WENDY TUCKERMAN MP
MEMBER FOR GOULBURN

Director – Energy Assessments,
Development Assessment,
Department of Planning and Environment,
4 Parramatta Square,
12 Darcy Street,
Parramatta NSW 2150

To whom it may concern,

I write to clearly state my objection to the Environmental Impact Statement (EIS) for the Merino Solar Project on the grounds set out below.

At a fundamental level, the proposal demonstrates a lack of transparency and a lack of strategic planning that extends beyond mere technical compliance. The reliance of the proponent on this overarching approach; deferring assessment of actual impacts to a stage beyond meaningful public scrutiny, dismissing genuine community concerns, undermining community confidence and lacking social licence. This approach prevents the understanding of the true scale, intensity, configuration and impacts of the development that is being assessed. The cumulative impacts are also not adequately addressed. Aside, that these impacts should be considered through a coordinated regional strategy rather than on a fragmented, project-by-project basis, particularly given the growing community concern surrounding consultation fatigue and the progressive industrialisation of rural landscapes.

My electorate of Goulburn, and the communities directly affected by this proposal, have a legitimate expectation that the assessment process meaningfully considers scale, cumulative impact and long-term change to landscape character. Genuine alignment with planning intent, particularly in relation to regional cities, requires more than surface-level consultation, desktop studies and technical modelling. It requires respect for the qualitative values of the local environment and the lived experience of affected residents.

The so-far turbulent transition of the Australian energy sector toward a decentralised, low-emissions framework is clearly evident in my electorate of Goulburn. The Merino Solar Farm (MSF), including the proposed solar photovoltaic facility co-located with a Battery Energy Storage System (BESS), is presented as supporting the NSW Government’s Electricity Infrastructure Roadmap and the broader National Electricity Market (NEM). However, an exhaustive review of the EIS, planning portal material, public record and corporate disclosures reveals a pattern of inconsistencies, omissions, and errors that have emerged as the project evolved from its early conception under ITP Development Australia (ITPD) to its current iteration under EDP Renewables (EDPR) Australia.

These inconsistencies ultimately fail the community, and the EIS should be rejected.

02 4822 6444 167-169 Auburn Street, Goulburn NSW 2580
PO Box 168, Goulburn NSW 2580 goulburn@parliament.nsw.gov.au wendytuckerman.com

The issues specifically span across the cumulative impacts, proximity to a regional city, Sydney Drinking Water Catchment considerations, escalation in battery size and associated hazard planning, and the overall scale and design flexibility of the project. Extending across technical specifications, spatial definitions, project timelines, consultation with impacted landholders and socio-economic impact assessments. Collectively, these issues demonstrate a proposal that should not be accepted.

The project also has overwhelmingly failed to gain acceptance locally, from affected residents through to local government, and should not be accepted by the Department of Planning.

Community Engagement and Project Inconsistencies

A fundamental source of this lack of consistency in the Merino Solar Farm documentation is the change in project ownership in late 2023. ITP Development Australia initiated the proposal, undertook early community engagement and submitted the preliminary Scoping Report to the Department in June 2023.

Following the acquisition by EDP Renewables in December 2023, the project became part of EDPR's APAC portfolio. While this transition brought access to capital for an estimated $1–2 billion investment, it also introduced a "procedural pause" lasting until October 2024. This pause has significantly contributed to the strong community sentiment opposing the project, reflected in the volume and nature of submissions, in that the proponent has failed to engage meaningfully or respond to the very valid concerns raised on the project's location. This temporal gap created a clear disconnect between the parameters established in the Scoping Report and the specifications presented in the 2025 project newsletters.

For the communities of Goulburn, Gundary and Tirrannaville, the transition was not perceived as a strategic evolution of the project, but as a loss of transparency. Many stakeholders have stated they felt "kept in the dark" during the ownership change.

The displacement of ITPD by EDPR effectively resulted in a recommencement of the EIS phase, without continuity in stakeholder relationships. Residents observed inconsistent communication strategies, with EDPR's global corporate narrative superseding earlier local commitments. This has led to widespread frustration that later engagement efforts were tokenistic rather than genuine.

A significant technical inconsistency relates to the scale of the Battery Energy Storage System. The original Scoping Report described a BESS of up to 300 MW. Subsequent technical material and community newsletters released in 2025 increased this to 450 MW. This escalation appears to be directly linked to the project's selection under the Australian Government's Capacity Investment Scheme. While the nominal storage duration remains four hours, the increase in power capacity necessarily entails a more intensive physical development. Community concern has focused on the substantially

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larger battery enclosures and substation infrastructure now anticipated, which were not clearly communicated during earlier engagement.

The disconnect between a static “footprint” figure and a significantly intensified development outcome represents a central flaw in the assessment process. Although the proponent asserts that the overall development footprint remains approximately 760 hectares, increasing the density and intensity of electrical infrastructure within that footprint introduces materially greater risk. These risks include fire, thermal radiation and water runoff, concerns that have been raised not only by residents but also by Goulburn Mulwaree Council and local Rural Fire Service representatives.

Consideration to Fire Risk, Planning and Managment

The proposed development footprint also spans multiple lots leased from seven separate landowners, creating significant complications for the siting and maintenance of Asset Protection Zones (APZs). As detailed by Goulburn Mulwaree Council’s submission, which I support, Section 8.3.5 of Planning for Bush Fire Protection 2019 (PBP 2019) requires a minimum 10-metre APZ for structures and associated buildings, maintained to Inner Protection Area standards for the life of the development. As the solar arrays are classified as Class 10b structures under the National Construction Code, they clearly trigger this requirement. However, PBP 2019 is explicit that APZs should be contained wholly within the boundaries of the allotment on which the development sits. In this case, APZs would necessarily extend across multiple allotments and private ownership boundaries, raising serious questions about enforceability, long-term maintenance responsibilities and legal access during an emergency. This structural flaw has not been fully acknowledged in the EIS and undermines community confidence that mandated bushfire protection measures can be delivered in practice.

Concerns have also arisen regarding the project’s compliance with the Secretary’s Environmental Assessment Requirements (SEARs), particularly those informed by the NSW Rural Fire Service (RFS) and Fire and Rescue NSW (FRNSW). While the EIS asserts that SEARs have been met, several critical requirements have been deferred, only partially addressed, or treated conceptually rather than substantively, contrary to the intent of the Environmental Planning and Assessment Act 1979 and associated Regulation.

Most notably, the RFS required the EIS to include a Fire Management Plan developed in consultation with the local RFS District Fire Control Centre, addressing emergency procedures specific to the proposal. The EIS does not include such a plan. Instead, it states that a Bush Fire Emergency Management and Operations Plan will be prepared after approval. This is a deferral of a mandatory assessment-stage requirement. SEARs demand that bushfire risk, fire behaviour, emergency response capacity and protection measures be assessed before determination, not left to future conditions.

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Similarly, the RFS also required site-specific APZ design in accordance with Section 8.3.5 of PBP 2019, including demonstration of defendable space around the solar arrays. The EIS provides only indicative APZ mapping, with widths and locations deferred to later "detailed design." Without lot-by-lot assessment, it is not possible to determine whether the development can meet essential bushfire protection standards at all. The absence of this information prevents proper statutory evaluation and undermines public and agency confidence in the proposal's compliance.

The RFS submission also required identification of adequate firefighting water supply, including volumes, storage, redundancy and appliance compatibility. The EIS specifies none of these. Instead, it states that these matters will be resolved in later consultation.

Firefighting capability cannot be meaningfully assessed without this information, particularly given the project's scale, the presence of extensive electrical infrastructure and – I highlight - reliance on volunteer brigades in a rural landscape. These omissions also relate back to the community directly, and neighbouring landholders, indicating the broader disregard to community that the proponent has shown.

Equally concerning is the EIS's limited consideration of fire igniting within the site. The project comprises extensive cabling, inverter stations and a large-scale BESS, all internal ignition risks by their nature. Yet the assessment focuses predominantly on defending the development from an external bushfire threat. It fails to meaningfully assess the risk of a fire originating on-site and spreading to adjoining rural land, despite the heightened risk profile associated with electrical and battery infrastructure. This omission is unacceptable.

FRNSW further required active engagement at both preliminary and final design stages, with particular focus on hazard analysis, fire and life safety systems surrounding the BESS. The EIS provides no evidence that FRNSW has reviewed the hazard analysis, been consulted regarding proposed fire safety systems, or engaged beyond early scoping correspondence. A statement that consultation "will occur" does not meet a SEARs requirement for documented agency involvement during assessment.

While the EIS identifies internal access tracks, it does not demonstrate fire-appliance turning paths, staging areas for battery-related incidents or the ability to support multi-day firefighting operations, all matters central to FRNSW operational capability. In a high-risk, high-complexity environment such as a large-scale solar-and-battery facility, these omissions are significant.

While the EIS declares that it "addresses the Secretary's Environmental Assessment Requirements," the issues outlined above show that several key SEARs matters are either deferred or only addressed conceptually. Required agency consultation has not occurred or is not evidenced. Mandatory bushfire assessment inputs have not been provided. As such, the SEARs have not been substantively satisfied, and the assessment should not be considered complete.

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Location issues

The Merino Solar Farm is located within the localities of Tirrannaville and Gundary, south of the regional city of Goulburn. However, the proposal suffers from a persistent lack of geographic clarity. It is frequently conflated with the nearby Gundary Solar Farm proposal, creating confusion for the community, undermining transparency.

In addition, the concept of the “development footprint” is applied inconsistently. Project newsletters refer to a 760-hectare footprint, while biodiversity documentation subdivides the impacted area into discrete components, including a solar array area of 518 hectares, ancillary infrastructure of 47 hectares and transmission corridors of approximately 14 hectares. This leaves a discrepancy of more than 180 hectares between what is presented publicly and what is assessed for environmental impacts, creating uncertainty about the true extent and intensity of land disturbance.

The project timeline has also shifted repeatedly, reflecting both corporate transition and broader pressures within the NSW planning system. While SEARs were issued in July 2023, subsequent public statements present conflicting expectations regarding construction commencement, duration and “ready-to-build” status. Infrastructure Pipeline reporting indicates construction commencing in 2025 and concluding in 2026. In contrast, EDPR’s own public statements suggest the project will not reach ready-to-build status until the second half of 2026. These timelines are incompatible with a stated construction duration of approximately 24 months.

The absence of a coherent and credible timeline undermines community confidence and raises serious questions about the project’s actual readiness and the reliability of information provided to the public.

A core point of contention with the community is the suitability of the site for solar generation. The proponent asserts that the site benefits from good *solar resources* and proximity to existing transmission infrastructure. In contrast, community submissions, including those lodged via Goulburn Mulwaree Council, reference Bureau of Meteorology data indicating persistent overcast conditions, with an average of only 88 clear days per year.

Residents have questioned whether the site selection is driven primarily by land availability and grid access rather than optimal generation performance, EDPR’s own spokesperson told me personally that the site was in fact selected because of the close proximity to the grid. This disconnect highlights an inconsistency in how “site suitability” has been framed, prioritising economic considerations over generation efficiency and strategic planning.

Importantly, the cumulative impact assessment presented is materially flawed. Key renewable energy developments in the region, including Crookwell 1, Crookwell 3 and Gullen Solar Farm, are omitted from the primary cumulative mapping presented in the

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EIS. While these projects vary in planning pathway and approval status, their physical presence is what matters for cumulative landscape and visual impact. A flaw of the desktop assessment evidentially undertaken. Notably, the Social Impact Assessment acknowledges some of these projects in tabular form, yet they are excluded from the primary cumulative impact maps.

This internal inconsistency understates the true scale of energy infrastructure already affecting the region and artificially minimises cumulative landscape change for the community. By failing to reflect the existing and emerging concentration of large-scale energy developments, the EIS relies on a baseline that does not accurately represent the lived reality of the region.

As outlined in Goulburn Mulwaree Council's submission: the identification of Goulburn as a Regional City under the SEPP does not automatically preclude the development of solar or wind projects within the mapped area. Rather, the purpose of clause 2.42 is to ensure that any such development does not inhibit the regional city's capacity for growth, nor adversely affect its scenic quality or landscape character. To satisfy this clause, both the applicant and the consent authority must be able to clearly demonstrate how these protections have been met on the evidence.

Council's submission acknowledges that Section 4.2.2 of the Landscape Character and Visual Assessment, details that the project will have minimal effect on Goulburn's physical growth footprint. While this is consistent with Council's own Urban and Fringe Housing Strategy, which anticipates that the majority of future residential expansion will occur within the CBD and the northwestern growth between RunOWaters and Middle Arm Road and long-term residential growth vision in residential precincts on the city's southern fringe. While higher-density development within the CBD and established urban areas is a key component of Goulburn's growth strategy, rural-residential lots also play a critical and complementary role in attracting new residents, sustaining population growth, and preserving the city's defining lifestyle appeal.

However, the Council and community's issue is not simply whether the Merino Solar Farm physically overlaps designated growth areas, but whether it undermines the long term residential growth vision for Goulburn; particularly the planned "lifestyle block" rural/residential precincts on the city's southern fringe. While higher density development within the CBD and established urban areas is a key component of Goulburn's growth strategy, it is explicitly detailed that rural/residential lots also play a critical and complementary role in attracting new residents, sustaining population growth, and preserving the city's defining lifestyle appeal. The areas dedicated to "lifestyle blocks" are not incidental to the city's growth; they are strategically significant.

The EIS further argues that the presence of Goulburn Airport and One Raceway creates a natural southern buffer for urban expansion, and that the proposal complies with clause 2.42 of the Transport and Infrastructure SEPP on the basis that Goulburn's "capacity for growth" is not technically constrained.

Council and community submissions present a markedly different perspective: that proximity to such a largescale industrial development creates a functional, perceptual and strategic barrier to future rural residential growth. Large-scale industrial development creates a functional, perceptual and strategic barrier to future rural-residential growth. Development interest and property sales along Windellama Road, Painters Lane and other fringe-lifestyle areas have already slowed or stalled, with potential residents choosing not to relocate to a "tree-change" setting overshadowed by a solar farm, battery and substation.

Council also notes that, in its response to the SEARs, it specifically directed the proponent to consider potential impacts on future rural residential precincts south of the Hume Highway, areas such as Mountain Ash, Brisbane Grove and Mt Gray, which the UFHS identifies for large lot residential development (typically 2 hectares or more). These precincts are deliberately planned to provide the rural outlook, low-density amenity and landscape character that form an essential counterpart to higher-density housing uplift in the CBD. The very qualities that make these lots desirable: open views, rural ambience and visual connection to the Gundary Plain - are directly threatened by the visual and industrial scale of the Merino Solar Farm. These precincts are deliberately planned to provide a rural outlook, low density amenity and landscape character that form an essential counterpart to higher density housing uplift in the CBD.

The very qualities that make these lots desirable, open views, rural ambience and visual connection to the Gundary Plain, are directly threatened by the visual and industrial scale of the Merino Solar Farm.

Council also raises significant concerns regarding the proposal's substantial and adverse impact on the scenic quality and landscape character of the Gundary Plain. A key issue highlighted by Council is the visual prominence of the proposed development from Windellama Road, a major southern gateway into Goulburn.

Over the past decade, upgrades to Windellama Road and Oallen Ford Road have increased regional traffic along this corridor, with many travellers moving between the Hume Highway and the South Coast via Nerriga. For these travellers, the gently undulating Gundary Plain, characterised by open pastures shifting seasonally between greens, golds and muted woodland tones forms the first impression of Goulburn upon arrival and the last impression upon departure.

Council further notes that these distinctive landscape qualities are visible from several elevated vantage points across the city, including the Rocky Hill Memorial Tower at Eastgrove and residences situated along the Cowper Street–Verner Street ridgeline. The proposed solar farm also sits within key view corridors from the CBD, an area

identified for significant future residential uplift, including potential high-rise development, under Council's current Planning Proposal.

Council's submission makes clear that the introduction of extensive solar arrays expressed as large blocks of black and dark grey would fundamentally disrupt these established landscape qualities. When considered together with the proposed Gundary Solar Farm, the cumulative visual impact would materially alter the defining character of the Gundary Plain. On this basis, Council considers that clause 2.42(2)(b)(ii) cannot be satisfied.

Importantly, Council also urges the Department to consider the relevance of *IT Power (Australia) Pty Ltd v MidWestern Regional Council* (NSWLEC 1800). *-Western Regional Council*

In that decision, Commissioner Dixon upheld the refusal of the Burrundulla Solar Farm because the applicant failed to demonstrate compliance with clause 2.42, and the Commissioner was "unsatisfied that the development is unlikely to have a significant adverse impact on the regional city's scenic quality and landscape character." Notably, that project involved only 25,000 panels and a generating capacity of 10 MW. By comparison, the Merino Solar Farm proposes approximately 870,000 panels generating 450 MW between 35 and 45 times the scale of the Burrundulla project.

Council also noted that if visual and landscape impacts scale proportionately, the consequences for the Gundary Plain would be dramatically more severe than those deemed unacceptable in the Mudgee context. Accordingly, Council maintains that the Merino proposal presents an even clearer case of noncompliance with clause 2.42.

Finally, as articulated in Goulburn Mulwaree Council's submission, and echoed by many residents, the Community Benefits Scheme put forward in the EIS appears more concerned with creating the appearance of goodwill than with delivering genuine, equitable or guideline-compliant community benefit. Although the proponent repeatedly references "benefit-sharing" throughout the EIS, the substance amounts to little more than a nominal package supported by selective interpretations of the NSW Benefit-Sharing Guideline, with no clear demonstration that the proposal meaningfully reflects either the intent or the full requirements of that guideline.

The EIS relies heavily on the statewide benchmark of $850 per megawatt per annum, presenting this as evidence of compliance. Yet the proponent fails to acknowledge that this amount applies only to the 2024–25 financial year and must be indexed annually. When adjusted correctly, and applied to the installed DC capacity rather than the smaller AC output, the value of a compliant contribution is materially higher. Council's assessment shows that the accurate benefit-sharing value for a project of this scale is approximately $487,740.25 per year, or $17.06 million over 35 years. By contrast, the proponent proposes just $382,500 annually. This raises serious concerns about

02 4822 6444 167-169 Auburn Street, Goulburn NSW 2580
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transparency and whether the proponent is genuinely seeking to meet its obligations, or simply offering the impression of community partnership.

Compounding this issue is the proposed distribution of funds across four streams, many of which are either misaligned with the Benefit-Sharing Guideline or appear curated to generate favourable optics rather than equitable community outcomes. For example, the Neighbourhood Benefit Fund is allocated more than 40% of the total annual contribution, despite the Guideline expressly stating that payments intended to mitigate individual landowner impacts are not eligible as community benefit. Similarly, the proposed Voluntary Planning Agreement would deliver only 46.4% of funds to Council- far below the guideline requirement that Councils administer at least 85% of the total benefit value. These allocations are inconsistent with the Guideline and appear structured more to appeal to select groups than to provide broad, community-wide benefit.

The proposal to direct a fixed payment to a single community organisation, The Goulburn Group, suffers from similar flaws. While the organisation is reputable, the EIS provides no justification for its exclusive selection. The absence of a fair, transparent or competitive process raises legitimate questions about whether the proponent is attempting to cultivate support rather than genuinely engage with the full breadth of community needs and priorities. This “picking of favourites” undermines both the integrity and the purpose of a benefits scheme that is intended to be inclusive, equitable and community-driven.

Finally, the inclusion of a soil restoration research project within the Community Benefits Scheme further illustrates the proponent’s conflation of its own operational or mitigation needs with community benefit. While soil restoration research is valuable, it is difficult to accept that a program designed to mitigate development impacts - and advance agrisolar knowledge for the proponent’s industry - constitutes a community benefit. As Council notes, this is work the renewable energy industry should be undertaking collectively and funding independently. Its inclusion in the scheme suggests an effort to rebadge operational obligations as “community benefit” to inflate the perceived value of the package.

Notably, Council had indicated that they had not even received a complete Letter of Offer to enter into a Planning Agreement. If the proponent is serious about providing community benefit - rather than merely appearing to - it must submit a detailed offer consistent with Council’s Planning Agreement, Land and Asset Dedication Policy and the full requirements of the Benefit-Sharing Guideline. Only then can meaningful negotiation occur.

Council’s view, one I strongly share, is that a fair and credible benefits scheme for a project of this magnitude should consist of three core funding streams:
• 85% administered by Council for large-scale, community-wide initiatives;

02 4822 6444 167-169 Auburn Street, Goulburn NSW 2580
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• 10% for local community groups through a transparent process; and
• 5% as an open fund for emerging needs.

Instead, the proponent has presented a package that amounts to just 1.42% of the project's $1.2 billion estimated development cost - a figure Council rightly describes as "woefully undervalued," especially given the scale of impacts and the cumulative pressures already facing this region from multiple SSD-scale renewable proposals.

While the Benefit-Sharing Guideline technically excludes BESS components from contribution calculations, it is highly unlikely the guideline ever contemplated projects of this scale, with co-located battery systems of this magnitude, nor the clustering of similar projects across adjoining LGAs. Other Councils, including Yass Valley Council, have already recognised this limitation and are exploring policies to increase contribution rates by 25% to reflect regional pressures. In this context, the proponent's current offer appears even more inadequate.

In its present form, the Community Benefits Scheme serves only as a public relations tool than a genuine community investment. If the proponent intends to rely on community benefit as part of its social licence case, it must present a package that is transparent, guideline-compliant, equitably distributed and reflective of the project's true scale - not one designed to buy selective favour while offering the broader community considerably less than they are entitled to expect.

In conclusion, the Merino Solar Farm represents a collision between national renewable energy ambitions, profit driven conglomerates and the genuine planning sensitivities of a regional community. The few inconsistencies identified throughout the EIS are beyond minor or clerical, they reflect a project that is fundamentally mislocated, inadequately scoped and insufficiently evaluated by the proponents.

For these reasons, the Merino Solar Project EIS should not be accepted.

Yours sincerely,

Wendy Tuckerman
Member for Goulburn

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