450 MW Merino Solar Electricity Generating Works + 450 MW / 1,800 MWh BESS Objection Submission

I absolutely object to the 450 MW **Merino Solar Electricity Generating Works +** 450 MW / 1,800 MWh **BESS,** it's associated infrastructure & totally unnecessary, sabotaging Grid Connection on the grounds of Failure of Due Diligence, Foreseeability of Toxic Harm, and Reckless Disregard for Public Safety and Intergenerational Equity.

Ag land loss during construction - 985.44 ha and operation - 767.23 ha Zoned Primary Production (RU1)

Land South Of Goulburn Aiport At Tirrannaville And Gundary, Located Between Braidwood Road, Painters Lane And Windellama Road

Applicant: The Trustee for Merino Solar Farm Trust (Developer - EDP Renewables (EDPR) Australia, which acquired the original developer, ITP Development, in December 2023)

Goulburn Mulwaree Council

1. INTRODUCTION

This submission is made in fierce opposition to the proposed industrial-Merino Solar Electricity Generating Works and Battery Energy Storage System.

It is submitted that the Developer, the Environmental Impact Statement (EIS), the NSW Department of Planning, Housing and Infrastructure (DPHI), and the Independent Planning Commission of NSW (IPCN) have collectively demonstrated a persistent pattern of irresponsible injustice and neglectful conduct by continually failing to do their Due Diligence and Risk Research regarding the foreseeable environmental and agricultural harm - the toxic contamination impacts from industrialised Solar/Wind Electricity Generating Works and BESS Infrastructure.

There is an unacceptable:

•Absence of lifecycle toxicological risk research under Australian conditions

•Regulatory fragmentation and acknowledged legislative gaps

•Reliance on industry assurances rather than enforceable safeguards

This cumulative conduct demonstrates a level of disregard so substantial that it constitutes a conscious violation of the community's right to safety, environmental protection, and intergenerational equity.

2. OFFICIAL CONFIRMATION OF REGULATORY VACUUM – AUSTRALIAN BORDER FORCE

Response from Environmental Goods and Product Safety Section within the Australian Border Force (ABF) - Importation of Banned PFOS & ASBESTOS in Solar/Wind/BESS Components - 03/02/26

OFFICIAL

Dear .....

Thank you for your feedback (Ref: IMMI-26-00117-1) to the Department of Home Affairs Global Feedback Unit on 3 January 2026 concerning PFAS/PFOS, Bisphenol A and asbestos contained in imported goods by Renewable Energy Companies such as; solar panels, inverters, wind turbine components, electrical wiring and lithium ion batteries – and including the contamination caused by disposal of these products. Your feedback has been forwarded to my section, the Environmental Goods and Product Safety Section within the Australian Border Force (ABF) for a response and advice.

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) is Australia's lead policy and regulatory agency for the management of hazardous industrial chemicals, which is implemented through the Industrial Chemicals Environmental Management Standard (IChEMS).

IChEMS establishes nationally consistent standards for managing the import, export, manufacture, use and disposal of industrial chemicals to reduce impacts on the environment.

While PFAS chemicals, including PFOA, are not yet prohibited at the Australian Border, they are listed in IChEMS as a high risk chemical group, and are regulated domestically within Australia.

Bisphenol A is also listed in IChEMS and is being considered for scheduling by DCCEEW but is not a prohibited chemical at the Australian Border.

We have received the below advice from DCCEEW on the PFAS regulations for your consideration:

- The Australian Government expects that introducers, exporters and users of PFAS comply with the standards set out in IChEMS.
- Regulation, or enforcement, of standards is reliant on adoption by the Commonwealth, states and territories into their own environmental laws.
- Jurisdictions are at various stages of incorporating the IChEMS into their own regulatory frameworks.
- The Commonwealth is exploring its legislative options for enforcing the prohibitions and restrictions on importation and manufacture and use in Commonwealth areas as prescribed in the standards.

The Commonwealth will work with introducers and users as it develops implementing legislation and considers the practicality and appropriateness of different operating models.

- Until new legislation is available there is a unique opportunity for industry to establish compliant supply arrangements and business practices without penalties applying.

For further information on what the Australian Government is doing in relation to managing and restricting the use, import, manufacture and disposal of PFAS containing products, please visit the DCCEEW website at Per- and poly-fluoroalkyl substances (PFASs) - DCCEEW.

You may also wish to contact DCCEEW by email at PFASstandards@dcceew.gov.au

In regard to your concerns for asbestos, the ABF is responsible for enforcing border controls for very high volumes of goods that cross the Australian Border every day, and every effort is made to identify and prevent goods containing asbestos from entering Australia.

● Australia is one of the few countries in the Asia-Pacific region that has a comprehensive ban on all six types of asbestos.

● In many countries, despite the known threat to human health, local standards allow manufacturers to use low levels of types of asbestos.

● Goods manufactured outside Australia might be labelled asbestos free and still contain low levels of asbestos.

● It is the responsibility of importers and exporters to ensure they do not import or export prohibited goods such as asbestos.

The ABF must be assured that asbestos containing goods are not unlawfully crossing the border.

Regarding your concerns for unregulated and no accreditation body to determine the toxic public health and safety risks of renewable infrastructure and the contamination to the environment by the disposal of such renewable energy products, please also visit the DCCEEW website at the following links, for further information on how the Australian Government is managing these issues.

Home - DCCEEW

Renewable energy developments and environmental protection - DCCEEW

Exporting, importing or transiting hazardous waste - DCCEEW

Thank you for your feedback.

Joshua

Position number: 49000643

OFFICIAL

3. FORMAL ASSESSMENT OF THE ABF RESPONSE

“What it confirms clearly

• There is no effective border-level prohibition on PFAS/PFOA or Bisphenol A in renewable energy components.

• The system relies on voluntary industry compliance and future legislation, not enforceable controls.

• Responsibility is fragmented and deflected between agencies (ABF → DCCEEW → states/territories).

• Importers are effectively given a regulatory grace period to “establish compliant practices” without penalties.

That last point is the most damning.

What the letter unintentionally admits

• Australia is knowingly allowing high-risk chemicals into the country while acknowledging their environmental and health risks.

• Enforcement is aspirational, not operational.

• The Commonwealth currently lacks the legal tools it claims are necessary, yet continues to permit imports.

• Renewable energy infrastructure is being treated as a regulatory exception zone.

This is classic regulatory capture by delay:

“We agree it’s dangerous, but we’ll act later.”

Structural failure exposed

• No independent accreditation body for toxicological risk of renewable infrastructure.

• No lifecycle regulation (import → use → disposal).

• No precautionary principle applied, despite PFAS being globally recognised as persistent, bioaccumulative toxins.

• No mandatory disclosure requirements for chemical composition of components.

In plain terms:

The system is built to facilitate rollout first, and manage harm later, if ever.

Strategic value of this document

This is actually a strong piece of evidence for future use because:

• It documents official knowledge of risk.

• It establishes foreseeability of harm.

• It shows government awareness without enforcement.

• It weakens any future claim of "unanticipated consequences."

Bottom line

The letter is polite, procedural, and calm — but substantively it is an admission of regulatory failure.

Not incompetence.

Not ignorance.

Choice."

4. FORESEEABILITY OF TOXIC CONTAMINATION – PROFESSOR IVAN KENNEDY

Emeritus Professor Ivan Kennedy, in his submission to the IPCN (Tallawang Solar Electricity Generating + BESS, SSD-23700028), identified two central failures of due diligence:

I. The Environmental Toxicity of the Solar Panels Employed

II. The Futility of Renewable Electrical Energy as an Effective Solution to Climate Warming

Of direct relevance to this proposal is his quantified assessment of heavy metal content:

Approximately 20–30 tonnes of metallic silver in a 500 MW installation

Additional heavy metals including lead, cadmium, tin, copper

Toxicity thresholds in soils as low as 0.1–10 mg/kg

Even 1% lifetime leaching potentially sufficient to sterilise agricultural soils

He further warned:

“The current failure to conduct risk research under Australian environmental conditions for solar farms may lead in future to legal class action claims for damages to farmlands and the environment.”

This is not speculative rhetoric.

It is a professional warning grounded in toxicology, soil chemistry, meteorology, and agricultural risk science.

5. THE “GROUND TO A FINE DUST” MISINFORMATION

In the DPIE/DPHI Solar Guideline and complicit IPC reasoning, reliance has been placed on false assertions - including that:

“To readily release contaminants into the environment, solar panels would need to be ground to a fine dust.”

This statement is demonstrably false.

It fails to consider:

*Proven leaching of toxins from intact, inferior, degrading, storm damaged, broken, hail fractured and burnt solar panels.

*Documented photographic evidence of the destruction of new - yet to be commissioned and operational solar electricity generating works by storm, hail and fire events.

*Thermal cycling, UV degradation, acid rainfall

*Fragmentation of bifacial panels with thinner glass

*Corrosion and ionic leaching from cracked modules

The assertion that only pulverisation produces contamination is not supported by long-term field evidence under Australian meteorological extremes.

Approval in reliance upon that premise is not evidence-based decision-making.

It is unreliable, unjust and irresponsible administrative fudgery.

6. RECKLESS DISREGARD AND DUTY OF CARE

•Toxic materials are embedded in infrastructure across thousands of hectares

•Border controls do not prohibit high-risk substances

•Lifecycle disposal pathways remain unresolved

•No independent accreditation body exists

•No mandatory chemical disclosure is required

•No long-term Australian leaching trials have been conducted

•Known fire and meteorological risks (hail, storm fragmentation)

Continued approval without precautionary safeguards exceeds negligence.

It becomes reckless disregard.

Recklessness is established where decision-makers proceed in the face of known risk and foreseeable harm.

The ABF letter establishes knowledge.

Professor Kennedy's submission establishes quantified toxic plausibility.

The absence of lifecycle regulation establishes systemic failure.

Foreseeability is therefore satisfied.

7. INTERGENERATIONAL EQUITY AND PERMANENT LAND LOSS

Heavy metal and PFOS contamination of land/water:

•Is economically irreversible

•Will render land unsuitable for agriculture permanently

•Will contaminate groundwater

•Will impair biodiversity and microbial soil systems

•Will create hazardous sites requiring exclusion

•Will poison the public

The concept of Intergenerational Equity requires that present decisions do not compromise the health, productivity and safety of future generations.

Embedding 20–30 tonnes of toxic metals across productive land and PFOS shedding without proven containment research is not equity.

It is risk transfer.

The asbestos analogy:

'RenewaBULLs ARE THE ASBESTOS OF THE FUTURE' is not rhetorical excess.

Asbestos was once "encapsulated" and considered safe under normal conditions.

It was approved.

It was installed.

It was defended.

It was normalised.

The regulatory system failed until latency periods ended.

Toxic PFOS coated, heavy metal leaching Solar and filthy, dangerous chemical laden BESS hazards deployed across agricultural landscapes without lifecycle accountability is already becoming the asbestos of the future.

8. CONCLUSION

The regulatory framework governing toxic materials in Solar/Wind/BESS infrastructure is unacceptably incomplete and fragmented.

The Commonwealth has acknowledged legislative gaps.

The Developer has not provided site-specific lifecycle toxicological research.

NSW authorities have relied upon generic assurances rather than long-term, independent, field evidence.

Foreseeable risks to soil, water, biodiversity and agricultural productivity have not been eliminated.

The precautionary principle has not been applied.

Approval under these conditions would represent:

A conscious decision to proceed despite acknowledged regulatory deficiency and foreseeable toxic risk.

Not ignorance.

Not accident.

Choice.

For these reasons, approval should be refused.

It is essential that:

Full lifecycle toxicological risk research based assessments under Australian field conditions are done to inform factual decision making.

Independent monitoring regimes must be legally mandated and funded,

Clear chemical composition disclosure requirements are imposed,

Disposal pathways are legislatively secured,

And enforceable liability provisions are established for contamination remediation.

Anything less transfers risk from developer to land, water, community, and future generations.

That is neither sustainable nor lawful under principles of environmental governance.

Toxic Contaminating Solar