

Mark Fogarty

Submission to the NSW Independent Planning Commission (IPC) Panel

Culcairn Large Scale Solar SSD 10288

Introduction

As reported doing the 2 March 2021 Public Meeting - I am not tabling this submission as a member of the Greater Hume Community. I am tabling this submission as a non-resident community commentator/objector to State Significant Development Project -Culcairn Solar¹. It is hoped my comments are received with the constructive intent in which they are offered. In summary my position presents the following elements;

1. I support solar deployment -providing it induces social licence as a **responsible development** in terms of location, size and community support. Culcairn Solar would appear to be defective on this basic criterion.
2. An objection to the Project as recommended by DPIE – my primary basis being the **incompatibility of land use, cumulative impact and visual amenity**. In essence the project should be developed elsewhere on more suitable less arable land -and additional costs of transmission and marginal loss factors become a project cost borne by the Developer.
3. In the alternative, an acknowledgement that any Consent Determination in favour of development on the proposed could accommodate **a reduction in project size**. A properly configured development necessary to accommodate the primary basis of objection in 2. above might contemplate a development of not more than 120MW; and
4. In any event the proposed DPIE Conditions of Consent -need review and revision to **introduce more accountability to the community and more specification to compliance performance**. The tight 7-day written submission timeframe doesn't allow for this.

It is appreciated that this Project Application presents the IPC with a difficult decision;

- Firstly, on the one hand and NSW Government intent on trying to manage a challenging energy transition with imminent closure of NSW coal fired power stations in 2022 and 2028.This clearly facilitates for 'fasting tracking' renewable energy deployment -including transmission and distribution. However, this deployment needs to harmonise with agricultural production – preferably within the ambit of a robust sustainable agriculture land use policy. This currently doesn't exist.
- Secondly, the socio-economic interests of a community who have every right to feel aggrieved that their family lives and the lives of their community has been turned upside down by the unintended consequences of co-location with outdated

¹ Disclaimer -My objections are entirely mine as an interested member of the public. They are not to be interpreted to be associated with any institution public or private.

twentieth century engineering. In this case the unfortunate clustering of 330 kV transmission.

- Thirdly complications for the IPC as objectively it will be impossible to divorce the Culcairn assessment and its Projects impact from a wider over-development-cumulative *context of the solar cluster -which presents within the Greater Hume Shire*. This also has implications for the proposed Glenellen. We have no policy guidance as to what constitutes cumulative impact. It seems to a planning principle within the discretion of DPIE.

Some General Observations -Planning Governance

In tabling my objection, I take the opportunity to comment on the State Significant Development EPA Act 1979 (EPA Act 1979) planning approval pathway.

- It is my submissions view that the planning approval pathway is no longer fit for purpose in the context of NSW's energy transition. In a nutshell it erodes much needed social licence the Government seeks to support the ambitions of the NSW Energy transition. As such it doesn't compliment the modernity associated with the Electricity Infrastructure Investment Roadmap -particularly given the latter's strategic master planning and community inclusion ambitions.
- The increasingly uncertainty that it induces for the investment community who appreciate the importance in risk mitigation associated with the acquisition of social licence.
- It's 'tick box process' which facilitates developers' 'rapid change land grab' intent on exporting profit from kWh production and notwithstanding the sales pitch, it contributes, yet to be tested, socio-economic dividend to the hosting communities.
- Most importantly and the central theme to my submission on this Culcairn Project- it doesn't promote *a strategic land-use balance in the 'energy v agriculture' debate*. It unnecessarily takes out of play important agricultural land for the pursuit of renewable energy which could and should be deployed on the vast less arable acreage abundantly available elsewhere in the State; and
- It promotes an SSD planning pathway seemingly ignorant, certainly in the context of this Application of some of the key elements of ESD – firstly the *precautionary principle* and secondly the *intergenerational equity*. Large scale solar deployment is still somewhat in its infancy -it induces some long-term *questions of science* which, as unknowns, need deeper and more thoughtful consideration. Some of these are present in the current Development Application – for example uncertainty of 'heat island effect' – 'co-location of grazing' with axis tracking solar – potential 'pollutant run-off' at the end of project life.

So, a predominately 'tick box' planning process prevailing over the need for a more prudent spatial distribution strategy. A distribution strategy which I understand will be embraced in the roll out of the Electricity Infrastructure Investment Act and Regulations.

Where is the requisite social licence?

Whilst early days it is obvious to me we have a two speed governance process in NSW between a 'city centric meta-governance planning regime' which in my opinion mitigates against meaningful regional community inclusion and a more modern 'market based' approach advocated by the NSW Government through its Electricity Infrastructure Investment Roadmap and Act –(EII Roadmap/Act) which' on paper at least, promotes for the opposite outcome. I am advocate in favour of this new Governance and look forward to hopefully proving this conclusion right. Whilst early days I do acknowledge from the Government and the proposed Energy Corporation a tone of respect for a fairer and more equitable roll out of renewable energy to regional communities. An intelligent, modern approach to acquisition of social licence as demonstrated in the lead international energy economies.

Where is the Intergenerational Equity?

The IPC appreciates that there is a distinct lack of social licence with renewable energy host communities for renewable energy deployment in NSW. I present with a background in Renewable Energy and passionate interest in the balance between 'agriculture and energy'². In keeping with this interest, I took the opportunity to visit the Greater Hume and meet with the effected communities to the large-scale solar surge. I was disappointed at the outlook, truly saddened that this unique agricultural land was subservient to the convenience of a 330kV 'infrastructure vortex'. Surely a situation we will have difficulty explaining to future Australians.

I leave to the more capable advocacy of the Community presenters their more in-depth concerns as to merit arguments against the project. In doing so, I am humbled by the passion and strength of their family and friend's response. In listening to these objections, one cannot but respect as the depth of *intergenerational* commitment stretching back to the early 20th Century which demonstrates through obvious hard work and hardship successful agricultural pursuit. It was truly poignant that in the contrary, it would appear the only community support the Developer could engender was from host landowner families - the beneficiaries of the long-term financial arrangements which developers seeks to thinly disguise as 'drought proofing'. A harsh assessment but an ongoing blueprint which ignores the benefit of broader community benefit sharing.

Where is the Land Use Compatibility?

For the purposes of this 3 March 2020 the IPC Community Meeting - **my main observation** is an ongoing inability by NSW Government policy and in this case the planning governance EPA Act 1979 **to adequately protect good agricultural land**. On observation – I conclude from the published EIS material that there was an abundant enthusiasm from the Developer and their advisors, and host landowners to race to the convenient conclusion as to '*the low agricultural potential of the development land*'. I don't believe the Developer has extinguish

² IBID

my concern – as to the paucity of this conclusion -certainly the evidence I observed in the Development Application documentation and the March 2 2021 verbal submissions to the IPC were not objective nor in my opinion persuasive. It is evident that the IPC needs more inquiry in the interests of more balanced evidence on the agricultural value proposition.

This failure in my mind should induce contemplation by this IPC as to a more considered application of the ESD principle of *Intergenerational Equity*. I thought the strength and intelligent contribution and the younger generation made to this IPC Public Meeting confirmed the absolute imperative as to this principle and to this its application. This was heartening. As was acknowledged we are plummeting towards 9 billion population on this precious planet by 2050 – so for future generations - what are we going to feed this population and what will be Australia's role? I appreciate this issue of '*incompatible land use*' has been at the centre of this Development from Day 1 – I acknowledged the many intelligent arguments both 'to and fro' that have already weighed in to prosecute this concern– most notably neighbouring landowners and the leadership from the majority on the Greater Hume Shire Council. How does it come to pass that we dismiss the views of the LGA -the level of government closest to the Community?

The loss of valuable agricultural land is an unacceptable tragedy associated with this development and the associated developments in the Greater Hume area. **In total some 2000 ha** of high-quality farming land - imprisoned to 30 years in a silicon tomb. As recently highlighted by the Australian Farm Institute. *"In terms of policy and planning, a key conclusion from the research is the need for acceptance and defence of a State-wide acceptable agricultural practices by government. agencies and industry. Many conflicts are fostered by misunderstanding of what constitutes abnormal' farm practice. This set of acceptable practices must be informed by societal expectation and reinforced by clear planning guidelines.*

Along with other changes to the planning frameworks noted herein, the recognition of State Significant Agricultural Land and the inclusion of Biophysical Strategic Agricultural Land in the new Primary Production and Rural Development State Environmental Planning Policy will be an important step in demonstrating the value of farm related land use to stakeholders "³

This Development demonstrates the urgency associated with the development of guidelines including some definition around State Significant Agricultural Land and more relevant interpretation, in keeping with the changing climate profiles, of Biophysical Strategic Agricultural Land.

What are the obvious key issues?

The issues at the centre of this Development Application for the Consent Authority **are stark** and the subject of considerable assessment. **They can't be divorced from the broader Greater Hume LS Solar development landscape** – these key issues have been eloquently advocated by the Community commentators;

³ DPI Options Paper Agricultural Land Use Planning Strategy

- The contribution this development makes to the **cumulative impact** -realised through the over-development of large scale solar -together with Jindera, Walla Walla and a proposed Glenellen project.
- The contribution this cumulative impact makes to an obvious reduced **visual amenity** to close receivers and/or other local residents and visitors to the region
- The **demonstrable incompatibility of the development/s to agricultural land use** as advocated above.

So, on any review of all the Development documentation – it is hard not to conclude that the Developer Applicant and it’s engaged environmental consultants seem to extinguish, at least on paper, their ‘tick box’ obligations pursuant to the EPA Act planning regime. However, I cannot help but come to the conclusion in reviewing the development documentation and listening to submissions that the applicants merit arguments are a manufactured response to the process. A response designed to masquerade their real interest of cost-effective convenience in terms of connectivity to the 330Kv infrastructure. This is a broken ‘mousetrap’ with no balance. A system where grid connectivity prevails at the expense of community social justice and equity.

Notwithstanding this threshold position should the IPC conclude in favour of a Consent Determination, as proposed, then I would advocate that the project should, on the incompatible land use and fire hazard risk be reduced in size to a deployment no more than **120 MW** supported by strict consent conditions. This size deployment maybe be more compatible with the more objective agricultural value assessments on offer for the IPC’s perusal. How such a reduced deployment could be site configured over the existing site layout could be the subject of consideration of expertise beyond my technical skill sets.

Conclusion

So, in conclusion and subject to the IPC’s decision on Consent, I would like to pick up on Bill Schulz’s verbal submission on the need to focus on more definition around liability, measurement of compliance and accountability in any Consent Conditions. This would requisite a review of Schedule 1, 2, 3 and 4 the Consent Conditions - of the DPIE - January 2021 Assessment Findings and Recommendations. The drafting of these Conditions needs to reflect clear accountability not just to the Consent Authority but also the Community as to how ongoing compliance will be managed and assessed. At the moment these Schedules are somewhat generic -with ‘*must implement*’ and other less defined criteria. Appropriate due process would suggest that the Community should be given more support in terms of adequate time to review and respond, if these Conditions are to come into play.

On re-read I apologise if the narrative of my objection is somewhat repetitive, but the key messages are hopefully clear and consistent. It is well acknowledged that farming communities get climate change and the need for an energy transition if we are to keep the lights on. However, they struggle with city-centric public policy that seemingly remains obtuse to the realities of the decentralised deployment environment and the need for balanced deployment. Social licence to operate remains elusive.

Submitted for the IPC's consideration.

Mark Fogarty

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