

From: [REDACTED]
To: [IPCN Submissions Mailbox](#)
Subject: Glanmire Solar SSD-21208499
Date: Wednesday, 20 December 2023 9:00:05 AM
Attachments: [Glanmire Solar Plant additional submission.docx](#)
[Elders \\$30m Limit.pdf](#)

I have attached my additional comments and an email from my insurance broker relating to inability to increase insurance coverage

Kind Regards

Sally Newton-Chandler

Glanmire Solar Plant

SSD-21208499

Submission relating to additional material.

The Questions themselves are further acknowledgement that Elgin's application was deficient, incomplete, and overwhelmingly self-serving. Examples include the error, which was never admitted, in soil classification, which the Department called "small" (notwithstanding that the soil in question represents 30% of the property) and the discussion on the 6% cropping land do not lead to any conclusion that the project would not unduly interfere with and remove cropping land. The flooding and hydrology material and proposed dam removal and assessment was incomplete and misleading (a fact that the Commission noted on its visit). The visual assessment is not sustainable, as it demonstrates significant adverse visual impact for residences up to at least 3 km away. The Social Impact Survey was overwhelmingly negative, yet completely disregarded. The Insurance impacts on neighbours have been misconstrued or ignored. Mitigation is proposed on neighbour's property. The entire process has been superficial, and negative findings brushed aside as irrelevant.

Whilst Elgin suggested that it would accept limitations including a maximum height of 3.5 m for the solar panels, Elgin continued in its response to dissemble and prevaricate, reserving a right for final design and the tender process to finalise this. The Department's Proposed Conditions purportedly permit enhancements up to 4 metres, throughout the life of the project, without any additional assessment for conditions. This limitation should be explicit in conditions if the project is approved.

The heat island effect was not properly addressed and mitigated, and setbacks are not sufficient for either visual mitigation or for fire risk. The failure to provide adequate water storage to meet the fire risk is not addressed.

The remediation provisions proposed are fundamentally flawed in that they fail to obtain any meaningful guarantees that the necessary work could be done early if the plant does not operate for the full term or at the end of the full term. Conditions must be included on remediation guarantees if there is an approval.

Response to Department's additional information

(Department Responses in bold italics)

The Department Response continues to emphasise that the Department has an irreconcilable conflict of interest, as the assessment body and the regulator making the Guidelines, and as an agency of government pursuing a particular policy mix. The Department Responses, as with the Assessment itself, are generally not based on any independent assessment or decision making and in accordance with the Act and Planning Instruments, but rather reflect an acceptance of Elgin's propositions and a justification that the proposal fits the Guidelines. This is notwithstanding that the Secretary's Requirements included using the 2018 Guidelines, that the Guidelines were changed during the process, and that in any event the Act and the Planning Instruments prevail, whilst the Guidelines are mostly technical in nature and supplementary.

The required level of meaningful consultation did not occur, notwithstanding that Elgin lists several events and contacts – the Commission should note the number of people who were supposed to be

consulted who made consistent complaints about poor process and have continuously raised this issue and the inability to have any meaningful input into the project development.

Setbacks & buffers and Heat Island Effect

The Large- Scale Solar Guideline (2018), (2018 Guideline) which applies to this project, does not contain requirements for setbacks for large scale solar projects for visual impact or land use compatibility (including heat island effects)

Elgin accept the need to mitigate and refer to the “Heat Island Effect” in their own submissions, additionally the Department states in their response *“In regard to land use, the 2022 Guideline states that where a solar energy project is located adjacent to a horticultural or cropping activity, the solar array should be setback from the property boundary by at least 30m to mitigate any heat island effect”*

“in relation to visual impacts, the Department’s assessment concluded the visual impact at all residences surrounding the site would be nil to low, and Elgin’s proposed screen planting would further reduce the potential visual impacts of the project to an acceptable level, consistent with the 2022 Guideline”

The department has not considered the visual impact from our proposed residences as marked on maps previously provided (and not corrected for errors advised to both Elgin and the Department). The subdivision DA has been approved by Bathurst Regional Council, approval documents have previously forwarded to the Commission. It is impossible to mitigate the visual impacts from either of these sites. The “Screen Planting” proposed on the western boundary where the proposed house sites are located is proposed as a linear planting rather than a dense planting, scattered trees will not provide any screening to future homes.

“Although the western edge of the solar arrays is set back less than 30 m, the Department considers the buffer which have been incorporated (i.e. minimum of 20 m) is appropriate given there is no horticultural or cropping activity on the adjacent property and the proposed landscaping buffer would further mitigate potential heat island effects.”

This statement is wrong. Despite being corrected numerous times the proponent and department continue to assert this false statement.

As observed by the Commissioners on their visit to our property on 1 December 2023, the paddocks in question have been cropped this season. The paddocks have been regularly cropped since we purchased the property in 2018. Photos evidencing this were provided in our previous submission.

The proposed landscaping buffer is a lineal planting of trees, not a dense hedge with a height above the level of the solar panels as suggested in the report by Ken Guthrie put forward by the department. A scattered lineal tree planting from tube stock will take years to grow to a height above the solar panels and not provide any mitigation of the heat island effect.

“Elgin’s EIS identified that land owned by the landholder of R21 (i.e. Lot 2 DP839259) immediately adjacent the western boundary of the project is used for grazing, rather than cropping.”

Elgin’s EIS was incorrect in this assessment of our land use. This was pointed out to the Department who chose to accept Elgin’s assertions at face value rather than ask questions of the owners or due

any further due diligence. This is but one of numerous examples of Elgin's incorrect assertions being taken at face value without any further investigation.

“Adjacent to the southern paddock of Lot 2 DP839259, the vegetation buffer would be 5 m wide, however there is an existing formed track adjacent the project site in this paddock”

The land referred to as a “formed track” is a laneway currently used for stock movement, it may not be used as such into the future. It is outrageous for the proponent to propose placing restrictions on our future farming activity by using our land to mitigate their project. We must be able to use our land as we see fit, putting restraints on our enjoyment of our property for 40 years into the future is totally unacceptable and it should not be considered any part of a setback or buffer zone.

“It is likely the vegetation screens proposed by Elgin along the western boundary (between 5 and 10 m wide) would affect the microclimate around the plantings, producing shade and providing some protection from temperature and strong winds, particularly, in the extremes of winter and summer. The Department notes that the height profile of the vegetation screens, once mature, would far exceed the height of the solar panels”

“It is likely” is not evidence to support this claim. No evidence has been provided or requested of the proponent. It would take many years to achieve the height profile of the proposed 10 metre vegetation screens, no evidence has been provided as to the length of time it will take for the 10 metre vegetation screening to mature to the height of the panels as a “visually dense hedge” as suggested by Guthrie in the report quoted by the Department. If this is proposed to be a mitigation of the heat island effect the hedge must be mature prior to the commissioning of the solar plant, not a number of years into the operation, if ever. Further, the 5 metre vegetative buffer is not a vegetative buffer at all but rather a row of trees which are neither dense nor a hedge.

“the inherent agricultural capability of the land would not be affected given the site would be returned to agricultural uses following decommissioning and rehabilitation.”

It is disingenuous to suggest that removing cropping land for a period of 40 years is acceptable because after 40 years it will be returned to agricultural land. The project should be assessed on its current merits not something that may or may not happen in 40 years into the future.

“must be balanced against the broader strategic goals of the government, along with the environmental and economic benefits of solar energy”

This statement evidences the department's irreconcilable conflict of interest. As both regulator making guidelines and assessment body it is impossible for them to assess this project on its merits. They have taken the information provided by the proponent as accurate without any investigation. From the flawed Scoping Report with its grossly inaccurate soil assessments to the errors and omissions of the EIS, the proponent's words have been taken as fact while impacted parties have been ignored and evidence provided has been disregarded.

The Social Impact study was overwhelmingly negative, yet it was ignored. Visual impacts have been assessed as nil to minimal when a site visit clearly demonstrates the visual impacts from some residences to be high.

No actual “assessment” appears to have been carried out by the Department, rather the entire assessment process has been a box ticking exercise. When the proponent provided a report, it was accepted without question, despite errors and omissions being brought to the attention of the

Department by impacted parties, neighbour and Glanmire Action Group comments and advice have been routinely ignored.

Insurance

“The Department acknowledges the concerns raised by the community, both during our assessment of the EIS, and again during the Public Meeting, however we do not consider that clear evidence has been provided on increased premiums or an inability to obtain insurance as a result of the proposed project.”

The Department continues to fail to understand the issue of insurance.

Where a project costing in excess of \$150 million plus potential loss of profits is immediately adjacent to farmland which has maximum Public Liability insurance available of \$20 million to \$30 million, there is a clear deficit in insurance cover available. We are unable to obtain Public Liability cover in excess of \$30 million. Confirmation of this from our insurance broker is attached to this submission. This is grossly inadequate to cover our potential liability and would necessitate our farming business to cease operations. This issue not only relates to our businesses Public Liability insurance but to that of our contractors and further distant neighbours as well. Grass fires move quickly and the fire services available are limited to RFS which are not instantly available to attend. A grass fire could easily spread from more distant neighbours before being able to be brought under control.

The insurance issue has not been properly addressed by commentary quoted by Elgin from research groups and commentators, and the Commission should note that neighbours have specifically sought cover, which is not available, and the potential for conditions which would further impact farming and economic activities and quiet enjoyment of their property.

“As stated in our assessment report, the Department considers that the risk of fire spreading into the site from an adjoining property, or from the solar arrays and infrastructure to an adjoining property would be adequately mitigated with implementation of the proposed management measures and adherence to the recommended consent conditions, which have been developed in consultation with NSW Rural Fire Service and Fire and Rescue NSW.”

My interpretation of this statement is that the Department is accepting of the risk and will take responsibility for any uninsurable risk to our business. Any approval of the project will be taken as acceptance of this risk and financial liability by the Department.

Whilst the risk is impossible to mitigate the project should still be required to adopt best practice guidelines. As there are no applicable guidelines in NSW the CFA Guidelines from Victoria should be adopted as best practice guidelines as has been done in the ACT.

The Department is currently working through the NSW Government response to the NSW Agriculture Commissioner’s Report which will include consultation with the Australian Energy Infrastructure Commissioner, Clean Energy Council and Insurance Council of Australia.

“As outlined in response to Question 6 above, the Department is currently working through the NSW Government response to the NSW Agriculture Commissioner’s Report which will include consultation with the Insurance Council of Australia.”

Any assessment of this project should be postponed until these critical matters are clarified. Where uncertainty exists prudence must prevail.

Response to Elgin Pty Ltd additional information

(Elgin Responses to IPC questions in bold italics)

Setbacks and Buffers

“ Western Boundary – south of the riparian area: Linear tree planting of 5m plus 10m APZ required (incorporating a 4m wide access track within this) = ~ 15m.”

The proponent accepts the Heat Island Effect yet still proposes a 15 metre setback

“On page 36 of the Submissions report, the Applicant justifies a lesser amount on the western boundary as any heat island effect is highly likely to be mitigated by the screen planting proposed between the Project.”

The screen planting proposed for the western boundary south of the current riparian zone is “lineal planting” rather than the dense hedge higher than the solar panels that is proposed by the Guthrie Report referred to by the Department. A lineal planting of trees, as shown in the proponent’s visual representations is a single row of trees with space in between, is not designed to, nor will it mitigate the Heat Island Effect.

“The breakdown of the ‘heat island effect’ 30m buffer along the western boundary is: • West boundary, northern section: the 30m buffer is mostly contained within the Project’s perimeter road (10m) + screen planting (10m) = 20m. There is a residual width of 10m for a distance of 1,150m along this boundary. • West boundary, southern section: the 30m is mostly contained within the Project’s perimeter road (10m) + screen planting (5m) + existing track on neighboring property (10m) = 25m. There is a residual width of 5m for a distance of 830m along this boundary.”

20 metres or 25 metres are misrepresentations of 30 metres. Both are materially different, further, for nearly half of the boundary the proposed buffer of 15 metres is only 50% of the proponents declared 30 metre buffers. Whilst we don’t accept the proposed buffer of 30 metres is in anyway an adequate buffer, suggesting that 15, 20 and 25 metres are approximations of 30 metres is inappropriate and grossly inadequate.

“This additional visual exclusion zone was incorporated into the layout in September 2022 to further reduce glimpse views from the highway. With the addition of this exclusion zone, the highway views on entrance to Bathurst (west bound traffic), including glimpse views, have been eliminated through setbacks and screen planting. The visual viewshed analysis led to these further setbacks to the north of the project”

This is a clear acceptance that the views are unacceptable and raises the question why Elgin and the Department proposes that residents and occupants must incur very close (up to several 100s of metres long) views and reflection from panels, when transient motor vehicle passengers are protected with a 300m setback.

Insurance

At no time has the proponent provided any evidence of their claims relating to insurance matters. The reported Insurance Council consultations have been verbal. No evidence is provided as to the questions asked of the Insurance Council, or any other insurance advisers that are quoted. Given the errors and omissions contained in the EIS and subsequent reports, the accuracy of information reported must be supported by appropriate written evidence, in particular, the questions posed to obtain the answers reported.

“A detailed review of the submissions and supporting material found that no data or other material was provided that unambiguously linked an instance of denied insurance, restricted reinsurance or increased cost of insurance to an adjacent solar farm”

We are unable to obtain increased insurance coverage. Please refer to the attached letter from our insurance broker providing evidence.

“ identifies the importance of alternative mitigation measures (other than insurance) to be implemented by farmers and solar farm operators, which are critical to reducing risk. Such measures, implemented properly, reduce the significance of potential impacts and are, according to the broker contacted by Elgin, relevant to the determination of farming insurance eligibility and cost.”

“ establishing bushfire buffers/asset protection zones around solar farm infrastructure, as well as to neighbouring properties – this will mitigate the risk of damage should a fire spread from adjacent farm land”

Neighbours should not be required to change their farming practices in anyway or be prevented from undertaking new farming practices to provide mitigation to the proponent. The project must self-mitigate all risks.

Mitigation does not extinguish risk. An appropriate level of Public Liability insurance is still required to be held by neighbours no matter how well the risk is mitigated. It is impossible for us to obtain the necessary levels of insurance which we estimate to be in excess of \$200 million. Even if such insurance was available to us the cost of the policy would be prohibitive.

“This lack of evidence further suggests that this is not a significant issue, either in terms of cost/availability implications and as a widespread pattern within the insurance industry.”

This allegation is not supported by the NSW Agriculture Commissioner’s Report, in fact, it was highlighted as an important issue, one that the Department is currently investigating. The assessment of this project should be postponed until this investigation is completed and the issue clarified and fully remediated. Equal focus should be placed on cost and conditions. No additional conditions should be placed on neighbours.

“It could be reasonably suggested that, for example, as largescale solar development has occurred throughout Australia for over ten years, any significant insurance implications for neighbouring farm properties would by now be evident and/or the subject of inquiry.”

The matter was highlighted and is under investigation by the Department at this time as noted above. Large scale solar in Australia is normally on a much larger property where the impacts and costs of the project are offset on the same site, ie the costs and benefits of the project are attributed

to the same owner. This project proposes the benefits of the project are gained by the landowner whilst significant costs are incurred by neighbours who receive no benefit.

However, Elgin acknowledges that credible evidence may arise at a future date.

Credible evidence exists now. It is irrefutable that an additional cost would be incurred by neighbours to increase the level of their Public Liability Insurance from the usual \$20 to \$30 million to in excess of \$200 million, even if it was available.

Water Storage and Flooding

The proponent continues to use inaccurate, desktop mapping. The southern ephemeral waterway is clearly seen to be just as significant as the other waterways that have been declared "Riparian zones" and excluded from being covered with panels. The actual, rather than theoretical course of this waterway is clearly seen on the proponent's flood prediction maps. Interestingly the flood prediction maps have been prepared with the dams still in place. No predictions are available with the dams infilled. Photographs provided to the IPC show the level of waterflow through the waterway that is proposed to be built over. Site visits demonstrated the actual watercourse as opposed to the inaccurate mapping...water doesn't flow uphill! Water at that volume and speed would cause significant erosion as it hit the infrastructure supporting the panels it flows down the slope. Hydrology calculations appear to have been done on a "desktop" basis without visiting the site to see the realities of water flows rather than published maps which are inaccurate. Hydrology does not consider the increasing compaction and therefore runoff over time as the soil is not tilled as it is today.

It is essential that this waterway be treated as a riparian zone in the same manner as the other ephemeral waterways on the site. It is illogical to include two and exclude one.

Landscaping

Follow up watering is unlikely to be necessary even in very dry years where soil moisture has been managed by thorough preparation

Where watering is done, it is only once more (or in very severe conditions possible twice more) required within a month or two of planting.

This is very obviously not a local opinion. Having planted hundreds of trees in the local area, we can attest that if they are not watered regularly until properly established they will not survive. If approval is considered, and given the reliance on the vegetative buffers for proposed mitigation, any approval should incorporate the requirement to have landscapers maintain the vegetative buffers regularly, watering where necessary and replacing any dead or dying plants. This is in addition to ensuring the full range of vegetative buffers (not just trees) are grown to at least the height of the panels, before commissioning the plant.

This is the first Solar Plant to be considered under the SEPP amendments for Regional Cities and, as such, creates a precedent for future assessments. It is important that all issues are carefully considered and if any doubt exists approval is denied. The SEPP amendments were specifically designed to ensure Solar projects were only approved in appropriate locations and gave due consideration to future growth of regional cities, including Bathurst, whether it has been considered

by the current council or not. The Department is conflicted as the assessment body and the regulator making the Guidelines, and as an agency of government pursuing renewable energy at any cost.

The risks of this project are not able to be mitigated on the proposed site and result in an irreconcilable conflict in land use which is evidence that the project should not be approved.

The minimal power produced by the proposal does not make any significant contribution to the New South Wales requirements and does not justify the many adverse impacts.

Sally Newton-Chandler

Newton Rural Pty Ltd

19 December 2023

Your farm insurance liability insurance

1 email in thread.

Email 1 of 1

Date: December 19, 2023 3 45 PM +11 00

From: Geoff Siegert [REDACTED]

To: [REDACTED]

Cc: Geoff Siegert [REDACTED]

Sally,

Thank you for your enquiry earlier

As previously advised I am unfortunately unable to offer you any more than \$30,000,000 farm liability insurance.

I have reviewed your policy with our underwriters and they have advised that this is due to underwriting restrictions.

Kind Regards,

Geoff Siegert

Franchisee

Elders Insurance

150 Russell Street, Bathurst, NSW, Australia, 2795

p: [REDACTED]

m: [REDACTED]

f: [REDACTED]

e: [REDACTED]



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