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## TRANSCRIPT OF PROCEEDINGS

## TRANSCRIPT IN CONFIDENCE

O/N H-966110

INDEPENDENT PLANNING COMMISSION

MEETING WITH GUNNEDAH SHIRE COUNCIL

**RE: GUNNEDAH SOLAR FARM** 

PANEL: ANDREW HUTTON

TONY PEARSON ANNELISE TUOR

ASSISTING PANEL: DAVID KOPPERS

**ALANA JELFS** 

GUNNEDAH SHIRE COUNCIL: CAROLYN HUNT

ANDREW JOHNS JEREMY BARTLETT DANIEL NOBLE

LOCATION: GUNNEDAH SHIRE COUNCIL

**63 ELGIN STREET** 

**GUNNEDAH, NEW SOUTH WALES** 

DATE: 9.05 AM, FRIDAY, 30 NOVEMBER 2018

MR A. HUTTON: Right. So – thanks. I think we will make a start. Thank you very much for making your time available today to meet with us. Good morning and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to their elders past and present.

- Welcome to this meeting with council on the development application SSD 8658 in relation to the Gunnedah Solar Farm from Gunnedah Solar Farm Proprietary Limited, the applicant, who proposes to develop a 150 watt megawatt solar farm approximately nine kilometres north-east of Gunnedah within the local government area. My name is Andrew Hutton. I am the chair of the IPC panel. And joining me are my fellow commissioners Tony Pearson and Annelise Tuor. Also from the Commission's Secretariat, I've got Alana Jelfs, David Koppers and Troy Dayton joining us here today. What I might do is just get you to introduce yourselves from council. If you could just do that, that would be great. Thanks.
- MR A. JOHNS: I'm Andrew Johns. I'm the Director of Planning and Environmental Services.

MR J. BARTLETT: I'm Jeremy Bartlett. I'm the Director of Infrastructure Structures.

MR HUTTON: Thanks, Jeremy.

MS C. HUNT: I'm Carolyn Hunt, the Manager Development and Planning.

25 MR D. NOBLE: Daniel Noble, Chief Engineer.

MR HUTTON: Thanks, Daniel. Thanks very much. In the interests of openness and transparency and to ensure that we fully capture the information today, the meeting is going to be fully recorded and there will be a full transcript that will be produced and made available on the Commission's website. I will just ask that when you respond to a question that you make yourself known, to assist us with that transcript. This meeting is one part of the Commission's decision-making process and it takes place at the preliminary stage of the process and it's one form of the several sources of information that we use to base our decision.

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It is important for the Commissioners to ask questions of the attendees and to clarify issues whenever we think that it is considerate. And if you are asked a question and you are not in a position to answer, please feel free to take that question on notice and provide additional information in writing late which we will then also put up on the website. Okay. We will begin. And, once again, thank you for coming along today. I guess we're just interested to get your initial feedback on the Department's assessment report around the proposal. If you have any feedback or any initial comments that you might have or – happy to start there.

45 MS HUNT: The submission that council put in is – has been addressed in the report. The only concerns that I would probably raise is the traffic management plan.

And I think the condition actually says that they prepare it in consultation with council and then the Secretary signs it off. Probably request that it's approved by council or not just in consultation – more – that they just haven't consulted – that we actually are happy with the traffic management report because most of the things that we raised in our submission are listed to go into that traffic management report. So we're just hoping that they do go in there. We did raise the monitoring of the traffic. We were concerned with the way the haulage routes were going. I think the larger vehicles were going down the old Blue Vale Road. We're just hoping they don't come in from the Keepit end, the other way, that they are required to come in that way, especially the light vehicles, as well.

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MR HUTTON: Right. So there's a plan in the assessment report that shows the proposed heavy vehicle traffic route - - -

15 MS HUNT: Yes.

MR HUTTON: - - - during construction.

MS HUNT: Yes.

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MR HUTTON: So that's - - -

MS HUNT: The heavy vehicles should – I don't think they can go the other way

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MR HUTTON: Right.

MS HUNT: --- physically, but it's more the light traffic. If they are using contractors from other towns instead of just, well, coming from Tamworth. They 30 tend to take the shortest possible route and if there's going to be, like, the 125 vehicles a day or whatever they're proposing coming from the other end, which is unsealed road - - -

MR HUTTON: Yes.

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MS HUNT: --- then that hasn't really been addressed ---

MR HUTTON: Okay.

MS HUNT: --- if they aren't going that way. 40

MR HUTTON: Yes.

MS HUNT: So it's more in terms of how that's going to be monitored.

MR HUTTON: Yes.

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MS HUNT: The other - - -
     MR HUTTON: So – sorry – for my – that's coming off the Tamworth Road and
     coming in - - -
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     MS HUNT: Yes. Through Keepit - - -
     MR HUTTON: --- on the other side of the – yes.
     MS HUNT: Yes.
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     MR HUTTON: I know now. Yes.
     MS HUNT: Then coming in that way.
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     MR HUTTON: Yes. Thank you. Yes.
     MS HUNT: Also, with the school bus, there is, like, I think they did condition 50
     heavy vehicles a day - - -
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     MR HUTTON: Yes.
     MS HUNT: --- traffic movements, plus the light vehicles. So to fit the school bus
     in that time, yes. It would be a concern, yes, how that's going to work. So that
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     would obviously be addressed in the traffic management plan.
     MR HUTTON: Yes. So interaction with the school bus timeframe?
     MS HUNT: Yes. If they've got heavy - - -
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     MR HUTTON: Do you know what time the school bus runs on that - - -
     MS HUNT: I think it said 8 o'clock and about – it's probably about 3.30, 4 o'clock
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     MR HUTTON: Yes. So that's the start time and then it obviously has to go down
     and pick up the various - - -
     MS HUNT: Yes.
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MR HUTTON: - - - kids and things - - -

MS HUNT: Yes.

MR HUTTON: --- yes.

MR T. PEARSON: And is it your view that the school bus should operate separately to the construction traffic or that they can operate concurrently but with enhanced safety - - -

5 MS HUNT: Maybe if they - - -

MR PEARSON: --- guidelines?

MS HUNT: --- do like the Americans do is pull up and wait or something like that, so the kids are on the bus, so it is safe, like, you can still operate at the same time. It's more that they're not flying past at 80 Ks an hour when the kids are getting on and off the bus.

MR JOHNS: And it's probably worth – Andrew Johns. It's probably worth noting that there wouldn't be a whole lot of enforcement of speed limits out on that road, given the nature of the road, so it's not likely that there's going to be a Highway Patrol sitting out there and - - -

MR HUTTON: Yes.

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MR JOHNS: --- pinging trucks for overtaking buses at greater than 40.

MR HUTTON: Yes. Okay. And, as you're aware, we're going to visit the site later today, so we will take a look at that general proximity – get a sense of it, so - - -

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MS HUNT: And there is no bus pull-off areas, as such, so the bus does tend, depending on the time of day, might stay partly on the road - - -

MR HUTTON: Right.

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MS HUNT: --- because obviously can't get all the way off.

MR HUTTON: Yes.

35 MS HUNT: So if you've got heavy vehicles coming past, they may just need to stop and wait till the bus moves before they go.

MR HUTTON: Yes.

40 MS. A. TUOR: Annelise Tuor. Are you happy to have those matters addressed, though, in the traffic management plan?

MS HUNT: Yes.

45 MS TUOR: But it's – you want an approval role in that plan, not just a consultation role - - -

MS HUNT: Yes.

MS TUOR: --- is that what you're saying?

5 MS HUNT: In the actual preparation of the plan approval role and also the monitoring to be obviously done by the company – them doing it more so than council sitting out there doing the monitoring of that.

MS TUOR: So is there anything in the condition at the moment about monitoring?

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MS HUNT: They do – I think it mentions it. They've got driver code of conduct, then travelling speed, so that's why I was requesting that council approval – will have some sort of approval role in that traffic management plan, so we make sure that it is in there, more so than just consultation.

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MS TUOR: But in terms of the monitoring, you want that to be added to this traffic management plan as being something that should be considered - - -

MS HUNT: Just - - -

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MS TUOR: --- or it needs to be stated that the monitoring should be undertaken?

MS HUNT: Probably just stated and, yes, detailed – quite detailed in the actual traffic management plan.

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MS TUOR: That it be undertaken – monitoring be undertaken - - -

MS HUNT: Yes.

30 MS TUOR:

MS TUOR: --- by the proponent?

MS HUNT: Yes.

MR HUTTON: Okay. That's – thank you.

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MS HUNT: The other issue I would like to raise is the landscaping – acknowledge that they're putting a landscaping buffer in, but they're also putting for flooding drop-down fences, so the actual landscaping may impact if it's 10 metres wide on the actual flow of floodwaters too. So I don't know how they're going to work to maintain that flow of floodwaters if the trees – the landscaping is there, as well.

MR HUTTON: Yes. Okay. There's a commitment to road upgrades as part of the proposal. Have you got a view on that upgrade commitment or - - -

45 MR NOBLE: Yes. Daniel Noble, Chief Engineer. There's a lot of detail in the Environmental Impact Statement around the protocol for a road maintenance agreement but we haven't really been consulted on in regard to what that will entail,

so I think that's sort of what Carolyn was alluding to previously. Whilst the developer has made comments around this maintenance protocol, we haven't really been consulted on what that will involve and how that will work, so I guess from council's point of view, it would be advantageous to have that all determined prior to construction commencing. Not to say that any of that is unattainable, but I think we just need to be able to communicate with the developer and have some leverage to

MR HUTTON: Yes.

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MR NOBLE: --- ensure they meet those requirements prior to the construction commencing.

MS TUOR: So at the moment the draft conditions have condition 4 and 5 that deal with road upgrades and cost sharing the road upgrades. Are you saying that that's not adequate, that - - -

MR NOBLE: Not to say that that's not adequate. I think the maintenance around Orange Grove Road is probably the area that hasn't been quite clearly defined, in my opinion, but – yes. I suppose the condition that the protocol – the maintenance protocol will cover that. I would just like to that occur prior to construction commencing.

MS TUOR: So it's not actually an upgrade of Orange Grove Road. It's more an ongoing maintenance ...

MS TUOR: So it's not actually an upgrade of Orange Grove Road, it's more of an ongoing maintenance upgrade; is that - - -

30 MR NOBLE: Correct. Yes.

MR HUTTON: Yesterday at the public meeting, there was a comment by one of the speakers about road upgrade works have already commenced and we're just unsure what that may have been a reference to.

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MR NOBLE: So I believe, on Old Blue Vale Road, there has been some shoulder widening occurring. So, at the moment, there's some sealed sections there that are only three and a half metres wide, so obviously with trucks and light vehicles passing, you have to get on to the unsealed shoulder, which presents a hazard. The extent of that I would have to take on notice how far that works actually goes to know whether - - -

MR HUTTON: But that's council works?

45 MR NOBLE: Correct. Yes.

MR HUTTON: Yes. Okay. Yes. Yes. I just wanted to clarify that point. Okay. Any other specific issues that council wanted to raise? Got a couple of questions, but

5 MR JOHNS: I guess the one point that – Andrew Johns – one point we spoke about earlier was the maintenance of those drop-down fences.

MR HUTTON: Yes.

- MR JOHNS: We just want to make sure that, if there is a large flood event and they're damaged, that they're replaced with more drop-down fences, and I guess just an ongoing watch and brief of the potential impact of flood waters, making sure that the fences are going to be the solution to that problem.
- 15 MR HUTTON: Yes.

MR JOHNS: Yes.

- MR HUTTON: Yes. One of the other items I just wanted to ask you about was there's a construction period proposed and there will be quite a large influx, I guess, of construction workers and contractors, etcetera. I'm just interested in your view around the town, the council area's capacity to handle those type of workers coming to town. Any views?
- 25 MR JOHNS: I guess, from a council perspective, it's a problem that we're already experiencing.

MR HUTTON: Yes.

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- MR JOHNS: Not a problem. It's, you know you could argue that it's a good thing for a town to have an influx of people, and we've obviously got a number of mining operations operating in the area, so accommodation is already at a premium, both, you know, houses for sale and also rental accommodation. You know, that does put, you know, an upward increase on the price of rentals in town, so there is certainly a
- housing affordability issue in town and I think an influx of more workers will only sort of increase that issue. Look, I think the town is fairly resilient, you know, and I think the town will benefit from having more people spending money in the town. There is certainly a concern, particularly the cumulative impact of this development and others that are happening at a similar time.

MR HUTTON: Yes. Yes. Okay. Thank you. Just some questions – I might have Annelise lead this around – the subdivision proposal to subdivide the land and some of the processes as part of the DA.

45 MS TUOR: Sure. At the moment, the Department of Planning's report indicates that part of the proposal includes subdividing the lot – the main lot into three new lots. One of them, from memory, would be for the developable area, one of the

substation and the remainder would be maintained as farming. We don't actually have a subdivision plan at the moment, although I understand that the proponent has indicated that they will prepare one, and there's also some comments in the department's report saying that there's a prohibition on subdivision, which presumably is to do with minimum lot size, and there's a question of whether that's a prohibition or a standard.

So, I suppose, initially, the question is just how do you see subdivision working, because you will be the people that actually will be approving the final sign-off on 10 the subdivision, and if there is any technicality in terms of prohibitions, etcetera, you then don't actually have the power to approve it, whereas I think, at this stage, there is the power to approve a subdivision if it's non-conforming. So that's one aspect. The other aspect is that the actual development site, when you look at the figure – or attachment 1, which shows the indicative boundary of the development site, things 15 like the APZA and the landscaping are outside that area, in which case the maintenance of those assets, or of those facilities, would not be – the burden of that would not be on the proponent, it would be – there would have to be some sort of arrangement. So I think our feeling is that the developable area should be enlarged to include the APZ and any landscaping so that it's clear that it's part of the 20 development area. So it's just your comments on those two things.

MS HUNT: In regard to the subdivision, I've spoken to the Department of Planning for this development and the other solar development and I did raise about the minimum lot size and regarding the substation. There apparently is a clause under the infrastructure SEPP where the department can approve the subdivision for lower than the minimum lot size for the substation. We did request in our submission that the remaining land outside the development be consolidated into one lot for farming, but – yeah – I do agree that the APZ and the landscaping buffer should be within the development site, because I don't think you can put an APZ on a neighbouring property.

MS TUOR: But – good – but how do you actually approve the subdivision under the SEPP if you don't have a plan of subdivision?

MS HUNT: Well, it should be as part of this proposal, the subdivision, because – yeah – the development – we can do it under clause 4.6 to vary the minimum lot size to create subdivision, but – yeah – it would be preferred that it is done as part of this development. Council will obviously be issuing the subdivision certificate, but the department should be approving the subdivision for this purpose as part of this development.

MS TUOR: So, technically, if you didn't have a plan approved as part of this development, then, in theory, there would have to be a further application - - -

45 MS HUNT: They would have to lodge – yeah.

MS TUOR: --- with the plan and a clause 4.6 at a later stage.

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MS HUNT: Yeah.

MR JOHNS: Andrew Johns. I've got, I guess, a bit of a concern about the legacy of the development going forward in terms of 30 years' time if the solar farm becomes redundant. If the panels have passed their use-by-date, they get removed. Just the issues with potentially having those three lots that are under the minimum lot size, and whether there's potential down the track for residential dwellings to be built on those and what impact that might have on existing farming operations in the area.

10 MS TUOR: Are they all going to be under the minimum size, or it's just going to be the subdivision one?

MR JOHNS: It would be the subdivision one.

15 MR HUTTON: No. Substation.

MS TUOR: Substation. Sorry.

MR HUTTON: Substation. Yes.

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MS TUOR: Yes. Substation one.

MR HUTTON: Which I think, under the proposal - - -

25 MS HUNT: Yeah. It would only be the substation.

MR JOHNS: Yeah. Okay.

MR HUTTON: --- would remain a substation even after the ---

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MR JOHNS: Okay.

MR HUTTON: That's my understanding.

35 MS TUOR: Yes. I think that's what they said at the meeting, that - - -

MR JOHNS: Okay. That's ---

MS HUNT: I understood the substation would be remaining there after the

40 development.

MS TUOR: Yes. Yes.

MR HUTTON: Yes.

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MS HUNT: I think the Essential Energy requested it to stay.

MR JOHNS: That's less concerning.

MS TUOR: Yes. So that probably addresses your concern.

5 MR JOHNS: Yes. It does. Yes.

MR HUTTON: Thank you for raising that. It's good. Yes.

MR JOHNS: Yes.

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MS TUOR: So just on that, in terms of 30 years, I suppose some of the other concerns – or issues that we've been considering is the decommissioning and, at the moment, I think it's fairly broad, the condition of that decommissioning, but – so whether there should be actually a decommissioning plan that needs to get submitted and for approval at some point, and also whether council put its mind at all to whether there were any mechanisms to actually require some sort of bond, or VPA, or whatever, to ensure that there was – at the point when decommissioning occurs, that it would happen. So just whether you had any thoughts on that or put your mind to it.

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MS HUNT: From what I read in the application, it was going to be decommissioned and everything was going to be removed from the site except for the substation, but there was also the rider in there that, should other technology become available, it may extend beyond the timeframe.

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MS TUOR: But in the event that there was no applicant – the proponent had disappeared, and so, you know, there was no one necessarily to do the decommissioning, did you put your – think about that at all, as to whether there's any mechanisms that could ensure that that didn't occur in the unlikely event that it could occur?

30 occur?

MS HUNT: Not specifically. Not in our submissions.

MS TUOR: Yes.

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MR JOHNS: I guess the potential for a bond could take care of that. I guess, ultimately, it will be the owner of the land that will be burdened with that responsibility, so I would like to think that they have done their due diligence in that regard, but, certainly, you know, a bond, or bank guarantee, or something, for a sum of money that will be available to the owner in order to be able to decommission that site should the company go bankrupt or not be around when that happens.

MR HUTTON: All right. Thank you. We're just interested about the inclusion or otherwise of a voluntary planning agreement, a VPA. Was there any discussion that council had around a VPA in relation to this project?

MS HUNT: It was raised in the submission as a proposal that one should possibly be given. We were advised by the department, because of the benefits of all the construction workers then on the community, that it wasn't a consideration to go for this particular application, but – yeah – it was raised in the submission. I think we have since had contact with the developer about possibly, but not as part of this development consent.

MR HUTTON: Okay.

- MR JOHNS: It was talked about a community fund that basically looked at the developer contributing to, you know, social groups in the town in terms of solar power. I guess, just back on to the VPA issue, it certainly was something that was raised in our front room. The elected council were quite keen for there to be a VPA, and the VPA is something that we're very familiar with, with all the mining developments we have around, so there was an expectation from the elected council
- developments we have around, so there was an expectation from the elected council that there would be something done in that regard, but, as Carolyn said, we sort of got a pushback from the department on that.

MR HUTTON: All right. Tony, do you have any - - -

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MS TUOR: So - - -

MR HUTTON: Sorry, Annelise. Yes.

- MS TUOR: --- just on that. So in terms of the department's opinion was that the construction workers would bring benefits to the town and therefore there wasn't a justification for a VPA ---
- MS HUNT: And they did look yeah they did look at the construction timeframe as well, and the long-term employees that would be out there once construction had finished I think was limited, so the it came to the conclusion that it wasn't yeah subject to a VPA.
- MS TUOR: Because, in the short-term, the number of construction workers would bring benefits that would outweigh the burdens that - -
  - MS HUNT: Yeah. And most of the impacts were on traffic in our local roads, so that's where the traffic management plan was quite detailed. So they did offset it with that detail so the impact from the development, which is primarily traffic because the social impacts are difficult to manage, and yeah.
  - MR NOBLE: I'm not sure that the department has actually done any there's no science or complicated calculations to come to that conclusion, but I would definitely say that it would be an impact on the social infrastructure within the town,
- particularly taking into account the aforementioned issue of cumulative impact. I just think that's going to be something that and there's no doubt that an influx of,

you know, any significant number of people into the town will put pressure on the town.

MS TUOR: Sure. And your discussions with the actual proponent themselves, they were more supportive of the concept of some sort of - - -

MR NOBLE: Not so much.

MS TUOR: No?

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MR NOBLE: Well, to be honest with you, I really think it was them approaching us about this sort of fund of money that they're going to make available for community reps to apply for dollars. It's not going to necessarily go to council's infrastructure or, you know, the services that council provides.

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MR HUTTON: All right. Not sure, Tony, whether you had any additional questions or you're happy?

MR PEARSON: No.

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MR HUTTON: Okay. I don't have any more specific questions, other than to say were there any additional comments that you would have on the draft conditions as presented? I note your comments around the roads and the transport plan, but we would welcome any other feedback from council on that draft, if there was any

25 feedback.

MS HUNT: No. I didn't have any other. They were the only ones raised.

MR HUTTON: Great.

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MS TUOR: I've just got a couple.

MR HUTTON: Please. Yes.

35 MS TUOR: So just in terms of you – I think you mentioned that landscaping may impact on flood behaviour. So what would you say needs to happen in that respect?

MS HUNT: I have no idea. In that – I was only looking at – they're putting dropdown fences along the boundaries, but they're also doing landscaping. I don't know whether it has been considered that a 10-metre landscaping buffer may impact. I don't know – I've only seen the plan of where it was going to go, not the actual drawing for the landscaping, so, to be a buffer, it will impact on flooding, I would assume, because if you had to have the trees close enough to be a buffer, then it's close enough to stop debris as well. So I don't know how it's going to be addressed in the landscaping plan to do that – how you fix that impact, because it seems kind of – you can't have both.

MS TUOR: But it's something that you think can be addressed through a condition that, you know, the landscaping plan – flooding implications of it be assessed or - - -

MS HUNT: Possibly. Yes.

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- MS TUOR: Okay. And then, in terms of flooding, at the public meeting yesterday, there was quite a lot of local knowledge presented at the meeting about flooding behaviour. There was I don't think any statement is made that the actual assumptions in the flood modelling were incorrect, although I think there was implied that it was done by people that weren't locals and therefore perhaps didn't have an in-depth knowledge, but, in terms of your assessment of the flood modelling, you're happy that it accurately reflects the actual behaviour of floods in this area?
- MS HUNT: I think what you need to realise that every flood is different. It's not always easy to model. They have used all the previous models and all the available information. It is a case of no flood is the same as the previous one. So I think where in regards to the fencing and the dropdown fencing, reading one of the conditions, there was that clause where it would be monitored so if it didn't work or there is the opportunity to change the proposal, as long as that still remains in the conditions of consent, because it may not work. Until you actually get a flood event to test it, it's always modelled and proposed, it's not guaranteed, but there is that concern with fencing and I think most of the locals out there do realise that it's the type of fencing that's probably the main concern.
- If you had plain wires where the floodwaters could go through, it would be less of an impact, but because it's more security-type fencing, the build-up of debris and the damage that results from the build-up of debris yeah it changes every flood, so there is that impact on surrounding residences out there that could get flooded; not all houses above the flood level out there. So where 10 mill may not be a big difference in one paddock, it could be whether it goes into a house or not.
- MS TUOR: Yes. I mean our understanding of reading the department's report is that, even without the dropdown fencing, supposing the modelling indicates that it's not a you know, that it's not an impact essentially, that it meets the requirements of the relevant policies. And when you look just at the tables, the actual levels and the velocities don't seem to be that great, so I suppose it's just getting your local knowledge as to whether you consider that's - -
- MS HUNT: Yeah. The flooding out there is slow, it's not like rapid flash-flooding, so there is that room. It's more the build-up of debris and, out there, there a number of irrigation channels, fencing, that are already existing, so everyone is particularly concerned with flooding and anything that is a structure that is going to potentially stop flood waters. Yeah. I don't have the answer with the flooding in that regard. I don't know whether they should do a peer review of the flooding to check that, based on their assumptions, where that has been done. I can't see it anywhere in the report.

I know they have put the data up – they have amended the flood study with the data, but whether that should be peer reviewed to confirm that, and that peer review could include the local knowledge out there; go out and speak to the flooding. Our one-in-one-hundred event – well, the closest we have is 1955, which is quite some time ago, so obviously the levels change over time with the stories, but – yeah – the flooding is an issue. There is a lot of flooding out there that does feed in from different areas, not just the Namoi, that does come across the floodplain there.

MS TUOR: Okay.

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MR HUTTON: All right. Well, I think, unless you have any other comments, that's our questions and thoughts today. I would just like to take the opportunity to thank you for your time this morning and coming along and contributing. So I think what I will do is I will call the meeting closed and thank you very much.

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MS HUNT: Thank you.

MS TUOR: Thank you.

20 MR NOBLE: Thank you. All the best.

MR JOHNS: Thank you.

25 RECORDING CONCLUDED

[9.33 am]