

Dear Commissioner

Wallaroo Solar Farm Submission

Thankyou for the opportunity to provide a further submission regarding the Wallaroo Solar Farm. In my opinion there are three significant issues with the proposed development:

1. The location of an alien industrial installation in such close proximity to a large residential population, within an area of significant natural beauty;
2. The lack of consultation in both effort, breadth and detail;
3. The setting of a precedent for further solar projects

Location

The zoning of the subject properties is RU1 - Primary Production.

Infrastructure

The infrastructure to access the subject properties is consistent with what is reasonably required for Primary Production. It is not suitable for a 12-18 month large scale construction project.

Wallaroo is in effect a cul-de-sa, with one way in and one way out via the Barton Highway, where commuters travel at 100km/h. Crossing the verge on any given day is a nervous moment for all drivers, as vehicles travelling from the West come over the crest of a hill with poor visibility.

The roads within Wallaroo are reported to be as narrow as 3m in location, with no shoulder or verge. It is not uncommon for weekend traffic taking the large sweeping bend on Gooroomon Ponds Road towards the winery region to force a resident or car travelling in the opposite direction to pull to the side. There is a bridge on Wallaroo Road which is not weighted for B-double trucks, and as has been raised on multiple occasions by concerned residents, this is a rural road where residents walk their dogs, kids catch the school bus and wildlife cross regularly.

There is already a loophole created by the placement of Wallaroo Road, given that commuters enter the Northern section of the road via the Barton Highway on an ACT Road, crossing over to a NSW Road approximately thereafter. This already creates significant issues with road maintenance as it falls between jurisdictions.

Traffic volumes increase at peak times related to tourism, when visitors come to the highly acclaimed cool climate wineries.. The vast majority of these visitors access the wineries via Gooroomon Ponds Road, often at speed, on roads which they are not familiar with. This traffic is not limited to weekends and starts from about 11.30am.

Proximity to Residential Homes in the ACT

Given the proximity to large residential populations, the Commission must consider this project not only through the lens of a renewable energy project in a rural or semi-rural location, but also through the lens of what constitutes best practice suburban design principles.

Despite the comments of the Senior Planning Director at the Community meeting, there can be no doubt that a reasonable person would assess that if this project were to be proposed in a location within NSW or the ACT, where tens of thousands of residents lived within 5km of this project, it would never have got past the application stage.

The ACT Chief Minister has been quoted as saying that the ACT is not the hole in the donut, but must exist in partnership with the cross-border communities. To my understanding this is why the NSW-ACT Memorandum of Understanding for Regional Collaboration (updated in 2023-2024) was put in place, to foster greater consultation and collaboration as the projects are inextricably linked.

Indeed the NSW Government has a Cross-Border Commissioner appointed to assist in the administration of these matters. As you will see in the section of my submission regarding consultation, the Cross-Border Commissioner was not consulted regarding this project.

Best practice exclusion zones for solar farm installations exist for a reason. Not only do they have no place in an area of significant natural beauty, however they also clearly infringe on the amenity of citizens located in urban, and suburban areas.

Destruction of Residents Equity

In this location it is not sufficient for the Commissioner to rely solely on the planning guidelines. Greater weight must be given to ancillary factors like house prices because of the cross-border nature of the Wallaroo Solar Farm.

The impact on the desirability of properties located within close proximity of solar farms is also now well documented, with a number of academic papers out of the Netherlands in particular referencing the direct correlation between proximity to the solar farm, and the associated fall in house price values. **The gap in this research is that I cannot find any record of a development of this scale within such close proximity to a heavily populated residential area**, however the logic remains, and it stands to reason that the detrimental impact on house prices will be more pronounced.

As one example, the market value of the suburb of Dunlop, most immediately to be impacted if the proposal were to proceed, is approximately \$2billion. Different properties in Dunlop will bear the brunt of this development in different ways based on their proximity to the development. The properties in the immediately affected area, where people have opted to live for the rural outlook will be most adversely affected, and based on an interpretation of the available literature may fall by 15%.

Properties located further into Dunlop and surrounding suburbs will not feel the brunt as much, and may fall closer to the mean of one study, being 2.5%.

If you take a blended rate of 5%, then the impact on market value will be \$100m, and that is just for one suburb.

This does not take into regard the likely impact on properties of a higher value located within Wallaroo where prices will fall a lot more.

Who is going to compensate these owners for the loss in value? Is it fair that a few parties should profit at the expense of thousands of others? The Dyer Report suggests that the community should equitably share the benefits of the transition.

Consultation

The consultation from the developer of the Wallaroo Solar Farm has been poor, as noted by the following:

1. The low number of submissions received from residents of the ACT, and that fact that out of tens of thousands of residents in the ACT who will be affected by this development only two registered to speak at the community meeting is a clear indication of the lack of consultation with residents across the border
2. I personally advised the Chair of the Belconnen Community Council regarding the community meeting held on the 16th July. Had I not made that call, nobody in the ACT would have attended that meeting
3. My neighbours personally advised the Chair of Canberra Tourism, Richard Marshall, of the proposed development and meeting. He was otherwise unaware of the development and I have a copy of his email response regarding the obvious impacts the development would have on Tourism in the region
4. David Marshall subsequently advised Destination Southern NSW General Manager, Richard Everson. Richard was unaware of the proposed development, and subsequently attended the community meeting
5. I personally advised Members of both sides of the Legislative Assembly in the ACT regarding the community meeting, neither of whom were aware of the meeting
6. I personally wrote to the Cross-Border Commissioner to confirm that they had been consulted, and received their confirmation that they had not. A copy of this correspondence can be made available
7. I have personally organised for an engineers report on the load bearing limit of the bridge on Wallaroo Road, as to my knowledge none has been provided. Should the bridge give way, residents of Wallaroo would be stranded from their only point of access

Cultural

Appendix E.5 of the EIS available for display on the NSW Planning Major Projects website details the engagement with the Aboriginal community regarding the Wallaroo Solar Farm.

Section 2.3 of the ACHA details the Cultural context of the report, and states that:

The Proposal Area is located within what today is regarded as Ngunnawal country of the Ngunnawal language group.

The ACHA details the notice placed in the Canberra Times on 21st November 2020, with correspondence sent to various organisations identified by Heritage NSW.

In modern society, placing a notice in the printed version of a newspaper does not meet community standards of 'reasonable' as a method of communication. Indeed the circulation of the Canberra Times is understood to be less than 20,000 copies, or less than 5% of the population.

Knowing that this is a cross-border project it is also erroneous for Heritage NSW or the developer not to consider the register of Ngunnawal organisations, most of whom would be based in the ACT by virtue of the geography of Ngunnawal country.

Indeed of the organisations identified in the ACHA as having been contacted, to the best of my knowledge, none of them represent the Ngunnawal people.

By extension, enquiries with Ngunnawal Kamilaroi custodian, Richie Allan from the Traditional Onwers Aboriginal Corporation (TOAC) where he manages cultural awareness, education and Ngunnawal relationships inform that neither Richie, nor TOAC were consulted with regarding this project, but provided with a copy of the survey report for comment thereafter. They, nor their fellow Ngunnawal mob, were included in the survey process.

Section 3 of the ACHA provides limited detail on the degree of consultation with the community, and suggests that only two responses were received from the community from:

- Gunjeewong Cultural Heritage (Gunjeewong)
- Murri Bidgee Mullangari Aboriginal Corporation

Searches for Gunjeewong return no information, aside from a prosecution for failure to lodge reports in 2012-2013, handed down in the Lithgow Court.

Gunjeewong provides a comment in August 2017 related to an Anglican Schools development in Rouse Hill in Sydney, which states that:

Our corporation would like to register and (sic) interest in Rouse Hill Anglican School, Schofields Project. I was born and lived in the area all my life. Our family members and I went to the vineyard public School, we lived in humpies in vineyard. My corporation has done many projects in the Rouse Hill, Marsden Park, Pitt Town and Schofield's area. I have been doing site officer projects for over 30 years. Our members have the cultural knowledge of this project, as an Elder I have been handed down stories and the cultural knowledge that is needed to be a site officer for this project.

ASIC records for Murri Bidgee Mullangari return that the name of the organisation appears to have been modified in 2016 to Murra Bidgee Mullangari Aboriginal Corporation.

A search returns a response of the exact same content on the same date as the Gunjeewong response to the Rouse Hill letter.

It could appear unusual that an organisation with concerns for “place” based on their heritage in Sydney, and administered by a Court out of Lithgow, would be consulted, or respond confirming they were happy with the draft assessment for a development in another region.

To help inform this submission, and as part of developing our own understanding of the significance of the region to the Aboriginal people, we engaged Richie to visit the area which he did on Saturday 27th July. Richie explained that the region of Wallaroo is a sacred women’s place, with a pre-natal area located close to the entry to Wallaroo Road from the Barton Highway, and that there are a number of important sites in this specific location which mean that the road cannot be widened.

More broadly, Richie described how the women would travel from One Tree Hill to the North West, down via Ginninderra Creek, making their way to Ginninderra Falls further South where they would birth their babies.

Richie describes an area of rich cultural significance which far exceeds being just a location of stone artefacts left from the men who could not travel along the creek itself, but instead moved through the mountains to the West of Wallaroo. The area is described as a food bowl, where kangaroo, wombat and various grasses were part of the diet, and is evidenced by the large amount of kangaroo grass still growing on properties in the region.

Richie confirmed the significant damage that will be done to the habitat through the increase in temperature which the solar panels will create, the change in flight patterns of bird life and bees, as well as the disappearing of kangaroo’s from the area who cannot easily graze below the panels due to their mode of transportation.

Whilst the developers report provided a detailed history of the impacts of colonisation in the area, it did not attend to any of the spiritual or cultural heritage of the place. This is due to the lack of adequate consultation with groups associated with the area.

Tourism

As mentioned previously, based on current accessibility, Wallaroo is in effect a cul-de-sac, with one entry point in and out via the Barton Highway onto Wallaroo Road. Signage from both directions on the Barton Highway identifies the cool climate wine region accessible via Wallaroo Road.

Entry onto Wallaroo Road immediately showcases “open” or “closed” signs for wineries in the region.

Two venues in particular, Brindabella Hills Winery and Nick O’Leary Wines, are establishments of national acclaim for their cellar door and wedding venues, and feature heavily in Yass Valley Council promotion for Tourism to the area.

An email sent to Dr David Marshall, Chair Canberra Region Tourism Leaders Forum, sent by myself on 11th July inviting him to attend our property advised that:

“I fully understand the scale of this project will impact the desirability of the region for visitors and the flow-on effects to those in the tourism and hospitality sectors and other residents”

“The Destination Southern NSW tourism General Manager is Richard Everson, and his Chair is Kalina Koloff, prominent NSW business owner and the NSW Cross Border Commissioner. These are the people needed to be activated.”

Tourism Southern NSW General Manager, Mr Richard Everson subsequently attended Wallaroo with his ACT counterpart, Dr Marshall. Mr Everson also came to the community meeting.

Mr Everson has indicated that Destination Southern NSW will be writing a submission to oppose the development.

When queried by the Commissioner at the public meeting as to whether or not NSW Planning had consulted with the relevant Tourism bodies, Mr Iwan Davies, Senior Planning Officer within NSW Planning stated words to the effect that “no we have not”. This comment is available on the livestream recording from the meeting.

The lack of awareness of the need for consultation regarding Tourism means that NSW planning has not considered the impact to traffic and road users, but also the potential changes in micro climates which have the potential to critically impact growers in the region. No data or information has been provided to those who operate as primary producers in the region within the current zoning requirements, to help inform their view, or to consider the cost of the installation on a tourism level.

Best Practice framework - The Dyer Report

The Australian Energy Infrastructure Commissioner (AEIC) conducted an independent Community Engagement Review.

The Minister for Climate Change and Energy commissioned the Review in July 2023 to advise on improving community engagement on renewable energy infrastructure developments.

The Review sought input from a range of stakeholders, including landholders and community members living close to developments.

The Review was completed at the end of December 2023 and identified opportunities to ensure community support and participation in Australia’s renewable energy transition.

The Review was released in February 2024 and made 9 recommendations for renewable energy projects. The Australian Government accepts in full or in principle all recommendations from the Review.

Has the Commissioner considered the project through the lens of the Dyer Report?

Finally, the Commissioner also needs to consider that if they were to approve this project that they would be setting a precedent for industrial scale developments in such close proximity to suburban locations. There is no doubt that the international solar development community will closely observe the Commissioners decision, with a view to selecting ever more proximate locations to suburban populations for projects of this nature.

The flow on effect is of course greater community pushback as the Commissioner is experiencing, which will ultimately slow down the rollout of the Government's renewable energy agenda.

Renewable projects in the right location, with strong community consultation and support, make good policy and common sense. Renewable projects in cross-border locations, zoned for primary production, within the immediate proximity of tens of thousands of residents where the community has not been well consulted and is not supportive, does not.