



**New South Wales Government**  
Independent Planning Commission

## **TRANSCRIPT OF MEETING**

RE: MUSWELLBROOK SOLAR FARM (SSD-46543209)

### **DEPARTMENT MEETING**

PANEL: NEAL MENZIES (CHAIR)  
SUELLEN FITZGERALD  
MICHAEL WRIGHT

OFFICE OF THE IPC: KENDALL CLYDSDALE  
GEOFF KWOK

DEPARTMENT OF  
PLANNING, HOUSING &  
INFRASTRUCTURE: IWAN DAVIES  
NESTOR TSAMBOS  
CAMERON ASHE  
CHRIS RITCHIE

LOCATION: ZOOM VIDEO-CONFERENCE

DATE: 10:00AM  
FRIDAY, 17<sup>th</sup> JANUARY 2025

**<THE MEETING COMMENCED**

5 **MR NEAL MENZIES:** Hello, Cameron, I can see you're online.

**MR CAMERON ASHE:** Hi there, Neal.

10 **MR MENZIES:** And Iwan?

**MR IWAN DAVIES:** Hi Neal, how are you?

**MR MENZIES:** Yes, good thanks. My listing says we've also got Nestor joining us. Is that ...?

15 **MR DAVIES:** Yes, he should be here shortly.

**MR ASHE:** He's dialling in now.

20 **[Audio gap 00:01:03 to 00:01:28]**

**MR CLYSDALE:** Okay. I think we're all here now, Neal, so I'll hand it over to you.

25 **MR MENZIES:** Okay. Ah, Nestor, your image was taking a little while coming up for me. Welcome. Guys, the process here is largely an informal discussion. You've probably been through it multiple times. But I need to start with a formal statement, so I'm going to read that formal statement out. That will be the end of the really formal part and then we'll flick back to a much more informal  
30 discussion where we hope to tease out just a few questions that we have for you.

So, my formal statement. Before I begin, I'd like to acknowledge that I'm speaking to you from the land of the Yugambah and Kombumerri peoples here on the Gold Coast hinterland. And I acknowledge the traditional owners of all of the  
35 countries from which we're virtually meeting today, and I pay my respects to Elders past and present.

Welcome to the meeting today to discuss Muswellbrook Solar Farm Project (SSD-46543209), which is currently before the Commission for determination. The  
40 project is a 135-megawatt solar farm and battery energy storage system located approximately 2.5 kilometres east of Muswellbrook in the Muswellbrook Shire local government area and within the Hunter-Central Coast Renewable Energy Zone.

45 My name is Neal Menzies, I'm the Chair of this Commission Panel, and I am joined by my fellow commissioners, Suellen Fitzgerald and Michael Wright. And we're also joined by Kendall Clydsdale and Geoff Kwok from the Office of the Independent Planning Commission.

In the interest 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 website.

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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.

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It's important that the Commissioners ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and you're not in a position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website.

15

I request that all members here today introduce themselves before speaking for the first time, and for all members to ensure that they do not speak over the top of each other, to ensure accuracy of the transcript. Okay. That's the end of my formal statement. So, across to the Department so you can introduce yourselves.

20

**MR DAVIES:** That's great. Thanks very much, Neal. Neal, my name is Iwan Davies, I am the Director for Energy Assessments at the New South Wales Department of Planning, responsible for large-scale solar farms, big batteries, and a few weather storage projects. I will note that after the storms, my connection has not been the best, so please do interrupt if I've lost – if you can't hear me, and I can dial in off my phone.

25

We have a – I'll pass over to my colleagues in a second, but we have a presentation to run through which should take about 15–20 minutes if that's how you wish to run things. But more than happy to be stopped or asked questions throughout or run it, if the meeting is run in any other way that you wish. I'll pass over to Executive Director, Chris Ritchie.

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**MR CHRIS RITCHIE:** Hi, so Chris Ritchie, I'm just the Acting Executive Director, the Energy Resources Industry Assessments Team.

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**MR NESTOR TSAMBOS:** I'm Nestor Tsambos, Team Leader for Energy Assessments for Solar Projects, particularly in Iwan's Energy Assessment Team.

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**MR CAMERON ASHE:** And Cameron Ashe, an Environmental Assessment Officer in the Solar Team with the Department.

**MR DAVIES:** Thank you. So, Cameron, could you share the slides please? Whilst that is being loaded, Neal and Panel, I would also like to acknowledge the traditional custodians of the land in which we all joined 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.

45

So, next slide please, Cam. I'll provide a brief overview of the key assessment issues focused on those in the Commission's agenda. And in particular, the key reasons for the Department's recommendation to the Commission to approve this project.

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Before I dive into the assessment issues, next slide please, Cam. It's important to provide some strategic context about the project in relation to its location and access to the electricity network. Noting that all coal-fired power plants in New South Wales are scheduled for closure in the next 10 to 20 years, the project would assist in providing large-scale renewable energy generation to meet increased electricity demand.

10

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.

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There are additional considerations from a regional context that the project site would benefit from. The site is located near an existing 132-kilovolt electricity transmission line. The site has good transport links and is in close proximity to the New England Highway.

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Biodiversity and heritage impacts have been minimised through the project design and are to be offset as necessary. 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, 5 and 6, which is defined as having moderate to very high restrictions. The land is currently primarily used for grazing. There are also no significant visual or noise impacts on residences.

25

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 also provide flow-on benefits to the local community, including up to 200 construction jobs and contributions to council. There would be broader benefits to the State through an injection of approximately \$300 million in captive investment into the New South Wales economy.

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Next slide please, Cameron. The Department exhibited the EIS in August and September 2023 and received 59 public submissions, consisting of 54 objections and 5 in support. The most common matters raised in public objections were: land use compatibility, including the loss of agricultural land; biodiversity impacts; renewables scepticism; hazards, including bushfire and contamination; and visual impacts.

40

Throughout the assessment process, the Department sought advice from 14 government agencies, in addition to Muswellbrook Shire Council, and visited the site.

45

Next slide please, Cam. I'm now going to talk about what we found to be the key

issues for assessment and the matters identified in the Commission's agenda.

5 Next slide please, Cam. The project aligns with a range of national and state policies, which identify the need to diversify the energy generation mix and reduce the carbon emissions intensity of the grid while providing energy security and reliability. The project is in an area with access to the transmission network, with available capacity and abundant solar resources. On land where solar development is permissible with development consent and the transport and infrastructure SEP, and the EP&A Act.

10 The project has a generating capacity of 135 megawatts, which would generate enough energy to power about 52,000 homes. Solar generation is consistent with the New South Wales Climate Change Policy Framework of achieving net zero emissions by 2050.

15 Next slide please, Cam. The site is located on land within the RU1 SP2 and C3 within the Muswellbrook LEP. The proposed development is permissible by the SEP and the Act as noted. The project is consistent with local and regional plans, including the Muswellbrook LEP and the Hunter Regional Plan 2036 and 2041, which includes an objective to support the state's transition to zero by 2050 and to deliver the Hunter-Central Coast Renewable Energy Zone.

20 The project covers approximately 482 hectares. The northern portion of the site and internal powerline route is dominated by former open cut mining areas, former underground mines, rehabilitated land, disused and grassed-over open cut mines, and only a small amount of land that has been avoided by major mining activities. These areas now also feature even-aged regrowth of vegetation and occasional use for horse agistment. The southern portion of the site is utilised for some cattle grazing.

25 No sensitive agricultural activity such as intensive plant or intensive livestock agriculture are being undertaken within the project area or its immediate surrounds. The development footprint, as mentioned, is comprised of Class 4, 5 and 6 land which have limited agricultural capabilities. The land is subject to the development of the solar farm would also be capable of returning to useable agricultural land following decommissioning of the project.

30 Nor the Council nor 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.

35 The applicant prepared a Land Use Conflict Risk Assessment (or LUCRA) as part of the EIS to assess the potential impacts of the project on land uses surrounding the site. The LUCRA concluded that potential impacts on surrounding land uses were manageable with the implementation of the proposed mitigation measures, including traffic management measures, weed management, rehabilitation and

decommissioning plans, and noise and dust mitigation.

5 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 under the New South Wales Government's Large-Scale Solar Guideline 22. And based on the findings of the EIS, the project would not result in any unacceptable impacts on the local community or the environment.

10 Overall, the Department considers that the project would be unlikely to generate any significant land use conflicts and would be compatible with existing and future land uses.

15 Next slide please, Cam. Regarding traffic, so traffic accessing the site would do so via the New England Highway and Muscle Creek Road to enter the southern area of the site. Or alternatively, the New England Highway and Sandy Creek Road to enter the northern solar array area. The heavy vehicle transport route during construction would be coming from Port Botany and would be via the National Highway M31, the Pacific Motorway, New England Highway, Sandy Creek Road, and Muscle Creek Road.

20 After consulting with Council, road upgrades would be required for the Sandy Creek Road and site access intersection. The applicant is also required to prepare and implement a Traffic Management Plan in consultation with both Transport for New South Wales and Council, including a protocol to manage left and right turns at the New England Highway-Sandy Creek Road intersection, provisions for dilapidation surveys, and details of the measures that would be implemented to address road safety. Furthermore, the applicant has committed to not using construction vehicles on Sandy Creek Road from 7:30 a.m. to 8:30 a.m. and 3:45 to 4:45 p.m. during the school term.

30 Overall, the proposed transport route has sufficient capacity for the predicted traffic generation. Subject to the recommended conditions provided, the Department, Transport for New South Wales, and Council are satisfied that the project would not have any significant impacts on road network capacity, efficiency or safety.

40 Next slide please, Cam. The project would affect approximately 310 hectares of native vegetation, of which about 92 hectares is of a condition which generates the need for ecosystem credits to offset impacts. The project would impact up to 113 hectares of Box Gum woodland critically endangered ecological community (or CEEC) and about 3 hectares of Large-eared pied bat habitat, that is foraging habitat which are both serious and irreversible impact candidate entities. The Large-eared pied bat species is listed as being at risk of SAI due to breeding habitat associated with it being irreplaceable. Surveys identified no breeding habitat on site.

45 The development footprint was refined to avoid a further 5.5 hectares of the extent of the Box Gum woodland, that is 118 hectares down to 113. The placement of the

development footprint has centred around the area of lowest biodiversity value, with 57 hectares of the 113 hectares of Box Gum woodland proposed to be removed being derived native grassland (or DNG) of a low condition, which generates no ecosystem credits. A further 48.5 hectares is DNG regeneration, with only 7.5 hectares of low condition woodland proposed to be removed.

BCS provided advice in their letter of June 2024 recommending that it would be appropriate for a Consent Authority to include additional and appropriate measures, given the potential SAI on the Box Gum woodland species. ESCO has committed to these additional measures via one of two options, which have been endorsed by BCS.

The Department considered Commonwealth matters in consultation with BCS and the Commonwealth DQ, including consideration of ESCO's assessments of significance. Commonwealth DQ provided feedback on the assessment package, which has been adopted. BCS has advised that it is satisfied that all issues they had raised during the assessment previously have been adequately addressed.

Next slide please, Cam. Regarding visual or potential visual impacts. So, the Department visited the site and nearby non-associated residences to understand the visual impacts and to further understand residents' concerns. The original project layout submitted at EIS stage was developed in consideration of potential visual impacts, taking advantage of existing site topography and surrounded vegetative screening.

Mitigation measures were measured at EIS stage, primarily involving siting of specific elements of the project to minimise visibility and preservation of key vegetative screening. Mitigation measures were further developed in the Submissions Report stage through the retention of additional roadside vegetation in the form of an exclusion area at the southern access to the site.

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 wouldn't have a limited impact beyond the project's immediate vicinity. All residential receivers have been assessed against the 2022 Large-Scale Solar Energy Guidelines technical supplement, the Landscape and Visual Impact Assessment.

Of the 128 non-associated residences located within 2 kilometres of the development footprint, the visual assessment undertaken by ESCO concluded that all non-associated residences were identified as experiencing low, very low or nil visual impacts. Subject to the recommended conditions, the Department is satisfied that the applicant has adequately reduced the visual impacts of the project to an acceptable level.

Next slide please, Cam. The Department also conducted a detailed assessment of the matters listed in this slide and concluded that there would be no significant impacts. I'll now discuss the other matters set out in the Commission's agenda.

Noise. So, noise generated during construction, upgrading and decommissioning activities is predicted to be well below the ‘highly noise affected’ criterion of 75 decibels in the EPA’s Interim Construction Noise Guideline (that is, the ICNG) at all non-associated residential receivers, and construction is limited to daytime hours.

Construction noise levels are predicted to exceed the ‘noise management level’ of 45 decibels in the ICNG during site preparation and cable installation works. These exceedances will only occur for a short amount of time when construction activities are nearest to the site boundary, as set out within Scenario 1 and 3 of the construction activities.

Operational noise, importantly, would comply with the relevant noise criteria, as calculated in accordance with the New South Wales Noise Policy for Industry at all residences.

Flooding. So, flood modelling demonstrated that the project is not predicted to have a significant impact on flood behaviour for the 1% annual exceedance probability (or the AEP) event, with flood levels, depths, velocities and hazards remaining largely unchanged.

Flood modelling demonstrates that the BESS would be located on land which would be subject to flooding during the 1-in-100-year flood event. As a means of mitigating flood impacts on the BESS, ESCO has proposed to construct a bund and diversion channel to ensure that the BESS area remains unimpacted by the 1-in-100-year flood event. The New South Wales Water Group within New South Wales DQ has not raised any concerns with this approach.

The recommended conditions also require the applicant to ensure any solar panels and ancillary infrastructure, and any other land disturbance associated with the construction, upgrading or decommissioning of the development have appropriate drainage and erosion and sediment controls designed, installed and maintained in accordance with the relevant policies, guidelines and legislation. And that is to ensure that solar panels and the ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site.

Regarding bushfire. The project is mapped as bushfire prone land. ESCO prepared a Bushfire Impact Assessment and would be required to comply with RFS’s *Planning for Bushfire Protection 2019*. ESCO state that the project would not present a substantial bushfire threat or represent an unacceptable hazard in the event of a bushfire affecting the project site, subject to the implementation of mitigation measures set out within the EIS, which include: adequate setbacks, access and fire-fighting facilities maintained on site; control of grass fuels, including the maintenance of ground cover within the development footprint; proper design and maintenance of equipment; and the application of best practice and technical standards.



5 The Department considers that bushfire risk can be suitably controlled through the implementation of standard procedures and recommendations made by Fire and Rescue New South Wales and the Rural Fire Service, including asset protection zones, preparation of a fire safety study in consultation with Fire and Rescue, development of a comprehensive emergency response plan, development of an emergency services information package, and development of an emergency responders' induction package.

10 Moving onto accommodation. So, up to 200 workers would be required during the peak construction period. It's expected that 108 construction workers, or just over 50%, would be from the local and regional area, and therefore not require accommodation. ESCO has committed to maximising local employment to reduce pressure on local accommodation and services.

15 The remaining 92 construction workers would be non-local workers and would require accommodation in the area. ESCO has identified a temporary accommodation provider that has confirmed they can accommodate the remaining construction workers in need of accommodation.

20 ESCO has prepared an accommodation and employment strategy and has committed to undertaking a detailed review closer to construction to determine the level of current workforce being accommodated in the region on projects which have already begun construction, and how this is impacting occupancy rates. The strategy would also consider seasonable tourism demands and seek to minimise impacts on the tourism industry, as was recommended by Council.

25 Regarding glint and glare, and finally. The glint and glare analysis identified the potential for temporary glare to be experienced by 16 residential receivers and along roads and the railway adjacent to the project. To address the glint and glare impacts identified within the original EIS, ESCO has prepared a scenario of solar panel backtracking which, even in worst-case scenarios that do not account for existing intervening vegetation, produces no glare for all receivers.

30 ESCO's backtracking scenario specifies the tilt angle for various groups of panels in specific locations across the solar farm which, if applied, would result in light being reflected away from identified receivers, which would eliminate glare production.

35 The Department has recommended conditions requiring ESCO to implement the backtracking scenario. Recommended conditions also seek to ensure the visual appearance of all ancillary infrastructure, including paint colours, blends in as far as possible with the surrounding landscape.

40 And to conclude, in summary, electricity generating works on the site are permissible with consent, in accordance with the Transport and Infrastructure SEP and the EP&A Act. The overall agricultural productivity of the region would not be significantly reduced. The site has good solar resources, access to the road network, and access to the electricity network.

5 The project has been designed to largely avoid site constraints, including nearby non-associated receivers, agricultural land, watercourses, remnant vegetation, and Aboriginal heritage sites, while maintaining its ability to utilise the existing electricity infrastructure and road network.

10 The project would assist in transitioning the electricity sector from coal and gas-fired power stations to low-emission sources and is consistent with New South Wales policy. It would have a generating capacity of 135 megawatts of clean electricity, which would power approximately 52,000 homes and 135 megawatt/270 megawatt-hour of energy storage to dispatch energy to the grid when the energy generation from renewable energy resources is limited.

15 The Department considers that the project achieves an appropriate balance between maximising the efficiency of the solar resource development and minimising the potential impacts on surrounding land users and the environment.

20 Through job creation and capital investment, and a planning agreement with 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 of Consent.

25 Thank you and I'm happy to field any questions.

**MR MENZIES:** Thank you very much, Iwan, that's a really comprehensive cover of the various things that we were interested in. I'll hand over to my fellow commissioners first to see whether they have a question. Suellen?

30 **MS SUELLEN FITZGERALD:** Thanks, Neal. Iwan, I just wanted to probe into this issue of the C3 zone and to the setting aside of the prohibition on energy generation uses in that zoning. The Department in its report says that, "It's not currently being used for conservation purposes and the council doesn't plan to use it for conservation purposes."

35 Given that it's obviously got habitat value, when you look at the fauna surveys and so on, what's your thinking and your approach around this idea of it not being used for conservation purposes and not proposed to? What's your ...

40 **MR DAVIES:** It's a great question, Suellen, and one of the key – really, one of the key matters that we considered in our assessment and in really preparing for today's meeting and certainly expected a question on the C3 zoning.

45 Ultimately, noting your question is more on the vegetation side, so clearly there's a permissible route here. Now, that C3 zoning is a huge area in itself and forms a small part of this project, or at least not a significant part of this project. Now, the applicant has avoided, as noted, particularly regarding the Box Gum woodland community, has avoided almost all of the higher value aspects of that vegetation.

And Box Gum woodland is certainly a key vegetation type that the Department considers in its assessment and in accordance with the Biodiversity Conservation Act.

5 Now, the applicant, as has been agreed by BCS, has appropriately surveyed and assessed that area, and again, appropriately offset any residual impacts but gone above and provided additional measures, which I believe our Assessment Report talks to in terms of the details of those additional measures. So, ultimately, fully appreciate the C3 zoning, do also note that Council raised no objection or concerns  
10 regarding the C3 zoning. And it doesn't currently form part of any protected area or reserve, with no planned or future uses related to environmental conservation of the land.

15 So, the Department has considered the matter in depth, but considers, in line with appropriate legislation being the EP&A Act and the LEP and importantly the BC Act here as well, and in consideration of the State's biodiversity agency and Council, in that there are no outstanding concerns, considers that the solar farm is an appropriate use on that zoning, for this solar land use.

20 **MS FITZGERALD:** Okay. So, thanks Iwan. So, what you're saying is that it's not high value use – it's not high-value vegetation or considered high-value habitat area. That it's only a small proportion of the conservation zoning in that area.

25 **MR DAVIES:** Correct.

**MS FITZGERALD:** And that there is no proposed conservation activities proposed for that site.

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

**MS FITZGERALD:** Okay. Thank you for that.

**MR DAVIES:** That's the research that we've undertaken and, yes, that's correct.

35 **MS FITZGERALD:** Great. We have got a meeting with Council this afternoon, so to explore that a little bit more with them and what their intent was around that zoning, you know, whether it was a buffer for the coal mine, or what its proposal really was. Thanks for that.

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

**MR MICHAEL WRIGHT:** Neal, can I just ask a follow-up question on that? Just in the Assessment Report on page 20, it states that, "The project is consistent with C3 zone objectives." I fully understand your argument in terms of why this  
45 activity is permissible under the EP&A Act. I just had an issue I just wanted to ask you a question about that particular wording. Is it in fact correct, that this activity is consistent with the C3 zone objectives?

**MR DAVIES:** Can I just – can I ask you which section of the report is that, is that ...?

**MR WRIGHT:** It's on page 20. It's on page 20 of the Assessment Report.

**MR DAVIES:** Yes. And you're talking to paragraph 61 or 62 there?

**MR WRIGHT:** I haven't got the paragraph number but the wording is consistent with ...

**MR DAVIES:** Yes. I think we've expanded on that somewhere in the Assessment Report. If we ... I believe we have, perhaps on the next page – oh, here we go. It says 20 and 21. So, okay, bear with me two seconds, let me just check that. So, ultimately – bear with me, I'll have to gather my thoughts just a second whilst I don't know the objectives off the top of my head, I was certainly comfortable in reading the report. Bear with me two seconds.

**MR TSAMBOS:** I think section 65 in the – or dot point 65 in the report expands on those C3 zone objectives in more detail as well.

**MR DAVIES:** Thank you. And is that – thanks, Nestor, is that the paragraph you're referring to, which then does expand into those objectives?

**MR WRIGHT:** Well, it was on or about page 20, Iwan, that would be it. It was just a question about whether in fact the proposed activity is consistent with the objectives. I understand why the activity might be permissible under the EP&A Act. It's just a question about whether it's consistent with the objectives. And I'm happy for you to take that on notice.

**MR DAVIES:** I can take it on notice, yes. I think we certainly considered that, Michael, and I know perhaps we've, you know, in the interest of keeping our Assessment Report as consolidated as possible and, I suppose, getting to the point, we perhaps have summarised in point 65 there on page 20, Michael. But happy taking that on notice and providing a little more detail.

**MR WRIGHT:** Thank you.

**MR MENZIES:** Michael, other issues you wanted to raise?

**MR WRIGHT:** Just, we're talking about where labour might be sourced from and the proponent's view that 50% or thereabouts might be local. Is that based on any hard evidence or is it just hopeful thinking on the part of the proponent? Because I know there are all sorts of labour shortages across the state.

**MR DAVIES:** Yes, look, I don't think it would have been plucked out of thin air, and I'm not suggesting you're suggesting that. They will have provided a detailed report alongside the EIS. Nestor or Cameron, I'm happy taking that on notice, unless you happen to be aware or remember exactly what was set out in the

applicant's report?

5 **MR TSAMBOS:** No, it is in more detail in their EIS, but I can't remember the details of their justification behind that specific proportion. So, we can get back to you on that.

10 **MR DAVIES:** Michael, would that be perhaps – I understand you're meeting with the applicant, may that be an opportunity to ask the applicant? And we are of course happy providing the information, but perhaps if you are meeting with the applicant, would it be appropriate to ask them and if there's a follow-up question to us, then for us to take that to respond to?

**MR WRIGHT:** I'll pass that onto Neal as the Chair.

15 **MR MENZIES:** Yes, we could – I mean, we're able to ask questions of the applicant. We met with the applicant yesterday.

**MR DAVIES:** Oh, okay, yes, okay.

20 **MR MENZIES:** ... We have some follow-up questions that we're preparing to send to them, so.

25 **MR DAVIES:** Yes. We're more than happy answering that, unless you – perhaps, Neal, if you could advise us, well, once you write to us, we'll ... So, we won't take it on notice, but perhaps if you ...

**MR MENZIES:** Yes, we'll come back to you with that written set of our questions.

30 **MR DAVIES:** Okay, thank you.

35 **MR WRIGHT:** And sorry, Neal, just one last matter, and I think you might have dealt with it, Iwan, in your presentation. The Matters of National Environment Significance under the EPBC Act and the operational bilateral, it sounds like there has been ongoing discussions with Commonwealth DQ. Are they required to sign off on the arrangements that have been put in place to deal with the MNES matter?

40 **MR DAVIES:** Post approval, there will be a role for the Commonwealth DQ to approve. So, under the bilateral, the Department undertakes an assessment and consults with Commonwealth DQ. There's certainly an opportunity for the Commonwealth DQ to provide comment and advise if they do not agree with the assessment, they don't tick off or sign or approve at that stage. But there is an opportunity or – I say an opportunity – they will have final approval authority following the State Government's approval of the SSD application.

45 **MR WRIGHT:** And sorry, Neal, just one other matter, this is a small matter in terms of the Assessment Report. On page 65, there's a heading 'Land Devaluation', it's a table, issue and consideration. The heading on page 65, one of

the headings is 'Land Devaluation,' but the consideration which corresponds to that deals with permissibility. I think it's just a misalignment of an issue with the consideration. So, you might just want to have a look at that. Page 65.

5 **MR DAVIES:** Thank you. And noted. We can perhaps clarify that in our response, just to recognise that term, that error. Thank you for flagging it.

10 **MR MENZIES:** Iwan, one from me. This is how you've thought about cumulative impact. And one particular and I guess it's not really a cumulative impact but the Muswellbrook bypass, we were concerned that the land clearing there might actually change the impact of this development because the clearing would change the visual assessments etc. Have you captured that in your assessment?

15 **MR DAVIES:** Yes, so great question, Neal. So, we did a lot of research, worked very closely with Transport for New South Wales regarding the bypass to understand its location, its alignment, its potential impacts – not only visually (glint and glare), which we can come onto, but also on access to the site, noting that the Sandy Creek Road and Muscle Creek – sorry, Sandy Creek Read-New  
20 England Highway intersection is near the proposed alignment.

25 Unsure what is – our understanding is that alignment may or may not change and may or may not move a little further from the project. But I don't – I won't comment on that, I think that's perhaps for other agencies. We fully considered – fully considered – we considered the bypass as far as we could. We were happy and had some real detailed discussions with Transport for New South Wales, again, not particularly on that intersection. But I think your question's more on, I think, the amenity or the visual or the glint and glare impact.

30 So, glint and glare, it was – it's a matter that we requested the applicant to assess. It was certainly a challenge in – it was certainly challenging for the applicant not knowing for absolute alignment and timing and alike, but ultimately, you'll note that in our conditions set, we have a condition in there to consider the potential  
35 glint and glare impacts on that highway and have appropriate measures. So, as part of their Submission Report or additional information, there's now VIA in there that has measures in there to mitigate any potential impacts if and when that bypass is constructed.

40 **MR MENZIES:** Yes, it's a difficult one, not knowing precisely where it's going to sit, isn't it, that ...?

**MR DAVIES:** Yes, yes, yes, yes.

45 **MR MENZIES:** Okay. Fellow commissioners, other questions you wanted to ask? Michael? Michael, you're on mute still, mate.

**MR WRIGHT:** My apologies. Just thinking about traffic. In the proponent's Response to Submissions Report, under a heading, I think 'Traffic safety,' there's

a discussion about Sandy Creek Road and Muscle Creek Road. Sandy Creek Road, there's a use prohibition on heavy vehicles during school peak hours. Not so on Muscle Creek Road where I understand there are school buses as well.

5 But the Response to Submissions Report talks about, "We're looking at options to limit the amount of heavy vehicle traffic associated with the project during school peak hours on Muscle Creek Road." It's not a hard and fast commitment but it says it will be looked into. That, I don't think appears in the conditions at this point in time. Has the Department considered that at all?

10

**MR DAVIES:** The Department has considered it. Clearly, there's – we've got quite a restrictive condition in there in terms of avoidance on Sandy Creek Road. It's a matter that the Department considered for Muscle Creek Road, but – and Nestor and Cam, I'm happy for you to jump in – but our understanding is that Council did not raise concern there – again, I stand to be corrected – regarding Muscle Creek Road. And I'll probably, I'll quickly open up the Traffic Management Plan as well. Bear with me two seconds.

15

20 So, there is a requirement in the Traffic Management Plan to minimise potential for conflict with school buses and other road users as far as practicable. So, that – the details would have to be put – that's regardless of whether that's Sandy Creek Road or Muscle Creek Road, so it would clearly include both. So, there is a requirement, we've included that requirement in the TMP and then those details will come through if the project's approved, at that next approval stage. Yes.

25

**MR WRIGHT:** Excellent. Thank you.

**MR MENZIES:** Suellen, any further issues for you?

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**MS FITZGERALD:** Yes, one further, Neal, and it relates to cumulative impacts again, this time on the veg, and specifically on the SAII veg, the Box woodland. In a lot of the projects that I've been dealing with, Iwan, and you'd be familiar, up in the Aruna Central West Project. When you're looking at the cumulative impacts on an SAII, you've been including the impacts from a range of different projects within the vicinity as well.

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40 I notice in this one, you don't take that approach. Is it fair to say that the Hunter REZ, is it a fairly early stage of rollout? Is that true or, I mean, is there a reason why you haven't looked at the impacts on that Box woodland more broadly from other projects?

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**MR DAVIES:** Okay, thank you. So, in terms of, so broadly regarding the Renewable Energy Zones, it's fair to say, or it's correct to say that the Central West Renewable Energy Zone is certainly the most advanced, particularly with an approved transmission line, and then there are considerations or potential applications, of course, for certain transmission lines extending to the Hunter-Central Coast Renewable Energy Zone.

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5 Now, with the potential impact on Box Gum woodland in this area and noting that I also assessed the Bowmans Creek Wind Farm and other projects within the HCC REZ, which are primarily or several batteries, some of which are on industrial land. But for this project in itself, the impacts are low to that Box Gum woodland, as in trees, and is primarily derived native grassland. And my understanding from my memory of Bowmans Creek which I believe we would have considered during our assessment, is that the impacts are acceptable there.

10 So, Cam and Nestor, I'm happy for you to jump in, but due to the low impact on Box Gum woodland, appreciating that the volume of DNG and low-quality DNG, we, yes, considered the impacts were low and acceptable.

15 **MS FITZGERALD:** Neal, I guess in a way it's more a comment perhaps for the Department's benefit. But given that we're looking at projects up in the Armadale area, out at the Orana Central-West and across the state, and in each of these projects, we see Box Gum woodland being cleared and it's always a tiny percentage in itself.

20 It would be helpful if the Department could consider the overall impacts on that when it's looking at the information it gives us. Because we're seeing it come up time and time again, that we're starting to accumulate the numbers in our own minds, I suppose.

25 **MR DAVIES:** Okay, thank you.

30 **MR MENZIES:** Okay. Any last questions? No? Okay. Iwan, we are well ahead of schedule, which I guess speaks to the quality of the documentation the Department gave us, that most of our concerns, you know, most of the things we needed to understand we understood before this meeting. So, thank you to you and your team for the materials that you developed for us.

35 Thank you for the clear answers that you've provided today. There are a couple of things that we'll follow up in writing on, just so that we're all clear on what the questions on notice were. But that's been a very useful meeting for us. So, thank you very much, Cameron, Nestor, Chris, it's been great that you've been able to join us and help us to understand this project. Okay, so I'll bring the meeting to an end.

40 [All say thank you]

>**THE MEETING CONCLUDED 00:49:23**