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O/N H-1021577

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT**

**RE: ORANGE GROVE SOLAR FARM**

**PANEL:** **CHRIS WILSON**  
**ANNELISE TUOR**  
**ANDREW HUTTON**

**ASSISTING PANEL:** **DENNIS LEE**  
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**DEPARTMENT OF  
PLANNING AND  
ENVIRONMENT:** **DAVID KITTO**  
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**LOCATION:** **IPC OFFICES**  
**LEVEL 3, 201 ELIZABETH STREET**  
**SYDNEY, NEW SOUTH WALES**

**DATE:** **9.36 AM, FRIDAY, 3 MAY 2019**

MR C. WILSON: Now that we've done the introductions, I just will commence. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, the Gadigal People. I would also like to pay my respects to their elders past and present and to the elders from other communities who may be here today. Welcome to the meeting today – Orange Grove Sun Farm Proprietary Limited, the applicant, is seeking approval for the development of a new 110 megawatt solar farm approximately 12 kilometres south-east of Gunnedah in the Gunnedah local government area.

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10 My name is Chris Wilson. I'm the chair of this IPC panel. Joining me are my fellow commissioners, Annelise Tuor and Andrew Hutton. The other attendees at the meeting are Brad James and Dennis Lee, from the Commission's Secretariat. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made  
15 available on the Commission's website.

This meeting is one part of the Commission's decision-making process. It is taking place at the preliminary stage of this process and it will form one of the several sources of information upon which the Commission will base its decision. It is  
20 important for the Commissioners to ask questions of attendees and to clarify issues whenever they consider it appropriate.

If you're asked a question and are 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 on our website. I request that all members here today introduce  
25 themselves before speaking for 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. We will now begin. David, I think we will ask the Department to commence with the presentation; is that correct?

30  
MR D. KITTO: Yes. So David Kitto from the Department of Planning and Environment, and I'm the executive director of the Resource Assessments and Business Systems team, and my team is overseeing the assessment of the merits of the application and was responsible for preparing the assessment report and draft  
35 conditions that the Commission has. So we've prepared a short presentation today. I mean, most of the findings are summarised in our report. But we did think it would be useful if we just gave you a short overview - - -

40  
MR WILSON: Thank you.

MR KITTO: - - - of the findings of the report. So just to set a broad context for the solar industry in general in New South Wales, the solar industry is booming at the moment. And since 2017, 26 solar projects have been approved in New South Wales, with a capital investment value of about 5 billion and creating about 4500  
45 construction jobs. We've got over 30 proposals at one stage or another in the State Significant Proposal process at the moment. And if you have a look at that map, you

can see it is spread right throughout the state, with a very strong emphasis in the Riverina area in west and south-western New South Wales and also in that Glen Innes area, both of which have been identified as renewable energy zones – significant renewable energy zones in New South Wales.

5

A big issue with solar at the moment is it tends to follow where the transmission lines are and the transmission lines tend to follow where all the farmers and the people are. So there is, as time progresses, potential for more and more land use conflicts between farmers and renewable energy projects but to date, a lot of the projects have been pitched at the, sort of, 100 to 200 megawatt scale. And in the assessment of the applications we've found to date, we've found that it is possible to – for the two uses to co-exist with each other.

10

But the government does acknowledge that those conflicts really do need to be looked at in detail and has looked at a transmission line strategy which is really looking at interconnect – you know, strengthening the existing interconnectors between Queensland and New South Wales and also building a South Australia interconnector, which would link up a lot of those potentially to Snowy Hydro in the future. So there's a lot happening in the renewable energy sector at the moment and I thought that would be useful just for your benefit to set that broader context for the report.

15

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So if you bring that down to the, sort of, north-west area where Orange Grove is located, you really can break it up into three separate areas. You have the area around Narrabri where there's an existing solar farm approved at Narrabri South. We've got another two proposals. Then you have the Gunnedah and Orange Grove proposals ..... although Tamworth looks close on the map there, it is really separated by the Ranges and those ones further to the west around Metz and New England are really in quite another catchment.

25

30

So, from a cumulative impacts point of view while the Narrabri ones are quite close, it is some distance away from Gunnedah, and so from a Gunnedah and Orange Grove solar, those are really the two key solar projects of interest for the assessment of this particular application. So just a bit of a regional context. So when you come down on that map there you've got two – the two solar farms next to each other. I know Andrew and Annelise, you were commissioners on the assessment of the Gunnedah solar project, and that's the one marked in blue to the left, and the one on the right is the Orange Grove proposal, and they're separated about three kilometres from one another.

35

40

If you look at that map and if you know the Gunnedah – that Gunnedah area well, it is dominated by agricultural land uses, but you can really see the black soil plains to the south-east there along the Namoi River where you get the very, very high intensity – the very high intensity agricultural uses, and as you, sort of, move to the north where the site is and particularly to the north-west where you start getting, you know, some of the mining projects like Vickery and ..... creek and Tarrawonga

45

mines. The landscape, while it is good agricultural land, it's not the same as the land that you get down in the black soil plains and so on.

5 So at a regional mapping scale, it is mapped as ..... all that land, but the point of  
trying to just go through this is to show you that you get BSAL and BSAL within  
that area and this is probably not ..... within that regional context. Other things to  
notice on this is, you know, there's good road access to the site. It's reasonably close  
– it's about 15 ks, I think, from Gunnedah, and there is a transmission line that runs  
10 along the road to the south of the site which the site which the site would connect to,  
and there's spare capacity on the grid for the project to connect to. So just on the  
proposal itself – so the proposal is to develop 110 watt – megawatt solar farm with  
solar panels.

15 It would have a substation at the south-eastern corner of the site that would connect  
to the TransGrid transmission line running past it. There would be a range of  
associated infrastructure on site like access roads, but most of it would be  
compressed in that south-eastern corner and so there would be some offices there.  
There would be a maintenance shed. There would be a lay down area. Excuse me.  
All pretty standard infrastructure required for a solar farm. There would be two site  
20 access points, and that's because the site straddles Orange Grove Road, and so there  
would be an access point – you can see the dot to south there off Orange Grove Road  
and there would be a further one a bit further down the ..... so there would be a bit of  
a site separation between the two access points.

25 Access to the site would be by the Kamilaroi Highway and then Bluevale Road  
which is a road that's used by coal mining trucks and a reasonably high standard  
before it would turn right and head off in – along Old Bluevale Road and then up  
Kelvin Road and then finally to Orange Grove Road. It would need some upgrades  
30 for the trucks that would be going to site, and those are similar upgrades that would  
be required for the Gunnedah solar farm, although there is a small extension beyond  
that three-kilometre extension between the two sites that would need – particularly  
the gravel would need to be tidied up along that section of the road.

35 Construction will last for about nine months and there would be about 100 people on  
site during construction and they would be constructing during standard daytime  
hours, so there wouldn't be any evening or night-time activities on the site and there  
wouldn't be any activities on a Sunday. The site – and I guess this is a key thing that  
the department has been pushing with solar farms. While the plant – initial plant on  
40 site would have a life of 30 years, conceptually we see it as potentially being there in  
perpetuity. And what we've tried to do with all solar farms is to build in the  
conditions, the ability to upgrade the technology without forcing people to come  
back and go through another whole development application process. And we, in our  
assessment, have considered the implications or the impacts of that occurring.

45 So it may well be that, over 100 years, you might get two or three changes out of the  
solar panels inside it. They become more efficient as technology improves and so  
the capital investment value of the project is ninety-four – \$94 million. So, I mean,

we have touched on the strategic context in the site. The site as a whole is 817 hectares but the development footprint is only 248 hectares of that site. It's a pretty flat block of land that slopes slightly towards the west and the lowest point is down in the south-western corner and you would – that would make sense given the  
5 location of the Namoi River, which is about two ks to the south of the site. So generally it drains – it drops down to the Namoi River.

There's six private residences within two kilometres of the site with the closest, really, being R1 to the west of the site, and when you go to R1, you will see that they  
10 have an access driveway along the boundary of the site and it is a well-established home that has been there for a very long time. The next closest home is off to the north-west there, R2, and that's just next to the pistol range, which is a bit further to the north, and if you just go back a slide, Ewan, on that regional context map, there is a pistol range to the north-west, which we've marked in red there, and really, that is a  
15 fairly low-key pistol club where people shoot towards the back of that range there, so, you know, that back range is really a safe area behind that ranch and they've got a number of shooting – you know, different distances and so on. So that's where the pistol range is located.

20 MR A. HUTTON: David, if you don't mind me asking – Andrew Hutton speaking – access to R1 and R2 – R1 is from Orange Grove Road?

MR KITTO: Yes.

25 MR HUTTON: And R2 is from access into the pistol club?

MR E. DAVIS: Ewan Davis speaking. So R2 and the pistol club is accessed by Orange Grove Road to the .....

30 MR HUTTON: Okay. Thank you.

MR KITTO: Okay. All right. So, you know, this second aspect, I guess of the broad strategic context is what potential cumulative impacts could there be from other development in the area? Really, the only major use that we can see – or  
35 proposal or approved development would be the potential interactions between the construction of the Gunnedah Solar Farm and the Orange Grove Solar Farm, presuming they were constructed at the same time. So we have looked at the potential cumulative impacts and, really, what – the key issues there would be workforce accommodation, but in this area – given the mining development in this  
40 area in recent years, there is a fairly mature short-term accommodation available in both Gunnedah and in Narrabri. They do have workers camps at Boggabri and Narrabri and it's reasonably close to Tamworth, which is a large area. So we don't think workforce accommodation would be a problem at all.

45 In terms of agricultural land, there is a lot of agricultural land in this area. It is one of the most significant agricultural areas in New South Wales and we've looked at the potential agricultural land impacts from a cumulative and an incremental point of

view and I will talk a bit more about that in a moment. I guess there are some potential amenity impacts between the two solar farms but they are located about three ks from one another, and while we've looked at the potential cumulative impacts from a visual and noise and other – we don't think there will be any material  
5 cumulative impacts between the two. If they are constructed together, though, there could be, you know, up to 200 heavy vehicles a day on that section of road that they would share. So from a cumulative impact point of view, we have considered what is key in that strategic context.

10 I guess the last key thing from a strategic context point of view is energy policy – a broader energy policy. So at the moment, New South Wales gets about 16 per cent of its energy from renewable energy sources. There is quite a lot of debate going on in energy policy and no one could say it is settled at the moment but the key  
15 trilemma there is to increase the reliability of supply, to drive down prices and to reduce emissions, and really, both the State and the Commonwealth have policies that are trying to make that happen. For this project, the key policies are really the Commonwealth's NDCs under the Paris agreements – with the National Determined Contribution – which is seeking to reduce greenhouse gas emissions by 2030 and  
20 also the renewable energy target, which is one of the direct action measures to give effect to that NDC.

At New South Wales level, there's the New South Wales climate change policy framework which seeks to assist the Commonwealth in delivering on those  
25 international obligations and we also have the renewable energy action plan which is trying to increase the development of renewable energy – wind, hydro and solar in New South Wales. So we would produce 110 megawatts of energy. It would use up spare capacity on the grid and it would provide power for up to 41,000 homes.

30 From a legal perspective, we've looked at all the legal obligations that a consent authority has or the procedural matters that need to be carried out before the application can be determined. It's classified as state-significant development because it meets the criteria in the State and Regional Development SEPP. The  
35 commission is the consent authority under the State and Regional Development SEPP because we got more than 25 submissions and the IPC has the power to determine the application.

Under state-significant development provisions of the Act, there are a number of approvals that have been integrated into the approvals of this and, in this case, it's  
40 heritage approvals. There are some Aboriginal heritage items, the biodiversity assessment that's required under the Biodiversity Conservation Act, and the road upgrades that would be required, particularly with new site access and some of the other roadworks on the Gunnedah Council road network.

45 It's not a controlled action under the Commonwealth legislation and that's really because the site has low – generally low conservation value and there's several planning instruments that are applied to the site and the proposal and we've considered the proposal against all of those provisions. So the key ones are SEPP 33

in terms of it's not hazardous and offensive development; SEPP 44 – it doesn't have koala habitat on site; SEPP 55 – it's considered to be suitable for the site and doesn't – hasn't been contaminated by the past uses; and also the infrastructure SEPP where we were required to refer it to the relevant electricity authorities and they've come  
5 back and they don't have any concerns about the proposal.

We've undertaken all the relevant procedural requirements, so we've exhibited it, we've notified the application in accordance with the requirements in the Act and the regulation, and in carrying out our merits assessment, we've looked at all the  
10 requirements under section 4.15 of the P&A Act, including the obligation to consider the objects of the Act and ecologically sustainable development.

From an engagement point of view, we exhibited the application in June – between June and July and we got 86 submissions. Nine of those were from the government –  
15 government agencies including Gunnedah Council, and the other 77 – well, sorry – the other – yes, 77 – sorry. I can't do my maths here – 77 were from the general public, including the Namoi Pistol Club. So seventy – I mean, most of those submissions object to the proposal and, really, in our detailed analysis of the submissions, two things really came to mind.

20 The first was that the exhibition of this application happened soon after the exhibition of the Gunnedah Solar Farm and we expect there was quite some interest in that local and regional area about solar farm development in general. The second issue is a lot of the submissions – you know, over fifty – well, around 53 of the  
25 submissions were from over 50 kilometres away from the site.

Now, on some solar farm applications, we do get submissions from – a long way from the site, but generally they raise concerns about renewable energy in general or policy issues that the Government shouldn't be subsidising solar farm development  
30 and so on. And in – but, in this case, the nature of the submissions were all really about local issues and, in some cases, seem to be supporting some of the local landowners' concerns. So it was a bit unusual in the sense that it wasn't – you know, people were living a long way but were worried about visual impacts when clearly the proposal would have had no visual impact on those people.

35 In terms of the agencies, there were a range of matters raised by agencies, but most of those were addressed through the provision of additional information, a re-design of the proposal or amendments to the design of the proposal ..... and through agreeing – imposing or recommending agreed conditions to deal with any residual matters. So  
40 I think it's fair to say that all of the government agencies support the proposal now, subject to the imposition of suitable conditions.

To supplement the exhibition, we went up to the site. So we had a good look at the site and we've got some photos later in the presentation, but I'm sure you will see the  
45 site for yourselves when you go up there. We met with the – three of the residents surrounding the site, including R1 and R2. I think it would be fair to say that – you know, particularly resident of R1 is very concerned about the proposal and

vehemently opposed to it and sees it as a, sort of, industrial intrusion into a rural area. And I'm not sure whatever conditions we've imposed on – or recommended in this case will necessarily address their concerns about the proposal. We also went to the Pistol Club and looked in detail at those – at the matters that they had raised.

5

From a merit assessment point of view, I mean, we examined a whole range of documentation in assessing the merits of the proposal. That included being involved early on with the preliminary environmental assessment which led to issuing the Secretary's Environmental Assessment Requirements. We then had a range of documentation from the proponent which we looked at, which included the EIS, and response to submissions and a range of additional information that we requested and other agencies had requested through the process. We analysed the submissions very closely and also took the notes of our various meetings and telephone discussions and so on with community members into account.

10

15

We engaged right throughout the process with government agencies and so that happened on a number of occasions. We met with them. We – there was a lot of email correspondence and so on, which we took into account. And then the other thing we looked at were the – our standard conditions for solar farms which we've developed and a whole range of government policies and guidelines that are relevant to the merit assessment of these projects, including the new Large-Scale Solar Guidelines and other relevant things that deal with matters like construction noise and biodiversity and so on.

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25

From a merit assessment point of view, you know, we've looked at the full range of potential impacts. I think the key issues from our perspective were land use compatibility or the impact on agricultural land within that area, given that the land is BSAL'd, it forms part of a significant agricultural region in New South Wales and the matters – the issues raised in submissions where there were concerns that having a solar farm on-site may affect farming on adjoining land through introducing weeds and dust and other matters. We considered all of those matters, too. And we've also weighed that up against the – you know, the benefits of encouraging renewable energy and the local planning instruments and strategies and so on – regional strategies which are seeking to encourage that sort of development in this part of the area.

30

35

In our view, you know, while this is BSAL, it's not the best BSAL in the area. And, I'm not sure if you're aware, but a lot of the BSAL mapping is undertaken at a regional scale and that's why when you have BSAL in a mining site, very often you need to go through a process where you need to do some very detailed soil analysis to confirm whether the land is, indeed, BSAL. Now, that wasn't done in this instance, but we have no doubt that it is good farming land and it has been productively used for both cropping and grazing for many years. But it is not used for growing cotton or some of the other key products that come out of this region.

40

45

MR HUTTON: So it's predominantly dry land cropping if there was any cropping?

MR KITTO: Yes.

MR HUTTON: Yes. Yes.

5 MR KITTO: And when you go up there, what you will see is – you know, it doesn't look like good farmland - - -

MR HUTTON: Yes.

10 MR KITTO: - - - because of the drought at the moment.

MR HUTTON: Yes.

15 MR KITTO: It really does look very washed out, but it – when the Namoi rises and so on, it is good farming land. There's no doubt about it. But, from our perspective, the combination of the two proposals, with Gunnedah Solar and Orange Grove Solar, it wouldn't take a lot of land out of the area and it wouldn't result in the loss of ..... agricultural production to the area.

20 And, given the renewable energy drivers – policy drivers, we think there's a reasonable balance in this situation. And we don't think that having a solar farm next to an existing farming operation will necessarily result in any impacts on there through dust or weeds and so on because those impacts can really be controlled on the solar farm site through conditions.

25 So given it's a permissible use on the site and the findings – the rest of our assessment, we don't think that it will have adverse impacts on the agricultural capability of the region. And, certainly, if the – if one day the solar farm is decommissioned and this – you know, we've got conditions in the – recommended  
30 conditions to ensure it is properly rehabilitated and returned to farmland which would really involve the removal of all the hard infrastructure on-site, the ripping of the land and then the recultivation of the land.

35 So it's not like the rehabilitation of mining operations where you really are radically transforming the landscape through the process. In this situation, you really are putting landscape on reasonably flat land and then removing that infrastructure and then any soil compaction and so on that has occurred, you would be ripping that and returning it to its former use.

40 The second issue is really the visual issue. Sorry. We jumped over all that – I will just go back ..... so I think that really just gives you a summary of what we're saying here in the submissions ..... so from a visual point of view, what you will see on there is initially the proposal was in that north-eastern corner. Where you see that, sort of, shaded area – the proposal was a lot closer to R2 than before. And what they've  
45 done through the redesign of the proposal is to pull it back to where the dotted line is on the screen there.

And what that has done has really removed a lot of the visual concerns that the Pistol Club and R2 had by pulling the – you know, increasing the setback significantly between the Pistol Club and the – and R2. So R2 now is quite some way – I think it's 1.3 kilometres from the site. So that increased the distance between the site and them. And we don't think there will be, given the distance and the intervening vegetation and some of the vegetation on-site, significant impacts on – you know, with the proposed ..... on R2, nor the Pistol Club.

From R1 perspective, though – so this is – if you're looking at R1, R1 is that property immediately to the right. You're looking from the site boundary to R1 here – that will give you a sense of the homestead there. And you will see that the homestead does have some trees around it, but it does face towards the site. And there is a wrap-around, I think, balcony and a, sort of, verandah area surrounding the site.

And, as we mentioned, the driveway to the site comes right along the adjoining boundary. So if you were used to accessing your site, you know, you would be going through a rural area and then turning into an area ..... trees – I mean, clearly, that would be – that visual would – that visual approach to the property and the outlook from the property would be changed by the proposal.

As you can see, there's not much vegetation along that boundary at the moment and so there would need to be quite a lot of screening installed along that boundary to mitigate any visual impacts between the two. Given the ground is reasonably fertile, we think that it's feasible to put that screening in, but it will take a couple of years for that screening to establish and so there will be at least a short to medium term – or short to medium term period where there would be some unavoidable visual impacts on the property.

But we do think that after a reasonably short period, those impacts can be mitigated and that they will be acceptable. Now, I'm sure if you go up and talk to the owner of that property, they will not agree with that assessment, but we will leave that up to you and you can – well, you can weigh up the findings of that - - -

MR HUTTON: Sorry, David. When were these photos taken – were they - - -

MR KITTO: So when we did the site visit - - -

MR HUTTON: So about July - - -

MR KITTO: - - - earlier this year – and you can see - - -

MR HUTTON: Yes.

MR KITTO: - - - how – you know, when you look there, it doesn't look like good - - -

MR HUTTON: Yes.

MR KITTO: - - - good land, but it's just because of the drought.

5 MR HUTTON: Yes.

MR KITTO: So the pistol – this just gives you a sense of the Pistol Club. So you can't really see it closely here, but there are some targets up against the hills. Really, what people do is stand here to the – you know, where the shot was taken from and  
10 shoot towards - - -

MR HUTTON: Yes.

MR KITTO: - - - those targets - - -  
15

MR HUTTON: So if we look at figure 5, Landscape Plan and Visual Impact Assessment, the arrows show the general direction of shooting?

MR KITTO: Yes.  
20

MR HUTTON: Yes. Okay.

MR KITTO: Yes.

25 MR HUTTON: Yes.

MR KITTO: So they would have their backs to - - -

MR HUTTON: Yes.  
30

MR KITTO: So I think their main concern was the glint.

MR HUTTON: Yes.

35 MR KITTO: The glint from the panels, you know, disrupting the shooting and so I think the setback has addressed that partially but I think the other thing is, you know, early – in the early days, solar panels – there was some glint from them, but in the – you know, it pays to soak up as much sun as possible and so with technology improving, there is generally very little glint from modern panels now. They tend to  
40 absorb most of the sunlight and so on.

So I don't think – you know, the Department's assessment is we don't think there will be any ..... impacts on the pistol – ongoing operations with the Pistol Club. On a traffic point of view, I've explained the route there and both the RMS and council are  
45 happy that with the relevant road upgrades, you know, it can be carried out safely and that's even assuming, you know, both the Gunnedah Solar and Orange Grove Solar projects going at the same time.

MR HUTTON: The difference here, David, is that there's a proposal to bring heavy trucks in along the Oxley Highway, as well, whereas at Gunnedah, there wasn't, I think – is that the case?

5 MR KITTO: That's correct.

MR HUTTON: Yes.

MR KITTO: Yes.

10

MR HUTTON: Okay.

MR KITTO: Yes.

15 MR HUTTON: So there's two options to bring the heavy vehicles - - -

MR KITTO: It is - - -

MR HUTTON: Yes.

20

MR KITTO: - - - but from our perspective, it's really all on the state road - - -

MR HUTTON: Understand – yes, understand - - -

25 MR KITTO: - - - network and then, you know, the off-take from the state road network is, really, Blue Vale Road, which is the key, sort of, bypass route.

MR HUTTON: Yes.

30 MR KITTO: So you're on to Blue Vale Road. So, from our perspective, you know, that road is safe and capable.

MR HUTTON: Yes.

35 MR KITTO: And the RMS is – you know, will keep it up to the right standard. So one of the things raised by the Commission during the Gunnedah Solar assessment was the concerns about road upgrades between – you know, if there was an upgrade, to make sure that before the upgrade, the road was – there was a check of the road and if any upgrades were required, that would be done. The recommended  
40 conditions do include the same conditions that we – that you imposed on Narrabri, so that issue has been addressed in the recommended conditions.

45 So the other one is flooding. And I won't go back to the original regional map but the Gunnedah Solar application was more flood prone than this. So they're both reasonably close to the Namoi River. But the Gunnedah Solar one ..... was quite a bit more flood prone and there was quite a lot of argument about – you know, the design of the fence at Gunnedah Solar, so that you wouldn't – it wouldn't catch objects that

were moving through the flooding and become a flood hazard or create a flood hazard in the area. I don't think that is the case here.

5 Now, on the site, there is this – there is a first order stream which can flood. So the picture on the right there is a depiction of the 1984 flood. And you can see initially the panels went right over that area, but in their – after considering all the submissions and potentially, you know, some of the discussion coming out of the Gunnedah Solar project, the proponent decided to amend the application - - -

10 MR HUTTON: Okay.

MR KITTO: - - - and has pulled the panels right out of that flooding – that potential flooding channel. So with its current design, it is above the maximum flooding levels in the area and so should not – there should be no affectation of the flooding areas and we've got a range of conditions to ensure that – you know, that occurs. So I don't think there's a lot of benefit in going through all the other issues but we have looked at them in quite a bit of detail.

20 One of the things raised by the community which we haven't gone into detail now was the – you know, they felt that the proponent or the applicant had not consulted with them enough during the preparation of the application. That's something we would always encourage people to do and, certainly, we encourage them to do that right throughout the process. But we feel that we've also gone out and met with the community and had a number of discussions with the community and have a really good appreciation of what their concerns are. And we feel that we've, you know, done everything in – that we think is reasonable and feasible to address those issues and that the conditions that we have recommended to you, we will address any residual matters.

30 So, just in broad conclusion, we think the proposal is well designed and they've responded to issues that were raised throughout the process and, you know, improved the design of the proposal. We think it's wholly consistent with the strategic context. We think it complies with all the legal obligations or matters for consideration in the relevant EPIs. We've considered all the issues that were raised in submissions and in our visits to the site and in our – you know, ongoing engagement with the community and other agencies, we feel that we've addressed those issues and given reasons why we've come down where we have come down. We've considered the economic, social and environmental impacts of the project in the locality and tried to integrate the consideration of all three of those matters.

40 We think the site is suitable for the development and we think there's planning policy and EPIs and so on that support that conclusion. And, from a public interest point of view, we've weighed up the merits of the project as a whole. As I said, we've tried to integrate the environmental, social and economic impacts. We've considered the objects of the Act, and that includes ESD and, in this case, we do think that it will make a meaningful contribution to reducing greenhouse gas emissions in New South Wales, it will result in a positive contribution to the local

economy and that it can be carried out without causing any significant environmental impacts and our recommendation to you is that it should be approved, subject to the recommended conditions.

5 MR WILSON: Thank you. David, could you just articulate the difference between the priority Energy Zones and the five solar Energy Zones? You mention in your report that it's not in one of the priority Energy Zones but it is in one of the five solar Energy Zones. What's the difference?

10 MR KITTO: So I think the priority zones are where you can get a range of renewable energy developments. So if you go over to the Glen Innes area, for instance, you've got solar farms and wind farms in conjunction with one another and significant grid capacity. So in some cases, you get grid capacity that goes east-west and north-south and so on. So it is a combination of transmission capacity, the  
15 ability to distribute energy across the grid in an efficient way, and it has got not just solar resources but wind resources - - -

MR WILSON: Okay.

20 MR KITTO: - - - and – you know, so in some areas, if you were going to build transmission lines because of its – you know, invest heavily in transmission infrastructure, you would invest in those areas where you would get solar and wind resources and a bigger return for your investment.

25 MR WILSON: So the five solar energy zones are purely based on - - -

MR KITTO: Solar – that's where there are significant solar resources.

MR WILSON: Yes.

30 MR KITTO: The issue with solar is that it can be spread out over a much wider area, so you need more transmission infrastructure.

MR WILSON: Okay. Thanks.

35 MR HUTTON: David, just a question – you mentioned that there's grid capacity. Does that mean that there's the infrastructure already in place to be able to take the power generated from both the Gunnedah Solar Farm and the Orange Grove Farm as we speak, or is there a requirement – are you aware of any infrastructure upgrades to  
40 make both work concurrently?

MR KITTO: So, look, I would have to take that on notice.

45 MR HUTTON: Okay.

MR KITTO: But what we are finding is when – if we go back to that map that we originally showed, not all of those projects can go ahead with the grid in its current form.

5 MR HUTTON: Right.

MR KITTO: And so there's quite a lot of work going on in transmission - - -

MR HUTTON: Yes.

10

MR KITTO: - - - and from a planning point of view, we are saying, well, there is a commercial risk that some of these projects may be delayed before they can go ahead or may ultimately not go ahead. So there is a potential that only one of these will go ahead or whether they will both go ahead, but from a transmission point of view, 15 there are many, many factors that are being considered, you know. One of the things with the increase in renewable energy is that the flow tends to go both – two ways. So when you had a whole lot of coal-fired power stations, the flow tended to go one way. When it goes two ways, the wires often heat up and they sag, so that's why the interconnectors and so on that are replacing the wires – they're putting synchronised 20 – they're doing a whole range of infrastructure upgrades and that will be ongoing.

25

So if you read the – you know, AEMOs report on what needs to happen to the grid and the system over the next 10 to 20 or 30 years – you know, there's a lot of work needed on the grid but we don't feel that it's necessary for us to resolve all of those issues in the assessment of this application. So, you know, TransGrid is saying it can be connected and there's no problems with connecting it. You know, whether – there might be capacity there but not there. You know, some of those grid issues will need to be resolved in the broader implementation of the project and it may be that those infrastructure providers like TransGrid and so on will carry out works under 30 Part 5 to do certain things.

30

The other aspect to this is, you know, that while they're not proposing battery storage on site, they are providing for the potential provision of battery storage on site and what that can do is, if the grid can't take – although that capacity can be stored on 35 site and then released at a time – at a different time. So it's not there yet but there – you know, people are already planning for those sorts of things.

MR HUTTON: Thank you.

40 MS A. TUOR: Have you got more questions, Andrew?

MR HUTTON: No. That's all at this stage.

45 MS TUOR: Okay. So I've got a few. In terms of visual impact, just – do you know why the panels were actually located right next to this boundary, given that the site is quite a large site and, when you look at it, you just sort of think, "Well, why didn't

they go a bit further over to the east?" or – do you know – was there any consideration about getting more of a setback from that boundary?

5 MR KITTO: So I – I don't know. I mean, I guess, from our assessment of the project, we didn't think, you know, with the screening and so on, that that would – you know, whether you moved it 50 or 100 metres would necessarily change that impact. So I guess we never pressed the question. So it may be something that you need to ask the applicant.

10 MS TUOR: Sure. And also in relation to visual impact, do you consider the visual impact from the public domain, so the road as well, because I suppose the difference between this one and the Gunnedah one is the Gunnedah one was set back from Orange Grove Road quite considerably, whereas this one borders the road on both sides, so presumably, for that length of the road, there will be a visual impact.

15 MR KITTO: There will - - -

MS TUOR: So is that something that gets considered or is it - - -

20 MR KITTO: Well, we always consider it. I guess that it's – I guess it's what weight you give to the importance of the public domain in that area and the traffic along that road is reasonably light. So, I mean, I guess we haven't assessed it any detail in the report but, you know, most projects – you know, being close to a road often brings up visual impact – I mean, in terms of light and glare and so on on road users. And  
25 that wasn't raised by the Gunnedah Council or the RMS in this case and we didn't think that, you know, that part of the public domain was significant enough to warrant any specific – well, specific consideration.

30 MS TUOR: But is screening – vegetation screening – an expensive exercise - - -

MR KITTO: No. No.

MS TUOR: - - - or is it a relatively easy thing to - - -

35 MR KITTO: No. It's a relatively easy thing and, if you wanted to put screening in there, you could put screening in there.

MS TUOR: Okay. And then - - -

40 MR KITTO: But from a submissions point of view - - -

MS TUOR: It wasn't raised. Yes.

45 MR KITTO: I mean, it wasn't raised as an issue. It wasn't raised by the roads authorities. Visual impact was more about impact on the residents rather than – and the driveway, rather than the public road network. So there was nothing in the submissions that - - -

MS TUOR: Sure.

MR KITTO: - - - led us down that track.

5 MS TUOR: All right. And just in terms of understanding the layout – the map –  
I’m sort of confused with all the colour coding but – in terms of the vegetation. So  
this orange – is that the area that’s PCT281 ..... is that the area that’s – I think there’s  
a certain hundred-and-something hectares of area that’s being removed – trees that  
are being removed.

10 MR KITTO: Grassland.

MS TUOR: Is that the area that’s being removed or - - -

15 MS T. BANDARUK: I can show you on the map.

MS TUOR: Yes.

MS BANDARUK: So this – the orange one is here. It’s PCT281.

20 MS TUOR: Yes.

MS BANDARUK: And this orange – it will be only two overhead transmission  
lines for connection. So they’re not clearing it and the clearance is 10 square metres.

25 MS TUOR: So where are the areas that are being cleared? I think that’s in the  
report some - - -

MS BANDARUK: All this area.

30 MS TUOR: So that is what? What is - - -

MR KITTO: That’s the grassland.

35 MS BANDARUK: Yes. It’s a different - - -

MS TUOR: So it’s the PCT101 or the PCT - - -

MS BANDARUK: Yes. 101. Yes.

40 MS TUOR: It’s that - - -

MR WILSON: Yes. Okay.

45 MS TUOR: The - - -

MS BANDARUK: They’re all the same. Yes.

MS TUOR: Both of those?

MS BANDARUK: Yes.

5 MS TUOR: Okay. And just so I understand it, the PCT poplar box is that green there, is it?

MS BANDARUK: Yes. That's why they're avoiding - - -

10 MR WILSON: Well, that sits underneath - - -

MS TUOR: Yes. And so by displacing the grazing that occurs in this area now, is that going to have any further impacts on the vegetation elsewhere, if you understand what I mean? Presumably, where the grazing occurs now is in the area that's now  
15 going to become the solar farm and so that grazing will move into other areas. So is that something that has been considered or – do you understand what - - -

MR KITTO: I mean, if it was considered, it was considered in five seconds and - - -

20 MS TUOR: Yes.

MR KITTO: - - - dismissed as a serious consideration because, you know, the owner hasn't raised it. The owner is really part of the project from a state-wide agricultural point of view. It's more from the productive capacity of this area than  
25 the actual grazing part of this area. Yes. The significant agricultural benefits come from the state and so, from a state and regional perspective, we didn't think – well, we didn't really - - -

MS TUOR: And from a biodiversity perspective, in terms of - - -

30 MR KITTO: Well, biodiversity – you know, they've done the assessment under the – you know, the relevant guidelines and it didn't generate any requirement for offsets. So it's just the vegetation type that was nominated. It's not an endangered or – you know, mostly, it's cleared farming land that does have some remnants of the  
35 old ecological communities.

MS TUOR: And, just, again, the difference between this one and Gunnedah in relation to the subdivisions. In Gunnedah, the actual project area was going to be subdivided off from the farm area. In this case, it's not. So it will just be delineated  
40 by the project area boundary as opposed to a subdivision boundary. So the area that's being subdivided is just this little area here?

MR KITTO: It's the substation.

45 MS TUOR: Okay.

MR KITTO: And that's because it will go to TransGrid.

MS BANDARUK: Yes. And the reason why they didn't want to subdivide is because they're leasing the land, not buying the land. And the farmers may continue to operate their ..... and it's two different farms – landowners – so this bit will belong to one landowner and this is a different landowner.

5

MS TUOR: And who owns this, do you know, which - - -

MS BANDARUK: This one - - -

10 MS TUOR: He owns - - -

MS BANDARUK: I think this one owns – like this, and then that one belongs to a different one.

15 MS TUOR: Okay. I didn't know that. And then what was the other ..... and I think you explained in terms of flooding that because it's slightly above the floodplain, it doesn't need the drop-down fencing that was proposed - - -

MR KITTO: No.

20

MS TUOR: - - - previously. Also the Gunnedah one was considered not only against the Narrabri – the Upper Namoi Valley Floodplain, but it was also considered against – I don't know – the Boggabri or whatever floodplain. There were two floodplain - - - management ones.

25

MR KITTO: Yes.

MS TUOR: So the – in this case, it has only been considered against one, so, presumably, the other one is not relevant?

30

MS BANDARUK: No, they considered both in their assessment.

MS TUOR: Okay – because it only refers to the draft – the Upper Namoi not the other one.

35

MS BANDARUK: There should be both.

MS TUOR: Should be both? So that's something you can confirm?

40 MR KITTO: Yes.

MS BANDARUK: Yes.

45 MS TUOR: And then in relation to the conditions, there's – perhaps more just, sort of, bigger picture considerations, but just your definition of cessation of operations. It has that it will be ceased for a continuous period of 12 months. So, basically, it

stops and then it has to be 12 months before you get to that point where you've actually ceased operations – that's correct?

5 MR KITTO: Yes.

MS TUOR: Yes.

MR KITTO: Stop for 12 months.

10 MS TUOR: Okay. So when you go into – wherever you read “cessation of operations”, you have to add 12 months to it. So if you go to condition 28, it will say:

15 *...within 18 months of the cessation of operations –*  
blah, blah, blah – so - - -

MR KITTO: No, no, no. No. The definition is saying if you've stopped and then 12 months after, you – that's when the cessation gives the cease to operate.

20 MS TUOR: Yes.

MR KITTO: It's not if ceased and then 12 months.

25 MS TUOR: See, I would read 28 as being that you add 18 to 12 - - -

MR KITTO: No.

30 MS TUOR: - - - and you get 30 months.

MR KITTO: No.

MS TUOR: Why don't I read it like that – sorry?

35 MR KITTO: Because the cessation of operations is after you haven't operated for 12 months.

MS TUOR: yes.

40 MR KITTO: So it's 18 months after you haven't operated for 12 months.

MS TUOR: Yes.

MR KITTO: Yes.

45 MS TUOR: So you would have 12 plus 18?

MR KITTO: Yes. Well, in that sense - - -

MS TUOR: Yes. So it's 30 months. So, basically, within 30 months - - -

5 MR .....: Could be.

MS TUOR: Yes, it could be. Within 30 months, you've got to ..... decommission  
.....

10 MR KITTO: Well, yes.

MS TUOR: Yes.

15 MR KITTO: But, I mean, an alternate is you could after six months of not operating  
start operating again.

MS TUOR: Yes.

MR KITTO: So .....

20

MS TUOR: No, I'm just trying to understand.

MR KITTO: Yes.

25 MS TUOR: Yes.

MR KITTO: So you have to have not done it for 12 months.

MS TUOR: Yes.

30

MR KITTO: And then, you know, the - - -

MS TUOR: Yes. So wherever we read "cessation of operations", you always go,  
okay, 12 months and then you add that additional amount of time to it - - -

35

MR KITTO: Yes .....

MS TUOR: - - - to understand what the maximum - - -

40 MR KITTO: Yes.

MS TUOR: - - - time period is?

45 MR KITTO: Because, you know, I guess we're saying in that 12 months at any  
stage, it could - - -

MS TUOR: They could - - -

MR KITTO: - - - start operating.

MS TUOR: Yes. Yes.

5 MR KITTO: But once they haven't done it for 12 months, then it triggers - - -

MS TUOR: Yes.

10 MR KITTO: - - - that obligation and then they need - - -

MS TUOR: Yes.

MR KITTO: - - - a reasonable time to carry it out.

15 MS TUOR: Yes.

MR KITTO: Yes.

20 MS TUOR: Okay.

MR HUTTON: Cessation is cessation of generation is it?

25 MR KITTO: No. The cessation of operations means you haven't generated for 12 months.

MR HUTTON: Yes ..... yes.

MR KITTO: Yes.

30 MS TUOR: And then the definition of decommissioning says:

*...the removal of solar panels and ancillary infrastructure and/or rehabilitation of the site –*

35 I just wondered why do you have “and/or” in that definition? Why isn't it just “and” because isn't it always going to be a rehabilitation?

MR KITTO: Sorry. Which – where are we now?

40 MS TUOR: In the definitions – decommissioning. It says:

*...the removal of solar panels and ancillary infrastructure and/or rehabilitation of the site - - -*

45 MR KITTO: So they can sometimes be separate – I mean, I guess in – you know, decommissioning is really the taking of the infrastructure off the site and then there's the restoration of the site. So I don't – I think the decommissioning can – you could

be doing it concurrently, rehabilitating parts of the site concurrently, but, I mean, rehabilitation has got its own definition further down. So what the – one is saying is one is about removing infrastructure, the other one is about restoring the site.

5 MS TUOR: Yes. It's just that my reading of that would be "and/or" gives you – I can understand that you have it as an option in your standard conditions, that you potentially sometimes keep it in, but I would have thought in cases like this where because you're to some extent approving it – on BSAL land on the basis that it be  
10 rehabilitating, that it would be something that becomes inherent in your decommissioning as a definition, but ..... and then, again, rehabilitation:

*...the restoration of land disturbed by the development to a good condition to ensure it is safe, stable and non-polluting –*

15 again, seems in this situation of BSAL land, a very low threshold of definition. I can understand it's a standard definition, but it just seems that maybe the standard definition is - - -

20 MS N. BREWER: No – but – I'm sorry. Nicole Brewer. But there, in addition to that definition, rehabilitation is defined by the outcomes in the decommissioning and rehabilitation condition, so the outcomes - - -

25 MS TUOR: I don't think outcomes can go past definitions ..... like a definition is – that's what the word "rehabilitation" means, so you would have to have your – you would have to then say, "In addition to rehabilitation, for this site, we will expect" blah, blah, blah. Anyway, it's just something I think you need to maybe look at in a policy sense, just because it does seem as if there's a bit of a contradiction in applying just standard definitions to specific – maybe they just need to be tightened up ..... but – so they were all the easy questions. And now the hard question is the  
30 Act was amended in March of last year to include section 4.17(4B) of the EPA which deals with the ability to require bonds. And my understanding is that that applies to uses such as – can apply, in theory, the power exists to apply that to uses such as solar farms.

35 And, inherent in that power being put into the Act, is, I suppose, an obligation on a determining authority to consider whether it should exercise that power. And it was, I think, brought up in the Gunnedah one on the basis, but it was – I think the advice was that it shouldn't be exercised without a policy framework for exercising it, which, obviously, is – the optimum is that you would have a policy framework to  
40 exercise power within. However, it doesn't preclude you exercising the power that we, as a determining authority, have to consider it and have to consider why we shouldn't exercise that power or should exercise that power and if we want to exercise it, clearly, we would have to have, sort of, a system in place whereby we would exercise it. So I suppose what we want from you is just a – why should we  
45 not exercise the power or if we were to exercise the power, what would we need to do?

MR KITTO: So I'm in – I mean, you're raising a number of legal issues and I think what we would prefer to do is respond to the legal aspect in writing and my understanding is those provisions haven't been turned on by the regulation and that's an express policy decision by government and the department, but we – I'm happy to go away and seek legal advice and to provide that to the Commission.

I mean, I guess the second part of your question really raises the policy issue about why there should be bonds for these sorts of facilities and, you know, that is something that the department has considered in developing its standard conditions and, you know, I guess the – what it would be good to know, because it came up in the Gunnedah, is that the Commission feels that there is some policy gap there but it wasn't really explained in the Gunnedah report or the reasoning for it.

The reasoning given for rehab plans and so on was really that the proponent had committed to it rather than it being – so from a departmental point of view, I guess, we don't see there as being a policy gap. You know, we see that the conditions applied to the land, that the landowner is obliged to comply with the conditions, and that the government has powers under other sections of the Act to enforce the rehabilitation of the site, and there are other policy considerations like how you act on a bond on private land and other bits and pieces that don't have a legislative or policy support at this stage.

That would need to be thought through further but a decision was taken at that stage, through the development of standard conditions, that we wouldn't be applying bonds, partly because they're legally – you know, in our view, haven't been switched on yet, but if they were switched on, there would be a number of issues that would need to be thought through and, at this stage, there wasn't any reason – or we didn't think there was any policy reason – why that needed to be done at this stage.

MS TUOR: All right. So if you just assume that, legally, it has been switched on  
- - -

MR KITTO: Yes.

MS TUOR: - - - then in terms of the policy framework, as I understand it from your introduction was that there's 26 solar projects that had been approved since 2016 and there's about 40 in the pipeline. So I suppose the policy framework that, you know, we're considering is that, if you've got a lot of these that have been approved or are in the pipeline and if they do have a life of 30 years and you have a condition that requires rehabilitation of the land which goes with the land. Then it's the owner of the land that will have to be responsible for doing it and I - - -

MR KITTO: Or the applicant.

MS TUOR: Well, it goes with it.

MR KITTO: So, I mean, it can be carried out by – the development can be carried out – you know, the applicant could be carrying out the landowner’s land or it may be the landowner that’s left with the liability.

5 MS TUOR: Yes.

MR KITTO: It is a contractual matter between them to work out - - -

MS TUOR: It is.

10

MR KITTO: - - - who is responsible for the rehabilitation.

MS TUOR: Yes. But I suppose, in an ideal world, we would hope that the person that’s reaped the benefit of the solar farm would be the person that actually is around to clean it up but I suppose it’s just trying to avoid the potential in 30 years time where you’ve got local farmers that aren’t necessarily au fait in doing contractual agreements with companies that end up with a big mess to clean up. So that’s, I think – the thinking that we’ve got is that, thinking ahead 30 years, trying to avoid a potential problem that could arise and, yes, there are enforcement powers but those enforcement powers would be against the owner of the land, not necessarily against the applicant of the proposal that hopefully is still around but in some cases may not still be around. So that’s, I think, what our policy thinking is.

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20

MR KITTO: Yes.

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MS TUOR: And I don’t expect you to necessarily answer now but – and I know, obviously, with bonds, there are issues to do with bonds. It’s, you know, even the issue of not having a firm operation period. It’s not like a mine that potentially has a date where it drops dead and it will stop. So I know there are issues with it but it’s something that I think the Commission feels that should be looked at in a policy sense.

30

MR KITTO: I mean, the way that would normally happen is the Commission may write to the department, you know, where there are issues that go to broader policy and I guess those matters can be considered. I mean, I guess – just to touch on your point – you know, the landowner is – it’s a joint venture in some ways between the landowner and the applicant. I mean, the landowner is benefitting commercially and has liabilities that go with that, like any other commercial owner in New South Wales, and just because they’re a farmer or they’re some sort of constituted entity that’s involved in energy generation from a first principles point shouldn’t matter.

35

40

So if the people are benefitting, then they need to provide for the liabilities and so underpinning that, you know, in our situation – in this situation – we’re saying that the obligations are clear. You need to remove the infrastructure and return the land to its former farming purpose. That’s not a complicated proposal like rehabilitating tailing stands and so and mine dumps and dealing with significant heavy metals and all sorts of things that might come with a mine site, and it is different to the mine site

45

in that mine sites have an express legal framework in place, which flows from the government being the owner of the resource and, in some ways, you know, a joint venture partner with the miner, because the – you know, with the lease and the allocations. So there are significant differences - - -

5

MS TUOR: I think - - -

MR KITTO: - - - between mining rehabilitation and this sort of rehabilitation.

10 MS TUOR: Yes. There were but the Act actually specifically got amended to put this power into it, so it goes back to the - - -

MR KITTO: And the amendment was made in the Act subject to it being switched on in the regulations to respond to an express policy need and, I guess, in this  
15 instance, that need hasn't been identified yet and the Commission thinks that that warrants further consideration. You know, I think it's a broader policy consideration than something that necessarily relates just to - - -

MS TUOR: Yes. So - - -  
20

MR KITTO: Just to the Orange Grove - - -

MS TUOR: Then in the – forgetting about, you know, the bond being one way of doing it, then the other way, which happened in the Gunnedah one, was that the very  
25 least should be a rehabilitation plan – a decommissioning and rehabilitation plan, which doesn't seem to have been incorporated into these conditions.

MR KITTO: No.

MS TUOR: So, again, in a – I suppose it's – what's the department's opposition to that? If, as you say, it's a very simple plan to do, what's the burden imposed on the applicant to do that? It just makes it explicit so that you know that removal of infrastructure means removal, just not of the panels and the posts, but it also means removal of what's in the ground, rather than having an argument in, you know, 30  
35 years time about what “removal of infrastructure” means. It's just upfront, being that this is your outcome and you achieve your outcome by what's in this rehabilitation plan.

MR KITTO: So, I mean, the presumption – what the – I mean, the department is moving from having management plans – trying to have management plans for  
40 everything – so there needs to be a good reason for the management plans before we recommend them. Now, I guess, in – with solar farms, in the development of the standard conditions, it was seen to be a very simple process in terms of rehabilitating solar wind farm sites and that the department didn't necessarily want to be involved  
45 in how it was going to be done. If the outcomes were clear, they had to comply with the outcomes.

So that's quite similar to the sorts of conditions that EPA and others impose where we don't want to be complicit in signing off on how people get there. The outcome needs to be the outcome and, I guess, when it's finished, there will be a sign-off that they've complied and that it will be re-sale land. So for us to go there and say you're  
5 going to rip it and you're going to do this and you're going to do that, that is really a matter for the proponent to focus on, not for government to be standing over the – you know, and saying, “Well, we think you need to do it this way or that way or sign” – which is often what management plans are focused on.

10 So I guess, conceptually, we're saying the outcomes are quite clear; the actions that are required to get there are quite clear. The Commission did ask us in Narrabri to put in – I mean – sorry; in Gunnedah Solar to put in completion criteria. We did ask the Commission to give us an example of what they might be. I mean, we're still not quite clear what criteria the commission had in mind but we will - - -

15 MS TUOR: All right. So just – the example I gave before. Solar – the feature is solar farm infrastructure. The objective is:

20 *...to be decommissioned and removed unless the Secretary agrees otherwise –*  
so what does “to be decommissioned and removed” mean? Does it mean you take the panels away and the supporting structures - - -

25 MR KITTO: Yes.

MS TUOR: - - - or does it mean you take away what's in the ground – all those concrete pads that are in the ground? There's a big difference in terms of the work involved between those two things. And if you want it to go back to farming - - -

30 MR KITTO: Then you would take the concrete out of the ground.

MS TUOR: Yes, but - - -

35 MR KITTO: So it would be – the concrete would be out of the ground.

MR WILSON: To achieve objective 3, would you not need to return the land to its former capability?

40 MR KITTO: Yes. You would need to remove .....

MR WILSON: Which means everything has to go.

45 MR KITTO: - - - concrete ..... you would need ..... and it would need to be farming land.

MR WILSON: Dave, just on that note, is there any idea how long – I presume your 18 months is based on that's how long it takes to restore the land capability is it?

MR KITTO: .....

MR WILSON: Is there any evidence that suggests it takes that long?

5 MR KITTO: So you – you know, you need to get contractual arrangements sorted  
out. You will need to get whether it's a waste person or engineering company or  
something to come in and remove the infrastructure and then you would need to go  
through a process of, like, ripping and – you know, levelling the land and so on,  
getting your irrigation systems in place and so on, and then you would need to – you  
10 know, the seasons, so you could plant the – so an 18 month cycle to us is a  
reasonable period for that, assuming, say, six to eight – nine months to get your  
contractual and that sort of stuff done.

MR WILSON: I guess my question is once you've removed the panels and all the  
15 infrastructure, how long does it take for the soil to regain its capabilities?

MR KITTO: Well, you would assume some compaction of the soils.

MR WILSON: Would there be alteration of the soils from lack of - - -  
20

MR KITTO: No.

MR WILSON: No?

25 MR KITTO: I mean, there would be – I mean, there would be - - -

MR WILSON: Lack of ..... lack of vegetation - - -

MR KITTO: So you would – that's why you would need to rip the soils and so on  
30 to, sort of, you know – because they would have had infrastructure or access  
roadways and so on and you would need to really rip that soil and so on. So it would  
be a removal of all the concrete, all the steel, all the panels. It would be a ripping of  
the – of any compacted areas. It would be the re-installation of – you know, the  
necessary irrigation systems and so on, so there could continue to be an operating  
35 farm.

MS TUOR: ..... anything?

MR WILSON: No, not at this stage. Most of my questions have been answered in  
40 the presentation.

MR HUTTON: Yes.

MS TUOR: I have just one more. Just about – there's a condition in the ..... battery  
45 – that you shouldn't – can't have any batteries, but on the plan, it shows a future  
battery area. So is it just that it - - -

MR KITTO: It's not approved yet.

MS TUOR: So it will require a MOD to do that?

5 MR KITTO: It will require a MOD or - - -

MS TUOR: Because there is likely to be impacts from batteries .....

10 MR KITTO: Yes, because if you – if they're over 30 megawatts, then you really do want to look at the potential hazards and fire. So, really, all this is saying is we're not against battery storage. We just - - -

MS TUOR: It hasn't – the impacts haven't been assessed?

15 MR KITTO: That hasn't been assessed. So it would need to come back to that at some point – future point to be assessed if there's going to be a battery .....

MS TUOR: Okay.

20 MR WILSON: I had one other question, David – sorry. Just in terms of the water balance on the site, and the establishment of the buffer – the vegetation screens. Was that factored into the water balance or is it so insignificant, it doesn't matter?

MR KITTO: Look, I honestly don't know.  
25

MR WILSON: That's okay.

MR KITTO: But I would assume it is – there's generally good rainfall in this area.

30 MR WILSON: Okay.

MR KITTO: The soils are quite good. The Namoi River is down the road. And everyone depends on having water licences in those areas, so – and, again, how they get the water to – you know, the obligation is for them to establish the screen and  
35 - - -

MR WILSON: We will ask the applicant ..... sorry - - -

40 MR KITTO: - - - they need to make sure that they've got the means of being able to do that.

MR WILSON: Okay.

45 MR KITTO: But I don't think we were worried that they couldn't do it, given that there's normally - - -

MR WILSON: Okay.

MR KITTO: - - - a lot of water in that part of the world.

MR WILSON: So I think Annelise and – we might confirm that issue in relation to the policy issue – we might write to the Department - - -

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MR KITTO: I mean, that's fine - - -

MR WILSON: - - - and ask for a confirmation of the legal position and also - - -

10 MR KITTO: So we did provide that, I think, as part - - -

MR WILSON: Did we?

MR KITTO: - - - of the Narrabri Solar - - -

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MR WILSON: Okay. So do we need to do it again or not?

MR KITTO: I mean, Gunnedah Solar – sorry.

20 MS TUOR: Yes ..... it was - - -

MR WILSON: So we don't need to write again? I wasn't involved, so - - -

MS TUOR: We didn't write last time – we got - - -

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MR WILSON: Okay.

MS TUOR: I don't know how it was done, but we did get legal advice from the Department.

30

MR KITTO: Yes.

MR WILSON: Okay. All right.

35 MS TUOR: And - - -

MR WILSON: Well, we will look at that and see if there's a need and if there's a need, we will send you a form letter .....

40 MR KITTO: I mean, we're happy to look into it but it is a broader policy issue. It's something we considered with our standard conditions. If you think we need to go and look further into it, that might involve research, you know, looking at what the risks are, so I think it's a bigger exercise than – you know, on a case-by-case basis.

45 MS TUOR: Yes. I suppose the concern we have is that given the number that have already been approved and in the pipeline, the longer you leave it, the more unfair it becomes in the sense that if it is something that does get implemented, then – you

know, it's not really fair on the ones that haven't been assessed if the ones that have been .....

MR WILSON: If it should happen, it should happen now.

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MS TUOR: If it should happen, it should happen as quickly as possible because otherwise some people don't have it and other people do and it's – like, even between the two of these, the Gunnedah and this one – and if it was something that we were to be more hard line on ..... this one – if I were the proponent, I would be going, “Well, why didn't you do it with the other one?” So it's trying to be an equitable system in place.

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MR KITTO: Standards do change - - -

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MS TUOR: Yes.

MR KITTO: - - - all the time.

MS TUOR: Yes.

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MR KITTO: Noise, dust, dirt.

MS TUOR: Yes.

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MR KITTO: So you know, that's the nature of the system, but I hear what you're saying.

MS TUOR: Yes. All right. Well - - -

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MR WILSON: Thank you very much.

MS TUOR: Thank you.

MR KITTO: Okay. thank you.

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MS TUOR: You've been very helpful.

MR KITTO: Thank you.

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**[10.53 am]**