reside in the area and the procurement of goods and services by the applicant and associated contractors. The applicant has advised that the project would utilise accommodation within the LGA and  
30 notes that some of the workforce would be sourced from the local region.

Regarding land value, the Department considers that the project would not result in any significant or widespread reduction in land values in areas surrounding the project. The Department notes that the project –

35 **MR PEARSON:** Sorry, Iwan, I was just going to say, has there been any proposal – I guess this maybe is more of a question for the applicant but is there any talk of subsidised power for the local or regional area from this project?

40 **MR DAVIES:** Not to my understanding but I do note that the applicant has offered to enter into a VPA with council and the Department has conditioned that to the value of I think it's 3.7 million and that's required to be used for projects within the area.

45 **MR PEARSON:** Yes. We'll probably have a question on the VPA going forward but yes, Bronwyn, sorry.

**DR EVANS:** It was just more on community impacts, one of the issues that's

5 raised on many of the projects is around potential increases in insurance premiums and I just wondered if the Department had any evidence of impacts on insurance premiums, especially for proximal landholders to some of these sites and where they are often concerned about the risk of creating – having a fire spread to the renewable energy site.

10 **MR DAVIES:** Yes, thanks, Bronwyn. So we consider that the risk of fire spreading into the site from adjoining properties or from solar arrays and infrastructure to adjoining property would be adequately mitigated with the implementation of the proposed mitigation measures and adherence to the recommended conditions of consent.

15 While insurance premiums can vary to take into account different factors, including where there is increased bushfire risk, the Department considers that the recommended conditions or with the recommended conditions, there would not be an increase in bushfire risk. The Department notes that the Insurance Council of Australia is not aware of any instances where Insurance Council members have been unable to provide insurance or have increased premiums as a result of a farm or neighbouring property hosting energy infrastructure.

20 **DR EVANS:** Thank you.

25 **MR DAVIES:** So just going back to land values. So noting that the Department does not consider or considers the project would not result in any significant or widespread reduction in land values, we note that the project is permissible with development consent under both the state and local planning instruments. A detailed assessment of the merits of the project has found that the project is unlikely to generate significant economic, environmental or social impacts and the Department considers that the visual impacts of the project on the surrounding residences and road users would not be significant.

35 And the Land and Environment Court has ruled on several occasions that the assessment of the impacts of projects on individual property values is not generally a relevant consideration under the EP&A Act unless the project would have significant and widespread economic impacts on the locality, which is not the case in this instance.

40 Regarding VPA, so to date the applicant and council have not reached an agreement and the current VPA offer consists of annual payments of 32,000 for the operational life of the project into the community benefit fund, annual payments escalating at CPI of 82,000 for the operational life of the project to council and the sealing of a section of Middlebrook Road where the roads have been upgraded to facilitate the project.

45 As no agreement has been reached in this instance, the Department has considered ss 7.12 and 7.13 of the EP&A Act and recommended a condition that in the case that the VPA is not entered into prior to the construction commencing, the applicant would instead be required to make annual payments equivalent to \$300

per megawatt hour per annum, CPI adjusted, for the life of the project, which is the upper end of the New South Wales government's Large-Scale Solar Energy Guideline. I understand you may have questions on the VPA.

5 **MR PEARSON:** Yes, is that \$300 figure consistent with the draft new guideline or the old guideline?

10 **MR DAVIES:** It's consistent with the current guideline, which is not the current draft – which is not the draft guideline. So there's a 2016 guideline, this project's assessed against the current 2022 guideline and the \$300, that recommends \$2-300 per megawatt and that's what this is consistent with.

15 **MR PEARSON:** Right. But that's somewhat less than the 2024 guideline when it gets finalised.

**MR DAVIES:** That's correct.

**MR PEARSON:** Yes. The – sorry, yes, go on, Bronwyn.

20 **DR EVANS:** At what point does a VPA need to be agreed before, if you like, the mandate becomes the default position?

25 **MR DAVIES:** So I'll just check the condition. So the applicant must enter into the VPA with council – bear with me. So if the applicant and council and council do not enter into a VPA or other agreement prior to – so it's prior to the commencement of construction and then the trigger then for the mandated one would be three months from then.

30 **DR EVANS:** And continuing on with Richard's question, is the guideline in place at the time the figure that would be used for that VPA? So if the 2024 is approved and they start work in 25, would it be that one that becomes the amount that is used for the VPA?

35 **MR DAVIES:** That's correct. So there would be no retrospective payment as with other guidelines and policies. It's the ones that apply, the Department would maintain those that apply at the point of application and determination of the project.

40 **MR PEARSON:** Yes, because Tamworth Council is seeking a lot more, aren't they? 1.5% of the total build cost, which I think is more than 10 million, so it was a fair gap between the applicant and the council, which no doubt the council will talk to us about when we meet with them.

45 **MR DAVIES:** Yes. I think that's across all energy projects and yes.

**MR PEARSON:** Okay. That's – yes, probably can't take that issue too much further at this point. We'll talk to the council and get their views and all the applicant's. I think that covers everything we had on the agenda. Bronwyn or

Geoff, was there anything else that we should pursue with the Department?

5 **DR EVANS:** Not with the Department. There were some questions I had and I think it's going to be more relevant with the applicant about how to reconcile their talk about using a 20 seater and a larger bus when they're talking about 400 people coming to site to minimise traffic. I think we'll take that up with the applicant.

10 **MR PEARSON:** The shuttle bus from Tamworth proposal?

**DR EVANS:** Yes, yes.

**MR PEARSON:** Yes.

15 **DR EVANS:** To get 400 people to site on a bus and the impact that could have on roads I think is something for us to explore with them.

20 **MR PEARSON:** Yes. Okay, Iwan, was there anything else you want to add from the Department's perspective?

**MR DAVIES:** I might run through our evaluation and our conclusion perhaps.

**MR PEARSON:** Sure, yes. Sorry, I jumped in ahead of time.

25 **MR DAVIES:** No, that's okay. So I think in summary, to tie everything together, electricity generating works on the site are permissible with consent, in accordance with the Transport and Infrastructure SEPP. The Department considers the overall agricultural productivity of the region would not be significantly reduced. The site has good solar resources, access to the road network and direct  
30 access to the electricity network.

The project has been designed to largely avoid site constraints, including nearby non-associated receivers, agriculture land, water courses, remnant native  
35 vegetation and Aboriginal heritage sites, while maintaining its ability to use the existing electricity infrastructure and road network. The project would assist in transitioning the electricity sector from coal and gas fired power stations to low emissions sources and is consistent with New South Wales policy. It would have a generating capacity of 320 megawatts of clean electricity and 320 megawatts of energy storage to dispatch energy to the grid when the energy generation from  
40 renewable energy resources is limited.

The Department considers that the project achieves an appropriate balance between maximising the efficiency of the solar resource development and  
45 minimising the potential impacts on surrounding land users and the environment. Through job creation and capital investment and contributions to council, the project would also stimulate economic investment in renewable energy and provide flow on benefits to the local community. On balance, the Department considers that the project is in the public interest and is approvable subject to the

recommended conditions. Thank you.

**MR PEARSON:** Thank you, Iwan. Yes, I don't think – if there's nothing further from us – Geoff, anything from you?

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**MR GEOFF KWOK:** Nothing from me, Richard. Thank you.

**MR PEARSON:** Thank you. And Bronwyn, we're good?

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**DR EVANS:** Yes, thank you. That was very useful. Thank you.

**MR PEARSON:** Yes. Thanks, Iwan. And thanks, Samantha. So that concludes our meeting and thank you for attending and answering our questions.

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**MR DAVIES:** Thanks very much.

**MR PEARSON:** I think there are a couple of questions on notice perhaps. There was one in relation to water but we'll tic-tac on that.

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**MR DAVIES:** Thank you. Okay.

**MR PEARSON:** Thanks very much.

**MR DAVIES:** Thanks all, cheers.

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**DR EVANS:** Thank you.

**MS OYSTON:** Thank you.

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**MR PEARSON:** See you, bye.

**>THE MEETING CONCLUDED**