



MR HUTTON: Good afternoon and welcome everybody. Thanks for coming along today. Before we begin, I would like to acknowledge the traditional owners of the lands on which we meet and pay my respects to the elders past, present and emerging. Welcome to the meeting today for the Walla Walla Solar Farm project.  
5 FRV Services Australia Proprietary Limited propose to develop a 300 megawatt solar farm approximately five kilometres northeast of Walla Walla in the Riverina region of New South Wales. My name is Andrew Hutton, and I'm the chair of this particular Commission panel, and I'm joined by my fellow commissioner, Professor Zada Lipman. We are also joined by Stephen Barry of the office. He's online but  
10 not on camera. Just so you know that he's there.

In the interests of openness and transparency and to ensure the full capture of all information, today's meeting will be recorded and a full transcript, as usual, will be produced and made available on the Commission's website. This meeting is one part  
15 of the Commission's considerations of this matter and will form one of several sources of information upon which the Commission will base its determination. It is important for the commissioners to ask questions of attendees and to clarify issues whenever we feel it's appropriate.

20 If you are asked a question and you're not in a position to answer, then please do feel free to take that question on notice and provide us with any additional information, most helpful in writing, which we'll also put up on our website. I request also that members here today introduce yourself before speaking for the first time – that just helps us with the transcript – and for all members to ensure that they do not speak  
25 over the top of each other, also to ensure accuracy of the transcript itself. So we will now with that formally begin, and, again, thank you for coming along today. For the benefit of the transcript, would you mind just introducing yourselves and your position just upfront so we can just test Auscript and also just get the introductions. So I might start with you first, Mike, if I can.

30 MR M. YOUNG: Yes. No. Thank you, Andrew, and good afternoon, and good afternoon to Zada and the other members of the Commission. My name is Mike Young. I work for the Department of Planning, Industry and Environment. My role is I'm the executive director of energy, resources and compliance. And I'm involved  
35 in the assessment, obviously, of energy projects, such as solar farms, across New South Wales.

MR HUTTON: Thank you, Mike. Nicole.

40 MS N. BREWER: Thank you. My name is Nicole Brewer. I am the director for energy assessments within the department.

MR HUTTON: Thank you. Just running along the screen here in no particular order, rob.  
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MR R. BECKETT: Hi. Yes. Rob Beckett. I'm an environmental assessment officer in the energy assessments team within the department.

MR HUTTON: Thank you. And Iwan.

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MR I. DAVIES: I'm Iwan Davies. I'm a team leader in the energy assessments team in the department.

MR HUTTON: All right. Thanks very much. That's appreciated. Well, thanks again for coming along. We do appreciate you making time and, you know, coming together to, I guess, just have a quick discussion around this particular proposal. We have sent through an agenda and, I guess, preparation of a – a presentation or something would be a good place to start, if you guys have done that. What we might do is, as you run through the presentation, if we're able to just, I guess, interject and discuss issues on the run through, that often can resolve issues as we move through the process, if you're okay with that, with us just asking questions as we run through.

MR YOUNG: Yes. Look, Andrew, we have, obviously, got the agenda, and there was a range of issues there, I guess, raised at a high level. And so I guess we don't propose necessarily to go through our entire assessment, obviously, assuming that - - -

MR HUTTON: No.

MR YOUNG: - - - you know, we can take our report generally as read. That being said, you know, we're certainly prepared to answer questions or to discuss our findings on each of the matters raised in the agenda, and we can use some – we've got some slides that show some maps and so forth where necessary to augment that discussion, and I guess we see that as, rather than us sort of presenting things, more of, you know, anticipating what some of your issues may be and then, obviously, if you've got further questions, responding to those or taking them on notice as necessary.

MR HUTTON: Right. No. that sounds appropriate. What I will do is just keep an eye on the clock, too, to make sure they're – in case we do have some questions after the slides to make sure we don't run out of time. But I think – yes. I think, you know, a number of the issues will be addressed as we move through. So, Steve, could we ask that control be given over to the department team, whoever is driving the slides, or - - -

MR BARRY: I have done that. So it should be .....

MR YOUNG: Okay. So as I said, it's not so much a step by slide presentation, but maybe just for the benefits of the initial discussion, maybe you and – I don't know if you've got the slides open – you could share maybe the slide on the local context.

MR DAVIES: Yes, Rob. If you could show that, please.

MR BECKETT: Yes. Sure.

5 MR YOUNG: Rob. Sorry.

MR DAVIES: Thanks.

10 MR YOUNG: Thanks.

MR BECKETT: No problem.

15 MR HUTTON: While that's coming up, Mike, we have this morning met with both the applicant and council. So we've had the benefit of, you know, having a conversation with them as well.

20 MR YOUNG: Great. Good. So, look, just by way of background, obviously, you know, this is a large scale, you know, solar project that has been under assessment for some time now. Obviously, we've gone through a detailed assessment process, including, you know, formal public exhibition, site visits, meeting with both the proponents, meeting with council, meeting with agencies and also meeting with local landowners and in particular, you know, the owners and operators of the Orange Grove venue that's of particular concern, I suppose, given its proximity to the proposed site. I'm just trying to have a look at that. Has that come up now for you  
25 guys.

MR HUTTON: Yes, it has. Thank you. For me.

30 MR YOUNG: Yes. Great.

MR HUTTON: ..... yes. Thank you.

MR YOUNG: Great.

35 PROF LIPMAN: Thank you.

40 MR YOUNG: So I'm just looking at our other notes. So in terms of the agenda, I'm just trying to find the first matter on the agenda. Where is that? I can't look at it at the moment.

MR DAVIES: So that would be the re-exhibition of the amended project.

45 MR YOUNG: Yes. So if you could just help me there because I can't seem to see those notes now that this screen has come up.

MR DAVIES: Yes.

MR YOUNG: So the – yes. So we’ll just go through, if you don’t mind, Andrew and Zada – we’ll go through those issues on the agenda. So in terms of the re-exhibition following the amendment, possibly, Rob, if you could go to more of a zoomed in of the site itself, that might be helpful. Yes. That would be great. So,  
5 look, obviously, we – as part of the assessment process, you know, we, obviously, considered carefully the concerns raised by council and local landowners in particular, and as I mentioned, you know, we visited the site and met with the owners and operators of Orange Grove and also some other residents that are located around the proposed site. And as a result of those discussions and further discussions with  
10 the proponent, the department considered that, you know, there needed to be some changes to the proposed layout to address or minimise some of the potential impacts on some of those nearby receivers, especially the Orange Grove Function Centre.

And as a result of that – and it was an iterative approach – as a result of that, the  
15 proponent during the process formally amended its application. You’ll see there from the map in the – you’d be familiarising yourself with the site now – on the – I guess it’s the southeast corner there, that area now – that part of the site is now going to be retained for agriculture, and so no solar panels are proposed in that area. And the setback now from the Orange Grove facility to where the infrastructure would be  
20 constructed for the solar farm, I think, is now around 1.8 kilometres. Is that right? Do you know?

MR DAVIES: Correct. Yes.

25 MR YOUNG: Yes.

MR DAVIES: Yes.

MR YOUNG: So that was a – there were some other amendments to the project  
30 through that process. What were some of the other amendments, Rob or Iwan, apart from the major setback from Orange Grove?

MR BECKETT: Would you like me to bring the slide open? Yes. Sure.

35 MR YOUNG: There we go.

MR BECKETT: So – yes.

MR YOUNG: Yes.  
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MR BECKETT: So – yes. The other amendments were largely to do with the high-pressure gas pipeline and the voluntary planning agreement.

MR YOUNG: So as a result of that amendment that we formally accepted under  
45 clause 55 of the regulation, the department accepted that amendment, given the fact that it was really to reduce impacts on surrounding receivers, and it’s not typical that the department would re-exhibit changes that have been made to, I guess, reduce,

mitigate, address issues and impacts that have been raised through the consultation process through the exhibition of the EIS, etcetera. So there's no formal requirement to re-exhibit, and in the circumstances, we didn't consider that it was necessary, given it was a retraction, a reduction in the nature and scale of the project. That being  
5 said, obviously, we put it on our website, and various stakeholders were aware of those changes, including the operators of Orange Grove, who I'm sure you will be talking with in due course.

10 MR HUTTON: Yes. Yes.

MR YOUNG: So that – unless there's any questions on that, it was a fairly straightforward decision .....

15 MR HUTTON: Yes. No. I note that. And I did note that – yes- whilst it wasn't formally re-exhibited, you did post it on the website and that it did have, I think, five or six responses or submissions on that reposted application. So that is noted. Thank you.

20 MR YOUNG: Yes. So moving on to, I guess, the next issue raised in the agenda. Is that agricultural land, Iwan?

MR DAVIES: Yes.

25 MR HUTTON: Yes.

MR YOUNG: Right. So I don't know whether you wanted to frame any specific questions there, Andrew or Zada, but, I mean, our assessment was – you can see there from the map the entire site essentially has a land capability classification of class 4. Currently, it's used predominantly for grazing, about three quarters of the  
30 site, and about 24 per cent of it is used for cropping. It happens that the area now to be excluded – or that area in the corner of the site near the Orange Grove venue was one of the areas that has been used for cropping and, obviously, could be retained as such going forward.

35 Really, we based our assessment on a number of things. One was, obviously, the agricultural capability mapping that exists at the moment. Now, we are aware that the – and, obviously, the advice of DPIE Agriculture, etcetera, but we are aware that there is an agricultural – strategic agricultural mapping exercise being undertaken by government at the moment. That's been underway for some time now. We're not  
40 aware of exactly when that will be finalised or published.

And so we're in a position now that we're required to assess, obviously, the project based on the information we have available. I guess whether or not there's any changes in the capability classes as a result of that mapping or any other changes,  
45 I'm not sure that they would be significant, nor necessarily would the resolution of that mapping be such that you could make – you know, it would still be at a regional scale. So given that we've undertaken a site assessment based on the existing

classifications, we've consulted with the Department of Agriculture and we've, obviously, visited the site and looked at the existing uses of the site, you know, I guess we feel fairly comfortable that our assessment of the impacts on agriculture is robust. I guess the other thing to say is, as I said, some parts of the sites will be  
5 retained for agriculture as a result of changes. And I think, Iwan, is – or, Rob, is the site – they're proposing also to do some grazing in other parts of the site, even once the solar farm is installed? Is that right?

10 MR BECKETT: Yes. That's right. It would be used for managed grazing after the solar farm is operational.

MR DAVIES: Yes.

15 MR YOUNG: Yes. So - - -

MR DAVIES: And that's to 85 per cent of its pre-solar farm capacity also.

MR YOUNG: Yes. So we are very aware of the concerns of council and the community and more broadly about the cumulative impacts of solar projects on  
20 agricultural land, and so I guess we are trying to work with the Clean Energy Council and solar operators in particular to look at how they can best maintain that productivity both, you know, during construction, during operations and then, obviously, restoring the land appropriately following the decommissioning of the solar farm. And that has led to changes to layouts, it's led to look at land  
25 management during the operations, it's led to trying to maintain things that are possible to coexist with solar projects, such as grazing. And there's, obviously, examples now in Australia where that continues to be successfully implemented, so that whilst there may be some changes to land use and overall agricultural outputs, there's still some level of productivity from an agricultural perspective, as well as,  
30 obviously, all the renewable benefits you get - - -

MR HUTTON: As a related - - -

35 MR YOUNG: - - - as part of the project.

MR HUTTON: Mike, as a related question, are you aware of any work happening in the sector looking at trying to, you know, do some research around that cohabitation and the impacts of shading and the impacts of heat and those sorts of things and being able to demonstrate that you can achieve – I mean, running a sheep  
40 under the solar panel is one thing, but achieving growth rates and wool rates and weight gains and those sorts of things is, obviously, what it's all about. Are you aware of any sector research in that space that's useful and relevant in a broad sense but relevant to this particular application?

45 MR YOUNG: Look, there have been some examples of successful implementation of these things elsewhere both in terms of, you know, examples of grazing, examples of maintaining pasture quality and so forth, even with some of the shading. It's

important to recognise that, you know, I think, these solar farms move over the course of the day, and so there is the ability to ensure that, you know, that shading is not – can be managed. I don't know whether the team wanted to comment on some of the research in Victoria or Shepparton or places like that that may be relevant to  
5 Andrew's question.

MR DAVIES: So I think - - -

10 MS BREWER: In - - -

MR DAVIES: - - - regarding that Shepparton – regarding that Shepparton research, I think that's more regarding the heat island effect. I think I would like to briefly stick to the cohabitation of sheep grazing and solar panels. So I think that's a question that you should certainly ask the applicant, Andrew, because I'm aware that  
15 FRV on other projects – other operational projects within New South Wales does have sheep grazing on their solar farms, and I think there's information within the EIS regarding that. Apologies to interrupt Nicole.

20 MS BREWER: That's fine. Happy for you to continue.

MR DAVIES: So regarding the Shepparton research, did you want to touch on the heat island - - -

25 MR YOUNG: I think - - -

MR DAVIES: - - - effect now, Andrew?

MR YOUNG: I think Andrew - - -

30 MR DAVIES: Is that something you can .....

MR YOUNG: Andrew had indicated that the heat island effect was part of that.

35 MR HUTTON: Yes. Look, we - - -

MR YOUNG: So what is it - - -

MR HUTTON: Sorry, Mike. We have spoken about that with both council and with the applicant this morning. I think we understand the context around that study  
40 and its relevance to the heat island effect here. We probably don't need to spend much more time on that with you guys. I think we're probably pretty comfortable. Zada, would you agree? Yes. Yes. I guess, you know, the key thing for us, Mike and team, is that this ag land perception of incompatibility, food discussion is something that's come through very strongly in the response to submissions. And  
45 we just – we're pleased to hear that the department has interrogated, I guess, that issue, and we appreciate your comments.

We certainly understand BSAL. We understand land classifications. We did hear from council this morning that they had made a submission to the DPIE Agriculture on some draft work and felt that they had formed a case to demonstrate that, you know, some of this land is, in their mind, high capacity ag land, albeit not classified as, you know, one, two or three. But – so we’re just sort of interrogating and understanding, I guess, the different views around that particular issue. So thank you for your input.

MR YOUNG: Yes. Thank you, Andrew. And we certainly tried to find a balance there, and, you know, whether that’s the right balance is, obviously, a matter for - - -

MR HUTTON: Yes. Yes.

MR YOUNG: - - - the consent authority. On subdivision of land, which, I think, is the next one, Iwan - - -

MR DAVIES: Yes.

MR YOUNG: So clearly there’s in – when we’re developing these projects or assessing these projects all over New South Wales and including many that have been now approved by the Commission, it’s routine that certain elements of the site are subdivided, particularly in regard to things like the substation, which is often then managed by TransGrid going forward, and it’s appropriate that that be subdivided. But I think in this case, there’s a number of subdivisions proposed. I don’t know whether the team could go through quickly a couple of the subdivisions proposed.

MR HUTTON: Yes. Look, from my side, I’ve had the benefit now, you know, reading in a lot more detail - - -

MR YOUNG: Okay.

MR HUTTON: - - - the various documents, and I understand that the subdivisions are smaller than what the LEP would allow for, but I understand the position of the department in terms of subdivision. Yes. As you say, it’s an issue that comes up regularly in the solar farm determinations.

MR YOUNG: Yes. It’s the technical permissibility - - -

MR HUTTON: Yes.

MR YOUNG: - - - under the strict reading of the LEP, but clearly from an ability to make a decision, the consent authority is able to make that decision because it’s partly permissible under SSD and, therefore, the whole of the project is permissible. And certainly council in our discussions with council – they had no issues – they have issues with the project, but they haven’t mentioned anything about the concerns about the proposed subdivisions.

MR HUTTON: Yes. And to be fair, that wasn't an issue that they raised today, so I think that's fair. Zada, I just – speaking for myself – did you have any other questions around the subdivision of land elements of the project? Sorry, Zada. We can't hear you if you're speaking. You may be on mute.

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PROF LIPMAN: I lost connection for about a minute.

MR HUTTON: You're back. We have you back.

10 PROF LIPMAN: Back. I'm back.

MR HUTTON: Yes. I was just asking whether you had any specific questions around subdivision that you wanted to ask the department, given that we've had some, you know, further presentations from the applicant and council. Is there anything else you would like - - -

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PROF LIPMAN: I don't think that's necessary, Andrew. What I was interested in earlier was the third subdivision, you know, the 94.7 hectares for agriculture and land and its location and whether the trees are being retained, but that's been clarified by the applicant. So I don't have any further issues.

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MR HUTTON: Yes.

MR YOUNG: Okay. That's great. I think the next thing on the agenda, if we're happy to move on, was the gas pipeline. I might hand over to the team to take you through there or whether you wanted to kick off, Andrew, and - - -

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MR HUTTON: Yes. Look - - -

30 MR YOUNG: - - - talk about what concerns you might have.

MR HUTTON: The main thing was to understand the alignment and the interactions with the easement. I note the APA submission and that there's some conditions being proposed in the draft instrument addressing the matter. But perhaps just talk to where it is and, I guess, some of the issues around how you came to that draft condition and just satisfy the panel that you've given it consideration.

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MR YOUNG: So I will hand over to the team to do that.

40 MR HUTTON: Yes.

MR DAVIES: So the pipeline is located in the northwest corner of the site just south of the proposed substation. It's owned and operated by APA Group. All setback distances required by the APA Group have been satisfied by the applicant, and the condition has come from suggested wording from APA Group, and I understand that it's a condition used on other projects across the state. It's also important to note, I think, that there's no battery storage proposed on this project.

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Should there be battery storage proposed in proximity to that pipeline, there may be further setback distances required, but it wasn't appropriate for this project.

5 MR HUTTON: The substation, Iwan, is that – I know it's not a battery, but the hazards people in the department have had a look or you've satisfied yourself there's no hazards there in terms of gas pipelines and proximity to substations, etcetera?

10 MR DAVIES: We've consulted with our hazards team, and they've confirmed that they don't have concerns regarding the proximity of the substation.

MR HUTTON: Yes.

15 MR BECKETT: I might just add that we did include the requirement for an electrical interference study because APA had indicated to us that the pipeline has cathodic protection – or cathodic insulation. So that was a necessary part of those preconstruction studies that would need to be undertaken.

20 MR YOUNG: Yes. And as you'd be aware, Commissioners, you know, there's a whole range of regulatory requirements around the protection of gas pipelines - - -

MR HUTTON: Yes.

25 MR YOUNG: - - - under, you know, the Pipelines Act, you know. And our people have recommended that certain, you know, post-approval matters, if the project is approved, be addressed through a safety management study, and that needs to be undertaken, you know, to the satisfaction of the pipeline operator, APA. So it's not – it certainly needs to be managed. We think that we've done that. And there's no infrastructure proposed actually on top of the pipeline. And, you know, all the other sort of interactions and operations would need to be considered in that safety management study in consultation with APA.

35 MR HUTTON: Yes. And if I understand it correctly, there has been access gates installed – or will be installed if approved to enable access along the alignment, etcetera, so – yes. That looks good. Okay. I guess the next one, Mike, was just talking about the visual impact issues. And we note that the offset distance from the Orange Grove has been substantially increased and that that's in part addressed some of the visual impact issues or, you know, been put in place to attempt to address it. So I guess just any comments broadly about the residual visual impacts in light of the amended application would be useful for us.

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MR YOUNG: So I think there's probably three key receivers around the site, and I think – yes – Rob and the team have got some visual montages to maybe assist the discussion. So I will hand over to Iwan or Rob to talk through those.

45 MR DAVIES: Rob, could you go to the project layout figure first, please.

MR BECKETT: Yes. No worries.

MR DAVIES: Thank you. So essentially there are four potentially impacted receivers surrounding the site. You've got Orange Grove Gardens, being R5a to the southeast; the two residences directly north of the site, R1a and R1b; and then a residence to the northwest, being R2. Now, to start with, R1a and R1b, they are  
5 closest to the site. R1a is approximately 210 metres away from the development footprint. The photo montage we have here is a slight misrepresentation of the views from the dwelling. I say slight. It is a misrepresentation. This photograph is taken from the access gate to the dwelling, with the solar panels directly across the road. Now, in reality, the dwelling is set back further from the road, but it's also  
10 surrounded by some mature existing vegetation, and you will see that during your site visit. R1b is set further back at approximately 500 metres from the development footprint and has existing dense vegetation surrounding the dwelling. In addition, the applicant is proposing, I believe, 50 metre wide landscape screening along that northern boundary to mitigate the impacts further.

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MR HUTTON: That's on the inside of the project area land, the landscaping?

MR DAVIES: Correct.

20 MR HUTTON: Yes.

MR DAVIES: Absolutely. Yes.

MR YOUNG: So, Iwan, this photo montage, as you say, is from the road rather than  
25 inside the property, so to speak. You're saying that the proponent is actually proposing to have a vegetation screen across that entire view that that photo montage is looking at.

MR DAVIES: Correct. If you could go to the project layout again, Rob.

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MR BECKETT: Yes. Of course.

MR DAVIES: So you can see the dark green is the proposed 50 metre wide  
35 vegetation screening and the light green being the existing screening on-site. If we were to zoom in, or when you do visit the site, you'll see the existing vegetation within the curtilage.

MR HUTTON: We certainly intend to visit those sites as part of our inspection.

40 MR DAVIES: Okay. Moving on to R2 to the northwest of the project. Now, R2 is the only dwelling that has potential cumulative impacts with the proposed Culcairn Solar Farm. My understanding - - -

MR HUTTON: Yes.

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MR DAVIES: - - - is that it's approximately 800 metres from both projects. However, again, there is - there's the existence of dense vegetation surrounding that

dwelling. The applicant has proposed a slight setback of the substation from the northern boundary. Now, the reason it hasn't been setback further south is because the land does rise to the south, so it would be potentially more prominent in the landscape, and the proponent has proposed 50 metre – I believe to be 50 metre wide  
5 screening along that northern and western boundary. There's also existing vegetation along Benambra Road, which would help mitigate the impacts of – potential visual impacts of the substation and the solar farm.

10 PROF LIPMAN: Can I just ask a question here? I just wanted to clear it up. I had spoken to the applicant about it as well. There's quite a few inconsistencies in the assessment report, because if you look at table 5, you see that it does say that it's, I think, 810 metres from the development, but in a number of spots in the assessment report, it says it's only 900, and in the further information received from the applicant after the response to submissions to clarify the distance, that spoke of 920.  
15 So, I mean, it's only a small margin, but it's a little bit unclear.

MR DAVIES: I agree, Zada. So essentially my understanding is that it is 810 metres from the project boundary – I stand to be corrected – and that the substation is 900 metres away. Is that your understanding also, Rob?

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MR BECKETT: That's – yes. That's – sorry. That's my understanding. And apologies if - - -

25 PROF LIPMAN: Right. Right.

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MR BECKETT: Yes. For that inconsistency.

MR YOUNG: So, Zada, there's often – it's Mike Young speaking. There's often a situation where we're measuring different things.

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PROF LIPMAN: Yes.

MR YOUNG: One to the project boundary and then often to either a particular piece of infrastructure or the solar panels. And so that has been an issue on some  
35 projects where people – where it's not clear or people misunderstand what we're actually measuring. But I think what we're saying here is that it's 800 metres to the project boundary and, obviously, a further setback to where the actual infrastructure is proposed.

40 MR DAVIES: Moving on to R5a, so Orange Grove Gardens, which is both a residence and a wedding and function venue. Now, the main aspect from this receiver is to the northwest. You will note that there is the presence of existing vegetation between the residence or the receiver and the site. However, this one - - -

45 MR YOUNG: So, Iwan, that – it's Mike Young here. Just that photo montage has been taken from – I think, from the veranda of the wedding venue itself.

MR DAVIES: That's correct. Yes. So the veranda of the wedding venue is on the northern side of the venue and does have extensive views to the northeast, northwest and towards the west. This photograph is, really, the main view from the wedding venue, and as Mike alluded to at the start of this briefing, it was our main real  
5 consideration for this project – or one of the main real considerations for the project. Now, you will see the red line on this photograph shows the project boundary. Now, that's at 800 metres. The project has now been amended to set that another kilometre back, so it's 1.8 kilometres from the wedding venue, and the department considers that the potential impacts at 1.8 kilometres would not be significant.

10 MR HUTTON: Yes.

MR YOUNG: Is there additional vegetation proposed at all in those areas, Iwan?

15 MR BECKETT: Yes, there is. Sorry. Rob here. There was an – so around the perimeter of the solar farm in that corner of the site, there would be a vegetation buffer of 50 metres.

MR DAVIES: Perhaps if you can show that on the layout - - -  
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MR BECKETT: Yes. That's a good idea. Sorry.

MR HUTTON: The applicant spoke to that this morning both from a landscape but also from a corridor connectivity piece as well. So that's that dark green arc in that  
25 - - -

MR DAVIES: That's right.

MR HUTTON: Yes. Okay. All right. Zada, just checking, any more questions or  
30 comments around visual?

PROF LIPMAN: No. I'm happy with that.

MR HUTTON: Okay.  
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MR YOUNG: So I think the next one was noise, Andrew, whether there was any  
- - -

MR HUTTON: Yes.  
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MR YOUNG: - - - specific things you wanted us to comment on there.

MR HUTTON: Well, the main concern I had in reading it was a cumulative impact concern on R2. During construction, the assessment report identified that there  
45 would be – you know, assuming they were both approved, assuming they were both constructed at the same time, there would be a period where the cumulative construction noise would impact R2. I guess we can't – you know, subject to

approval, we can't guess how long that overlap would be, but potentially there could be a 12 month period or more where they'd be subject to noise not over 45 but certainly up in that zone. Does the department have any comments around that are relevant, worth discussing or take it as read in the assessment report? It just came  
5 out as an issue I wanted to just ask you about.

MR YOUNG: Iwan or Rob, did you want to elucidate that?

MR BECKETT: Yes. Look, I think that noise to R2 – assuming – so the maximum  
10 noise levels that the noise assessment was based on was assuming that the noisiest works would be undertaken simultaneously and those works would be – would last at most about six weeks. Is that your understanding, Iwan?

MR DAVIES: That's right.  
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MR BECKETT: Yes. So, really, as – we have based it on the worst case – or they have based it on the worst case scenario. The actual length of those impacts would be quite short. So it would be very unlikely that they would overlap with the construction noise from Culcairn Solar Farm.  
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MR HUTTON: Yes. Okay. Now, given - - -

PROF LIPMAN: I just want - - -

MR HUTTON: Sorry, Zada.  
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PROF LIPMAN: Sorry.

MR HUTTON: No.  
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PROF LIPMAN: I just had a question about Orange Grove, if you've finished with that aspect. I understand that some thought has been given by the department to getting the applicant to discuss their schedule with the construction, you know, to try and dovetail the solar farm construction with the functions at the centre. Could you  
35 elaborate a little bit on that, please.

MR YOUNG: Iwan, did you want to talk about that?

MR DAVIES: So, firstly, that was a matter we did consider during our assessment.  
40 Now, you will note in our assessment report that the maximum noise levels at Orange Grove Gardens based on the EIS layout, so the works extending right the way down to the south eastern boundary, was 37 dBA, which is below the noise affected criterion. Now, an updated noise impact assessment hasn't been undertaken by the applicant, but it's fair to assume that those noise levels would reduce with a  
45 further one kilometre setback. That was the department's consideration.

PROF LIPMAN: Can I just follow-up with that. You did actually say in your assessment report that it had been conditioned. So is that correct?

5 MR YOUNG: So, Zada, it's Mike Young speaking. My understanding is that the applicant has made a commitment to consult further with the operators of Orange Grove as to how and whether it can ensure that any impacts – noise impacts or other impacts during construction can be minimised, particularly if there are sensitive – or functions being undertaken that may, you know, obviously, be of concern to the operator. However, we didn't reflect that commitment necessarily in a condition. So  
10 that's actually an error in our report. However, clearly given it's a commitment by the company and clearly, you know, we have taken the potential impacts on that function centre very seriously through the process, it may be something that the Commission may want to formalise through a condition in any final consent if the project is approved.

15 PROF LIPMAN: Thank you, Mike.

MR HUTTON: A question that you may need to take on notice but it came up in discussions this morning with council, and it relates to water use during the  
20 construction period, and we note that there's 25 megalitres. The council officer was unclear and hence we will ask the question about whether or not the trucks that were delivering that water during the construction period, which he's calculated at 833 movements, were considered as part of the traffic and transport assessment. And, secondly, that in his local knowledge, the most direct route to get to the water source,  
25 being Walla Walla township, is not to go back along the proposed access out to the highway. There's an alternate route. And the concern from council is that if 833 trucks, if that's correct, were to take an alternate route that they'd be travelling over roads that were not appropriate. I guess the two questions there are (a) are you satisfied that the trucks delivering the water during construction have been  
30 considered and (b) have you given any consideration to the route that those trucks might take during the construction process and - - -

MR YOUNG: Thank you. Thank you, Andrew. Yes. I understand the question. It's certainly an issue that comes up regularly on the assessment of these sorts of  
35 projects, but I will hand over to the team to talk about the specifics on that matter.

MR DAVIES: My understanding is that those traffic numbers were included in the assessment; however, I will confirm again if that is not the case. Regarding the traffic route, now, that's a – that has been identified by the applicant, and that is the  
40 only proposed to be approved route for any heavy vehicles, so the vehicles would be – would have to use that route. Now - - -

MR HUTTON: Sorry. And that route is from the highway along - - -

45 MR DAVIES: Benambra Road, and that - - -

MR HUTTON: Benambra Road.

MR DAVIES: Yes. Yes.

MR HUTTON: And then turn left into the site, and then we understand now that all the access is internal.

5

MR DAVIES: Absolutely. So all vehicles have to exit – enter and exit the site by the north eastern corner, that access point. That is the sole access point to the site apart from construction of the substation. Now, those vehicles can continue along Benambra Road and access that second access point in the - - -

10

MR HUTTON: Yes.

MR DAVIES: - - - north corner of the site.

15 MR HUTTON: Yes. I'm sorry. I haven't interrogated the conditions in enough detail, but are you satisfied that that is clear from a consent condition perspective in terms of access to and from the site?

MR DAVIES: Yes.

20

MR HUTTON: Yes. Okay.

MR BECKETT: Just – I don't mean to interrupt, but I can confirm that I did have a conversation with the applicant and that the truck counts do include the water trucks.

25

MR HUTTON: Okay.

MR YOUNG: And I guess the only other thing to say, Andrew, is that whilst we undertake an assessment from a reasonable distance, you know, from the project, etcetera, there does come a point where, you know, vehicles, be they light or heavy vehicles, you know, can use the public road network as required to undertake their business. And, obviously, you know, various locations, you know, have their own approvals to do certain things. And so I guess we seek to regulate things within reason, but, you know, will there be trucks associated with the project on some road 20 or 30 kilometres away? Perhaps. But I guess we seek to regulate things more intensely as they closer to the site and there's greater impacts.

30

35

MR HUTTON: To be fair, council's concerns were in proximity to the location. We haven't been on-site yet, but apparently the quality of the road as you move to the west drops away, and they're only designed to take, you know, local farm traffic. So if there was 1600 trucks, you'd be counting movement each way. There was some concern from council. But I think if we can be clear on the entrance and exit points, I think that goes to mitigate that point.

40

45 MR YOUNG: And I think through the process my recollection is that there were additional access points around the site, and we sought to consolidate that to

probably the preferred area where it's closest to the sealed roads and the major, you know, highways and so forth to minimise those impacts on local roads.

5 MR HUTTON: The applicant made that point this morning when they went through the changes as part of their response to submissions. All right. I note and, I guess, acknowledge the inclusion of the condition in the draft instrument around the accommodation and employment plan and the engagement with council. Council  
10 continue to be concerned about the immediate region's ability to accommodate not only this project but the cumulative numbers of people, you know, for what may be a number of projects that may overlap in construction or be back to back, whatever it may be. Did you want to talk to how that plan will assist in addressing that concern? I think I understand it, but I'd be keen just to maybe have a quick conversation around that.

15 MR YOUNG: Sure. I'll kick off and then hand over to the team for more details. Clearly, you know, these sorts of projects attract the greatest intensity of workers, you know, during the construction period, and even within the construction periods, there's, you know, times on-site where there's a greater number of workers than at  
20 other times. You know, we have looked at the overall number of workers for all of the four projects potentially proposed in the Greater Hume area, and, look, the numbers are fairly significant if they were all to occur at once, I think in the order of up to, perhaps, 1000 people, although I think the risk of that occurring is very low, given that they're all going through approval processes or assessment processes at different times and there's a whole range of other, I guess, commercial and  
25 investment, you know, drivers and connection with – getting connection agreements with TransGrid to do the electricity network and so forth. So I think personally, you know, we recognise it. We think the risk is relatively modest.

I guess the other thing to say is that whilst, obviously, the local townships area, you  
30 know, not large towns, Jindera and Walla Walla and Culcairn and so forth, it is certainly within a reasonable distance – there are two, obviously, major regional centres, being Wagga Wagga and Albury. Both of those – I think Albury is around a 30 minute drive, and Wagga is about an hour. Both of those are, I guess, within the limits of occupational health and safety travel distances that construction contractors  
35 would consider are reasonable. And so, you know, as you'd be aware, both those towns are very large and have, obviously, a range of different accommodation options for the workers. You know, none of the projects, as far as I'm aware, has proposed, you know, a dedicated construction camp. I'm not sure that the length and numbers of people and the costs associated with that would warrant that. And I'm  
40 not sure that construction camps of those types are actually in the interests of the community necessarily or, you know, would have unintended or impacts in and of themselves.

45 So I guess the question is, you know, what can be done locally to ensure that the impacts on local accommodation are managed, and our understanding – or our expectation in preparing that plan is that the company would talk to other companies about their construction schedule and how that would work, to minimise overlap, to

talk with the council and other stakeholders that maybe operate facilities in the local towns, but also in Albury and Wagga, and to ensure that there's a clear strategy that's being developed in consultation with those stakeholders, including the other solar operators if those projects are approved, to minimise, you know, the constraints, I suppose, or the impacts on accommodation and so forth in the area.

But, I mean, broadly speaking, I see this as a problem that's good to problem, as a problem that's – rather than a negative, clearly creating jobs and interest in and flow-on benefits to local businesses and so forth, so, I mean, even to the extent of, you know, Orange Grove having accommodation facilities and, you know, potentially those being utilised by people associated with the project. So that's kind of broadly how I saw it rolling out in terms of the implementation. I don't know whether that satisfies you or whether there's anything else that the team wants to - - -

MR HUTTON: I think one question – it's a relatively new condition, I think, that's popped up in the last few determinations. Have we seen it implemented on other developments that have been approved and is there any comments on how effective?

MR YOUNG: Yes. So it is – it's something that's cropped up mostly to deal with cumulative impacts in certain locations. And the second thing to say is it's a condition that has been imported from the mining industry in particular, where you do have not just large construction workforces, but you also have ongoing operational workforces that are in the hundreds, sometimes thousands. So there is a real ongoing need for that. So that's a condition that's been on mining approvals for many, many years.

And, look, it doesn't mean that extra houses are built or that new motels are constructed and so forth, but what it does is ensure that people are consulted, that these things are managed within the constraints of the market and that it would also highlight where there are some pinch points where certain management measures over and above those would need to potentially be considered or implemented. So yes, there are successful, I guess – in inverted commas, successful implementation of these sorts of strategies, particularly in areas where there's a lot of mining projects, and, you know, we can certainly point to some examples, if that would be of assistance.

MR HUTTON: Okay.

PROF LIPMAN: I just had a question in relation ..... commenting on the economic aspects, the negative impacts on existing ..... business.

MR HUTTON: Yes. Sorry. I'm not sure whether it's just me, Zada, but you're breaking up quite badly. I wonder whether if you turn off your video, that will get some bandwidth to enable us to hear you more clearly.

PROF LIPMAN: People would not be buying seed, fertiliser and associated products ..... impact ..... addressed in .....

MR HUTTON: Yes. Sorry, Zada. You break up – was it just me, or did you guys hear that question?

5 MR YOUNG: No. We struggled to hear that, Zada. I think the intent of the question, though, unless I'm mistaken, is how would it impact in terms of competition for workers from the agricultural sector and any sort of unintended consequences on agricultural businesses, etcetera.

10 PROF LIPMAN: ..... agricultural businesses, selling equipment and agricultural ..... that sort of thing. I keep losing connection, unfortunately .....

MR YOUNG: Yes. I'll have an attempt at answering it, Zada, and hopefully that assist and you can let me know if I'm off track.

15 PROF LIPMAN: Thanks.

MR YOUNG: So I guess I would firstly say that, you know, that we see the generation of jobs in the area as a benefit for the region and for the locality and also for the state as a whole, obviously; secondly, that the strategy would be looking at –  
20 and I guess we focused on the accommodation aspect, but there's also a second aspect of that strategy which is around employment, where we'd expect the company to look seriously at how it can engage local people, how it can look at its supply chains and, where possible, you know, encourage use of local suppliers and employers.

25 Now, the flipside of that is, obviously, you know, potential competition for workers in the region, etcetera, that may be currently involved in agriculture. I think I'd have a couple of things to say there. One is that the types of skills and background of people, whilst there may be some overlap, I think the majority of people that would  
30 be employed by these projects, you know, may be unlikely to be already involved in the agricultural sector. Not to say that there wouldn't be some overlap, but I don't think the overlap would be significant. And the second thing to say is that clearly this project is in sufficient proximity to large towns, and I suspect that, you know, there would be a significant number of people who would be employed maybe from  
35 those larger regional centres where there's, obviously, an issue with unemployment at the moment.

So I do see this more as a good problem to manage as opposed to something that would have any material or significant impacts on the ability for the agricultural  
40 businesses and/or agricultural workers to be somehow unavailable to undertake their businesses or how they're employed at the moment. I mean, it's important to say that, as a proportion of the area, whilst these projects are large, that in the scheme of the region and the area, they only take up a very modest proportion of the agricultural land in the region and that clearly, you know, the region will continue to  
45 be relying on agriculture as its principal economic driver.

The other thing to say is, of course, council and other players and the state as a whole likes to see diversification of economies, and renewable energy projects, whilst they're not agriculture, they do present a new and different input into the local and regional economies that, you know, I think, the New South Wales Government is  
5 keen to encourage. So, look, I'm not saying there are no issues to manage and I understand people's concerns. I just think that, in broad terms, I think they can be managed. They're unlikely to have a significant impact on the region and, if anything, that impact would be positive or beneficial.

10 PROF LIPMAN: Thanks for that.

MR HUTTON: All right. Did you or the team have anything else to add to the cumulative impacts discussion broadly? We've spoken – thank you for that response in relation to the jobs and so forth. My understanding is within sort of a 70 kilometre  
15 radius, there would be up to over 8000 hectares of disturbance from a bunch of projects that are proposed or in existence. And you have addressed cumulative impacts in the DAR, but is there any other comments you'd like to make to the Commission around that point in terms of - - -

20 MR YOUNG: Yes. Look - - -

MR HUTTON: - - - .....

MR YOUNG: Yes, Commissioners. I mean, I think the other point that's relevant  
25 to the previous discussion as well is that in each of those sites, the department is seeking to work with the proponents to maximise the ongoing agricultural output on those sites so that it's not, you know, a sterilisation of the entire site going forward however many, you know, decades. That's point number 1. Point number 2 is, of course, as you'd be aware, you know, a solar farm is not an open cut coal mine. You  
30 know, whilst they, obviously, have – limit the agricultural productivity of the site in terms of from a practical or operational perspective, there's nothing inherently damaging about these projects in terms of radically transforming the landforms, the drainage, you know, the soil profiles and so forth, and it can be readily restored or remediated back to productive agricultural use either partially or fully over time. So  
35 it's not a – it's more of a short to medium term as opposed to an in perpetuity type impact on agricultural resources.

That being said, look, cumulative impacts are a very, very significant issue. They're a very significant issue in this part of New South Wales. The New South Wales  
40 Government is keen to encourage renewable energy, but, you know, obviously, there are constraints and there needs to be consideration about the right time and the right place for those. And clearly it's looked at declaring a number of renewable energy zones around New South Wales where it would be seeking to have focused, I guess, the future development of renewable energy projects. That's not to say that  
45 proponents can't and consent authorities can't continue to propose and/or approve renewable energy projects in other parts of New South Wales, but there is a recognition that from a strategic planning perspective it's appropriate that these kind

of large scale renewable projects are managed within particular parts of New South Wales where possible.

5 MR DAVIES: I think it may also be of note – and not directly linked to agriculture, but the economic benefits. So you will note that FRV have entered into a VPA with council on this project, and you will see the general terms of that in the recommended conditions of consent. Now, of course, those projects – those general terms ensure that that money is spent on projects within the vicinity of the site.

10 MR HUTTON: Yes. Yes. Just keeping an eye on the clock. Turning your mind to decommissioning and rehabilitation of the site, given that there's a proposed 30 year project life, we understand from discussions with the applicant this morning that they've made a commitment in their EIS to remove any subsurface infrastructure, even though that may not be the case on all proposals, and so we're pleased to see  
15 that from an agricultural perspective, I guess, to have that moved out. I think – or I note that there wasn't in the draft instrument a proposition to include a decommissioning or closure plan that articulates the closure process. Is that the case that you're proposing to remove that requirement that has been in previous consents and, if so, just some justification around that?

20 MR YOUNG: Thank you, Commissioners. Thank you, Andrew. Mike Young speaking again. The department has, obviously, undertaken the assessment of, I think, north of 40 large scale solar developments around New South Wales. Our standard conditions don't include a decommissioning and rehabilitation plan. We are  
25 aware that there are a small number of projects that have been determined by the Commission where that requirement has been imposed. And I guess, you know, it's – reasonable people can disagree as to the necessity of writing those principles and requirements down.

30 I guess what we've sought to do in our conditions – in our standard conditions is to set the requirements in terms of the objectives and the outcomes and not to – we don't feel that there's a significant need for us to regulate the precise details about how that occurs, as long as those outcomes are achieved. And that is consistent with  
35 a broad approach by the department over recent years to focus on outcomes-based conditioning as opposed to requiring large numbers of management plans about how things might be achieved and leaving that up to the proponent within, obviously, the other constraints around – under other legislation and so forth to achieve those outcomes. So I guess we've recommended conditions that are consistent with the standard conditions for solar projects around New South Wales.

40 MR HUTTON: I mean, one of the concerns, again, raised by council this morning was that it's not necessarily clear what to expect as part of the closure process, and I take that, you know, that can be taken out of the EIS and understood through, I guess, commitments made there. But the second piece was being able to set aside  
45 adequate provisions to ensure that the deconstruction and demolition occurs. You know, you might argue that if it's a \$300 million construction job that it's a \$100 million deconstruction job. Now, that may not be the case, but, I mean, there's –

you've got to bring all the kit in, all the kit out. There's a certain expectation around that. And, I guess, does the department take a view that the responsibility for what happens during closure and the cost of it needs to be, you know, I guess, included in more detail? Is - - -

5

MR YOUNG: Yes. So – no. Fully understand the issue and possibly refer you to some detailed responses the department has made on these issues on other solar farms in New South Wales. Possibly - - -

10 MS BREWER: Orange Grove.

MR DAVIES: Orange Grove Solar.

15 MR YOUNG: Orange – yeah – and maybe Gunnedah. The ones – Orange Grove, which was, I think, near Gunnedah. I know there's the same name we're talking about here. So, look, there's a couple of things to say there. One is that the consent allows the solar panels to be refurbished over time. So it's not clear that – or there's every possibility that they may be there for a considerable period of time. Two is that there's a clear statutory obligation outlined in the consent about  
20 decommissioning and the triggers for that decommissioning and the rehabilitation of the site, and we have clear statutory powers to enforce that on the person carrying out the consent.

25 Now, if there's a question as to whether the company is insolvent or not able to be pursued, in which case the obligations around that would fall to the landowner as the consent applies and goes with the land. So it ought to be a matter that is relevant for discussions between the proponent or the operator of the solar farm and the landowner to ensure those things are properly considered in any long-term – or a lease agreement that may be occurring.

30

Whilst technically there are some – there would be an ability to impose some kind of rehabilitation bond, those provisions and the policy around those provisions has not been finalised, and so there's no real policy framework or statutory framework at this stage that we would consider is sufficiently developed to enable that to occur, as  
35 opposed to, say, within the mining legislation, where clearly there's a sophisticated and mature range of provisions around rehabilitation in the long term, particularly where companies may be going insolvent and so forth and bonds, etcetera. I guess we - - -

40 MR HUTTON: So on that basis, Mike - - -

MR YOUNG: Sorry?

45 MR HUTTON: On that basis, you see it as a low risk that an operator would – let's assume that technology changes rapidly and solar panels don't become – they're not the way that we generate renewable energy in 20 years, which is not a long time in the technology world, and that company decides to not decommission the site and

that, therefore, there's eight hundred – eight thousand – I'm, again, trying to build a picture of, you know, there's a large area of solar farms in New South Wales that there is the potential that the operator would walk away from and, therefore, the responsibility falls back onto the consent holder, which is the landholder – the consent runs with the land – based on that discussion, you see that as a low risk. And I raise this because council today in our discussion expressed some concern about, you know, graveyard solar farms in the future, and so we're just interrogating that discussion point on the basis of those comments.

10 MR YOUNG: No. Fully understand that. And there's a number of things I would say on that, Commissioners. Firstly, that, you know, solar farms are no different to any other type of development, be they warehouses, be they abattoirs, be they, you know, intensive agriculture of other sorts, windfarms, all kinds of things that, obviously, get developed around New South Wales. I'm only aware that a bond process has been put in place for major mining projects, and as I've articulated, there's a whole range of matters under legislation and, indeed, the way that those mineral resources are actually owned by the state, etcetera. It's very different to a private development on land such as this.

20 MR HUTTON: ..... yes.

MR YOUNG: Does it mean that there's not an issue or something that ought to be considered to manage that risk? I guess we see the risk as sufficiently low and the planning requirements sufficiently clear for not just solar farms but for all other developments in New South Wales that it's not necessary or appropriate to be imposing bonds on private developments on land as a matter of course. However, I guess, if the commission considers that there's an issue from a policy perspective that needs to be brought on or developed or considered further, then there's nothing preventing the Commission making that recommendation.

30 I guess what I'm saying is that at the moment there are – there's no precedent for that. There's no policy around that. It's not clear how that would operate. It's not clear how that would apply to not just this project, but other projects, and it's not clear how it would apply to other private developments in New South Wales if it was to be imposed on a single solar project or, indeed, solar projects more generally. So I'm not saying it's not an issue. I guess we feel the risk is manageable. But I guess if the Commission, you know, considers it needs further consideration by government from a policy perspective, happy for that to be a recommendation in your report, if required.

40 MR HUTTON: Yes. No. Thank you for those comments. And it's probably to be fair an issue that's bigger than this particular project, but it's just something that has popped up again in submissions, and I do appreciate your detailed response. Thanks, Mike. That's great. All right. I think, as far as I'm concerned, most of my issues – or certainly all of my initial issues have been addressed in the discussion, which has been very beneficial for us to sort of understand those issues in a bit more detail. Zada, I just wanted to make sure that you were happy that you didn't have any

residual questions that you would like to ask the department, if, in fact, we have not lost Zada. It appears that Zada may have – her connection may have got the better of her.

5 MR BARRY: Zada is still here.

MR HUTTON: Yes.

10 MR BARRY: I don't know what the issue is. It appears that it's just the audio line.

MR HUTTON: Okay. Check she's not on mute, which I don't think I can do. Look, I think, given the conversation that we've just had is transcribed, we'll be able to catch up with Zada if she hasn't been able to, and I guess we will have the opportunity to ask further questions of the department as we move through the process should we need to. So I think on that basis and given the time, I'd just like to thank you all for coming in and giving us a good presentation. Can I also just note the assessment report is very good in terms of its, you know, layout and the readability and key issues, so I just want to acknowledge that. I think they're certainly good reports, and so thank you for that. Makes it easier. All right. Well, I might leave it there. Thank you all for your time and our input, and certainly we will speak again in the future if, indeed, we need to. So thanks very much.

25 MR YOUNG: Thank you so much. Thanks for the Commission. Thanks for the opportunity.

MR BECKETT: Thank you.

MR HUTTON: Thanks.

30 MR DAVIES: Thank you, all.

MS BREWER: Thank you.

35 **RECORDING CONCLUDED** **[1.44 pm]**