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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT OF PLANNING AND ENVIRONMENT

RE: GUNNEDAH SOLAR FARM

PANEL: **ANDREW HUTTON, Chair**
TONY PEARSON
ANNELISE TUOR

ASSISTING PANEL: **DAVID KOPPERS**
JORGE VAN DEN BRANDE

DEPARTMENT REPRESENTATIVES:
CLAY PRESHAW
DIANA MITCHELL
NATASHA HOMSEY

LOCATION: **IPC OFFICE**
L3/201 ELIZABETH STREET, SYDNEY
NEW SOUTH WALES

DATE: **9.35 AM, MONDAY, 19 NOVEMBER 2018**

MR A. HUTTON: All right. Well, thank you for coming in. Monday morning is always a good start. So good morning and welcome to the meeting. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, the Gadigal people, and pay my respects to their elders past and present.

- 5 Welcome to the meeting today on the development application SSD 8658 in relation to the Gunnedah Solar Farm from Gunnedah Solar Farm Proprietary Limited, who are the applicant, who proposes to develop a new 150 watt megawatt solar farm about nine kilometres north-east of Gunnedah within the Gunnedah local government area. My name is Andrew Hutton and I'm the chair of this IPC panel. Joining me
10 are my fellow commissioners Tony Pearson and Annelise Tuor and the other attendees at the meeting are Clay Preshaw, the director of Resource Assessment, Diana Mitchell, senior environmental assessment officer, Resource Assessment and Natasha Homsey, environmental assessment officer, Resource Assessment.
- 15 In the interests of openness and transparency and to ensure the full capture of the information today, we will be recording the meeting and a full transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's decision-making process and it is taking place at the preliminary stage of the process and it will form one of the several sources of
20 information upon which the Commission will base our decision. It is important for the Commissioners to ask questions of attendees and to clarify issues when we consider it is appropriate. If you are asked a question and not in a position to answer, please feel free to take the question on notice and provide any additional information in writing which we will also put on the Department's website.

- 25 I might also ask that when we are speaking for the first time, if you could just use your name, so that we can capture that for transcribing purposes. All right. I think we will begin. So, once again, thank you again for coming in. We're quite keen to hear from your side, I guess, initially, your initial thoughts and feedback on the
30 application as it stands. So I might hand to you guys to kick it off and then the process will be we will ask some questions as we move through the process, so thank you.

- 35 MS D. MITCHELL: Yes. Sure. Yes. No worries. Sounds good. And you want me to give a brief, sort of, outline of what our recommendation is - - -

MR HUTTON: Yes. Please. Yes.

MS MITCHELL: - - - and the reasons for it?

- 40 MR HUTTON: Yes.

MS MITCHELL: Yes. Sure. Not a problem. Have you already had a chance to read through the report?

- 45 MR HUTTON: Yes, we have.

MS MITCHELL: Yes.

MR HUTTON: Yes. Thank you.

5 MS MITCHELL: Yes. Sure.

MR HUTTON: Yes.

10 MS MITCHELL: Sounds good. Yes. So you would see that our recommendation
is to approve the project and that's after a really detailed and careful consideration.
There are a few constraints on this site, particularly in regards to flooding issues as
it's located within the Namoi River flood catchment.

15 MR HUTTON: Yes.

15 MS MITCHELL: And so that was really our, sort of, primary issue in terms of our
consideration as well as the land use compatibility given that it's located on
agricultural land that's being used. So those were our two key concerns. And this
might come up later in the questions, but you will see that the proponent has done
20 quite a lot to modify the project, to take on the concerns of the community in order to
minimise the impacts of the project. And we thought that the proposal put before us,
on balance, was the best – was a project that could be approved with minimising the
impact on the environment and community. So I think we will probably go into the
detailed questions, I think - - -

25 MR HUTTON: Sure.

MS MITCHELL: - - - in terms of – yes.

30 MR HUTTON: Andrew Hutton. In relation to the feedback from community and
agencies - - -

MS MITCHELL: Yes.

35 MR HUTTON: - - - was that through the response to submissions process or was
there another process that the applicant ran as part of the application? Could you
- - -

40 MS MITCHELL: There was a process before that - - -

MR HUTTON: Yes.

45 MS MITCHELL: - - - the response to submissions. So if you have a look at the
preliminary environmental assessment that was initially prepared, you will see that
they were looking at potentially developing a much larger site than they put forward
in the Environmental Impact Statement.

MR HUTTON: Yes.

MS MITCHELL: There were three key considerations that I understand the proponent took into account in, sort of, coming up with their final development footprint. The first one was looking at visual impacts primarily from residents located to the north, along Tudgey Road, as well as the nearest resident which is located to the south-west. They also set back the project from Orange Grove Road because that's the primary area of the site that would have been impacted by flooding.

10

MR HUTTON: Yes.

MS MITCHELL: So they took that into consideration. But, then, they also took into consideration the existing land use. And in working with the current landowner, they've only developed that portion of the site which currently isn't being cultivated.

15 MR HUTTON: Yes.

MS MITCHELL: And it's, sort of, the lower value areas of the site. Yes.

20

MR HUTTON: Yes.

MS MITCHELL: So the project that was put forward in the EIS already took into account those kind of key areas of consideration. And then in response to the concerns that were raised during exhibition of the EIS, they did additional flood modelling and incorporated additional drop-down fencing, as well. Yes.

MS A. TUOR: And was that – the change with the drop-down fencing – was that conveyed to the objectors? Are they aware?

25

MS MITCHELL: As far as - - -

MS TUOR: Or further consultation with them?

30

MS MITCHELL: Yes. Yes. Sure. So we – in terms of our consultation with the relevant stakeholders and the concerned residents, we went out there – I forget the exact dates. Do you know, Natasha?

MS N. HOMSEY: 24 July, I believe.

40

MS MITCHELL: Yes. Yes. So Natasha and I actually attended the site, and we met with a number of the surrounding landowners.

MR HUTTON: Okay.

45

MS MITCHELL: And as part of that – that was to listen to their concerns and get an understanding of the impacts firsthand potential residences, as well. Based on

those meetings that we had, we went back and provided some feedback to the proponent and said, "This is what we're hearing, you know - do with it what you may". After that, the proponent came back and modified the drop-down fencing. In terms of communicating that to the relevant stakeholders, we've really relied heavily 5 on our assessment report to do that. So following our assessment report, we got in touch with all the surrounding landowners, everyone who made an objection, and informed them of our recommendation and the key findings of our assessment report.

10 MR T. PEARSON: Were there any additional issues that came up during those site visits? So flooding, site use compatibility – were there other issue – Tony Pearson – sorry.

MS MITCHELL: Yes.

15 MR HUTTON: Yes. I might just ask that we say our name.

MS MITCHELL: Yes. And I'm sorry. I forgot to say my name.

MR HUTTON: That's fine.

20 MS TUOR: So did I.

MS MITCHELL: Yes. Yes. Diana Mitchell – yes. There was, yes. Visual impacts was another key issue that came up and that does, kind of, come down to land use 25 compatibility as well. A lot of people in the area – you know, they enjoy their, sort of, rural lifestyle. A lot of them are – well, a lot of them do have small farms. A lot of it is about, sort of, that rural lifestyle and the outlook. And so particularly those residents located along Tudgey Road to the north. They're small overall lots. They do have an outlook that goes across the proposed solar farm site. And so they were 30 raising concerns about the visual impacts of the project. Another thing that came up as well was the potential cumulative impacts with the proposed Orange Grove solar farm which is located about three kilometres to the east of the project site and that – in terms of the process, the Orange Grove solar farm – they're currently preparing 35 their response to submissions document to the Department. So we have – we also have – and you will see throughout the report that we have acknowledged that and have assessed the cumulative impacts of both of the projects.

MR HUTTON: Yes.

40 MS MITCHELL: Yes.

MR PEARSON: Are the impacts on those four receivers that are in between the two projects – are they greater – are the impacts greater from this project or from the other project in your view?

45 MS MITCHELL: Well, it depends on the receiver, really. So there are – so maybe we can get out some of the mapping.

MS HOMSEY: Yes. Sure.

MS MITCHELL: Do you want to pass it around.

5 MS HOMSEY: So there's a bundle because there was a couple of figures that were requested, so perhaps - - -

MR HUTTON: Yes. Just to note - - -

10 MS MITCHELL: Yes.

MR HUTTON: - - - there's some maps being passed around that we will make available - - -

15 MS HOMSEY: Which are also - - -

MR HUTTON: Yes.

MS HOMSEY: - - - we've also – a USB version.

20 MS MITCHELL: We've also got electronic versions - - -

MS HOMSEY: Yes.

25 MR HUTTON: Okay. Thank you.

MS MITCHELL: - - - if you wanted to bring it up.

30 MR HUTTON: There's a couple of sets, is there? There are three sets. Yes. Thank you.

MR PEARSON: Thank you.

35 MR HUTTON: So, firstly, if there's a figure that suits to point out the location of the Orange Grove proposal.

MS MITCHELL: Yes. Sure. So just that next figure there, Andrew, that you've got. Yes.

40 MR HUTTON: Yes.

MS MITCHELL: So you will see, we've essentially – we've modified this figure to add the project boundary for Orange Grove, which is that blue - - -

45 MR HUTTON: Okay.

MS MITCHELL: - - - line there.

MR HUTTON: So this is figure 6-10 from - - -

MS HOMSEY: The EIS.

5 MR HUTTON: - - - the EIS - - -

MS MITCHELL: From the EIS.

MR HUTTON: Yes.

10

MS MITCHELL: Yes. And another thing to note, just on this figure, we've also added an additional receiver that was left out on the proponent's EIS figure which is circled there in green.

15 MR HUTTON: Yes. Which is - - -

MS MITCHELL: What's the number there?

MS HOMSEY: 34.

20

MR PEARSON: VP34.

MR HUTTON: So BP34.

25 MS MITCHELL: Yes. Yes.

MR HUTTON: Yes. Thank you.

30 MS MITCHELL: So you will see there's quite a difference in terms of - you know, some of them are closer to Gunnedah, some of them are closer to Orange Grove. So, in terms of visual impacts, it really does differ depending on - - -

MR HUTTON: Yes.

35 MS MITCHELL: - - - the individual residence, as well as most of the individual residents do have some existing vegetation which is partially screening their curtilage, as well.

MR HUTTON: Yes.

40

MS MITCHELL: So it's really important to look at each individual residence and look at their individual impacts. And so that's what we did as part of our site visit was we visited all the residents, I believe, located in between both of the projects, including VP34, and then we also had visited VP13, VP9, VP17, VP16 and I think 45 we also visited the other two, as well.

MS HOMSEY: I don't think we made it up to there

MS MITCHELL: Right. Yes. So - - -

MS HOMSEY: - - - because they're not on – VP18 is not quite - - -

5 MS MITCHELL: Yes.

MS HOMSEY: - - - on Tudgey Road.

10 MS MITCHELL: Yes.

MR HUTTON: Yes.

MS MITCHELL: Yes. Yes. So we visited the – sort of what we considered to be the most - - -

15 MR HUTTON: Yes.

MS MITCHELL: - - - impacted. Yes.

20 MR HUTTON: Yes. Can you talk us through some of the specific concerns they raise in relation to flooding. Obviously, I understand it's on a - proposed to be on a flood plain, but what are some of the specific concerns that the residents are raising around flooding?

25 MS MITCHELL: Yes. Sure. So their main concerns is the impacts that the project infrastructure, including the fencing, will have on the flow patterns and velocity of the flood waters essentially.

MR HUTTON: Right.

30 MS MITCHELL: So they're really concerned that, as a result of having that infrastructure, it's going to change the way that the flood moves, and the behaviour of the flood and potentially have a worse impact on their assets.

35 MR HUTTON: Yes.

MS MITCHELL: So particularly in regards to resident VP1, which is the closest resident to the site located in the south-east corner, he's – you know, he's 800 metres from the development footprint of the project. He was concerned that there would be – if a flood event were to occur, there would be a build up of debris on the fencing, because the flood waters are generally going to be moving, with the Namoi River there, to the south. They're generally going to be moving, you know, in an east to west direction, sort of south to north, and so he was concerned that the flood waters would pass by his house; run into the project; debris would build up. It would essentially mean that there would be a build up of water coming back towards his residence.

MR HUTTON: Yes. Okay.

MS MITCHELL: So the proponent did do detailed modelling. They did it as part of their EIS, but then they went back and did some more refined modelling in their RTS document and also looked at different options for drop-down fencing in that modelling as well, and that demonstrated that there would be really a minimal impact on all the residences, including that nearest residence. There are specific criteria set out in flood management plans and the modelling demonstrated that they would definitely meet the criteria. Yes.

10

MR PEARSON: What – I remember some discussion of this with VP1 who is not in favour of the screening. Where did that issue end up?

MS MITCHELL: Yes. Sure. So, in the end, the proponent put forward some screening for visual impact at that residence and the resident actually said, “We’d rather not have that screening. We’re concerned about the impacts that that might have on flood behaviour.”

MR PEARSON: Right.

20

MS MITCHELL: So the final proposal does not incorporate screening for that resident.

MR PEARSON: Yes.

25

MS TUOR: Are those concerns valid, that there would be some - potentially impact on flood behaviour by screening - by the landscaping?

MS MITCHELL: To be honest, I don’t know. They didn’t do modelling which – they didn’t do modelling that looked at that veg screening. What they did was they just did modelling of the drop-down fencing. So because the residents would have raised that early on and – to be honest, in speaking with that resident, he wasn’t particularly concerned about the visual impacts, his main concern was really about the flooding.

35

MR HUTTON: The flooding issues.

MS MITCHELL: And so, at this point, you know, I can’t answer that question, because we don’t know. Yes.

40

MS TUOR: But in other locations where it’s proposed to have vegetation screening, is there the potential to have conflict between the flood behaviour and the screening?

MS MITCHELL: There potentially could be. You will see that the other pots for where the screening is proposed is along primarily the northern boundary of the site. In terms of how that would interact with the flood modelling, while we don’t have detailed flood modelling that looks at that screening, it really is on the outer fringe of

the site in the last flood-impacted area. And so when you look at sort of the way that they propose drop-down fencing and what the flood behaviour would be, you could make the assumption perhaps that it wouldn't have an impact, but we don't have that detailed of information.

5

MS TUOR: So just specifically in terms of flooding, figure 4 and then the table on table 3, can - - -

MR HUTTON: Sorry. That's at the assessment report?

10

MS TUOR: At the assessment report. Yes.

MR HUTTON: Yes. Sorry.

15

MS MITCHELL: Yes.

MS TUOR: Can you just explain that in a bit more detail, particularly, I suppose, the gradation in terms of – the title seems to be 1955 Configuration Changing Depth Percentage. So, presumably, that's where you had your highest depths, is the 20 sort of orangey colour.

MS MITCHELL: That's correct. Yes.

MS TUOR: But then when you look at how that corresponds to the drop-down

25

fencing, it doesn't seem to be a correlation. So if you can just explain how they work together.

MS MITCHELL: Yes. Sure. Definitely. So in looking at that figure, you will see the areas that are most red, or where the most height increase is, is areas on the other 30 side – or on the drop-down fencing – or where – sorry – let me just start over – areas where there isn't drop-down fencing. So it does kind of show the effectiveness of drop-down fencing in a way. When you look at the spots where there is drop-down fencing proposed, it's – you're not getting those red spots or blue spots on the other side of the fence. So, essentially, what the drop-down fencing is allowing, it's 35 allowing sort of the natural flood behaviour to occur.

MS TUOR: Okay. But – so I understand.

MS MITCHELL: Yes.

40

MS TUOR: The darker red, is that indicative of the maximum levels that occurred in the 1955 flood, or is it using data from the 1955 flood to predict where maximum levels would occur on the site if there were a similar flood, if you understand what I mean?

45

MR HUTTON: I think it's a - - -

MS MITCHELL: Yes.

MR HUTTON: - - - sorry – a percentage increase - - -

5 MS TUOR: Yes. Yes. Per cent.

MR HUTTON: - - - against the '55 flood. Yes.

MS MITCHELL: That's right. Yes.

10 MR HUTTON: Yes.

MS MITCHELL: Yes. Yes. Yes. So, essentially, it's looking at how it would compare to the 1955 flood, being sort of a worst case scenario flood event, and how 15 this infrastructure would change that flood behaviour. Yes. So it's a percentage increase. So, essentially, you're looking at – let's just look at maybe dot points 2(a) and 2(b). So, in 1955, at point 2(a), it was .23.

MS HOMSEY: It's the other way around.

20 MS MITCHELL: Sorry.

MS HOMSEY: It's 55 depth.

25 MS MITCHELL: Yes. Yes. Yes.

MS HOMSEY: And that's with the fencing.

MS MITCHELL: Yes. Sure. Okay. Sure. So, in 1955, the level at 2(a) was .22.

30 With the project infrastructure, it would be .23. So they're saying that that's a 4.5 per cent change in depth. And there was also – in terms of the difference – the criteria - - -

MS HOMSEY: The performance criteria?

35 MS MITCHELL: Yes. The performance criteria. Yes.

MS HOMSEY: Yes. So that's in the next table.

40 MS MITCHELL: Yes. Yes.

MS HOMSEY: So looking at the maximum flood height – sorry – we're on table 3

- - -

45 MS TUOR: Yes.

MS HOMSEY: - - - of the assessment report. I'm just looking for the right one. Yes. So the third row down:

Maximum flood height impact on adjacent properties –

5

that's where we've noted at the property boundaries that there would be a permissibility of up to 100 mill increase with the Carroll to Boggabri Flood Management Plan and a 200 millimetre increase permissibility with the Flood Management Plan for the Upper Namoi Valley Floodplain, but there would only be 10 an actual increase of 14 mill.

MS MITCHELL: So in terms of the technicalities around that question, perhaps we could take that on notice and we could get back to you with the specifics around changes in depth at the boundary.

15

MS TUOR: Sure.

MS MITCHELL: Yes. Yes.

20

MS TUOR: But, just simplistically - - -

MS MITCHELL: Yes.

MS TUOR: - - - this is probably going to sound very naïve, because you don't have a drop-down fence there in the same location – well, it hasn't got a location, but where I'm pointing on the southern part of the boundary – that's why it's indicating that there's an increase, but adjacent to it, where you have the indications of the drop-down fence, then, presumably, that's where the flood waters can flow through

- - -

30

MS MITCHELL: Exactly.

MS TUOR: - - - and so therefore you don't have the increase.

35

MS MITCHELL: Exactly. Yes.

MS TUOR: And the logic of choosing where water is allowed to flow through and not allowed to flow through is based on impact on adjoining land and where the natural water course should go; is that - - -

40

MS MITCHELL: That's correct. Exactly.

MS TUOR: - - - the principle.

45

MS MITCHELL: Exactly. That's the principle. Yes. And I think – I mean, they have also had to take into consider some of the engineering design behind the fencing and how it would actually work in practicality. So they haven't locked in a

final design yet, because the idea is, is that they would be able to do that down the track a bit further working with the appointed contractor to get the best outcome in terms of the drop-down fencing, but the idea behind it is really to, you know, work with the natural flow patterns, minimise the impact on the surrounding receivers,
5 which the key one there is really VP1, being the closest, and – yes – in terms of practicality, of actually implementing it.

MS TUOR: And the flow pattern, I think you said, was this way from - - -

10 MS HOMSEY: No.

MS TUOR: No.

MS HOMSEY: It goes more from the east towards the west.

15 MS TUOR: So north – so this way.

MS HOMSEY: Yes.

20 MS TUOR: Totally the opposite direction.

MS MITCHELL: Yes. Yes.

25 MS TUOR: Okay. So in terms of VP1, it would be backflow; that would be the concern?

MS MITCHELL: That's correct. Yes.

MR HUTTON: Yes.

30 MS MITCHELL: That was the resident's main concern there, is, you know, having that fence there, potentially having debris accumulate on it, which would block the flow - - -

35 MR HUTTON: Almost be a levee. Yes.

MS MITCHELL: - - - and essentially it would back it up.

MR HUTTON: Yes.

40 MS TUOR: Like forming a dam.

MR HUTTON: Yes.

45 MS MITCHELL: Exactly. Yes.

MR HUTTON: Yes. Did the assessment consider the impacts of the poles on the panels as well? Like imagine there's a number of poles scattered across the paddock

- - -

5 MS MITCHELL: It did.

MR HUTTON: Yes. Okay.

10 MS MITCHELL: Yes. It did. So it did an assessment of the piles and then it also - in terms of the way that it models the fencing, it gives a certain permeability grading to the fencing, because it wouldn't be a solid barrier fence.

MR HUTTON: Sure. Yes.

15 MS MITCHELL: It would just be, you know, a screen fence. So – yes – so it does take into consideration that. Yes.

20 MS TUOR: Okay. So if the flow is going this way, then here you don't have a drop-down fence, why – logically, you would think that the accumulation of water would be on the other side of the fence as opposed to on the – whatever - - -

MS MITCHELL: I can see – yes.

MS TUOR: Yes.

25 MS MITCHELL: I can see where you're coming from with that, definitely, and I can't get into the detail specifics around the model - - -

MS TUOR: Yes. Sure.

30 MS MITCHELL: - - - but that's – yes – that's what it came up with. Yes, so.

MS TUOR: Okay. All right.

35 MS MITCHELL: It's definitely worth having a look at the flood impact assessment in detail - - -

MS TUOR: In more detail. Yes.

40 MS MITCHELL: - - - and having a look at the - - -

MR HUTTON: Yes.

MS TUOR: Yes. Yes.

45 MR HUTTON: And we had the opportunity to meet with the applicant as well, so.

MS MITCHELL: Okay. Yes.

MR HUTTON: Yes. Yes.

5 MS MITCHELL: They might be able to provide a bit more clarity on those points.
Yes.

10 MR C. PRESHAW: So Clay Preshaw here. I think it's worth noting as well that
this is like what we've called – they've called fencing configuration 5, so the one
that's regarded as the optimum fencing configuration.

MR HUTTON: Yes. Yes.

15 MR PRESHAW: As I understand it, they considered multiple different options with
different locations of drop-down fencing and this was the one they came up with.

MR HUTTON: The best outcome.

MR PRESHAW: The best outcome.

20 MR HUTTON: Yes.

MR PRESHAW: So you can see the other configurations I think - - -

25 MS MITCHELL: Yes. In the - - -

MR PRESHAW: - - - in the detailed documentation attached to the responsive
submissions.

30 MS TUOR: Yes. I was trying to avoid going into the detail of documentation.

MR PRESHAW: Yes. I mean – and it's also – I guess it's also fair to say that we
had a number of meetings with them about the various options that they were
considering and we spoke to them about making sure they chose the one with the
35 best outcomes for those various aspects of the – or those various areas of the project.

MR HUTTON: Yes.

40 MR PRESHAW: I mean, the other thing that's worth saying in relation to the drop-
down fencing, even the concept of drop-down fencing is that, without the drop-down
fencing, they still would have complied with the relevant policy, but we essentially
drove a better outcome than that by pushing for them to include the drop-down
fencing.

45 MR HUTTON: Presumably, the fencing is a security matter to protect the asset
from trespassers.

MS MITCHELL: That's correct. Yes. That's exactly right.

MR HUTTON: The suggestion - - -

5 MR PEARSON: Yes. Sorry. Go on.

MR HUTTON: I was going to say the suggestion that no fencing is required is not appropriate given that security, I think.

10 MS MITCHELL: Yes. So it's really about protecting the asset. Yes.

MR PEARSON: So with the drop-down fence – so I note your point, Clay, about – that the – I guess the additional benefit that has been offered here. With the drop-down fencing, has there been a separate assessment of – well, actually I will say the 15 question a different way. Is there any increased safety or security issues as a result of the drop-down fencing?

MS MITCHELL: So in terms of the security of the asset for the duration that the drop-down fencing is dropped or depending on the type they use, the site wouldn't be 20 secure. That's correct. So while the drop-down fencing is dropped, the site itself wouldn't be secure. Now, from what we understand, the site itself, except for the substation, which doesn't incorporate drop-down fencing, does not present a safety risk to the general public. So it's really more about protecting the asset than protecting the public from the asset. So the only thing of concern in terms of public 25 safety is the substation, which doesn't incorporate drop-down fencing. Yes.

MR HUTTON: Yes. Of course.

MR PEARSON: Okay.

30 MS TUOR: And if you go to appendix 1, I just wanted to understand - - -

MR HUTTON: Sorry. This is appendix 1 in the draft conditions, just to be - - -

35 MS TUOR: Appendix 1 in the draft - - -

MS MITCHELL: Yes. Yes.

MS TUOR: Yes.

40 MR HUTTON: Yes. Thank you.

MS TUOR: Good. Thank you. make it clearer. The hashed sort of light green line, it refers to fence configuration 4W, drop-down flood fencing, but, as I

45 understand, the drop-down fencing configuration is five; is that - - -

MS MITCHELL: That is correct. That is correct. So in appendix 4, is has fence configuration 5, which is the fence configuration that we would like to see incorporated. So that is – yes – that's right. So the fact that this has fence configuration 4 in appendix 1 is an error that would need to be corrected.

5

MS TUOR: And the dashed green line, does that correspond to the dashed and crossed line that's more a yellowy colour, because I couldn't actually find which one was the dashed green line.

10 MS MITCHELL: Yes. Sure. So the dashed green line is the proposal footprint. So that's located - - -

MS TUOR: No. No. The one that we were just referring to that was meant to refer to the fence - - -

15

MS MITCHELL: Yes. Sure. So that's the yellow line. It can be – it doesn't – it can be quite difficult - - -

MS TUOR: The yellow and the cross?

20

MS MITCHELL: - - - to show up on the print. Yes. The yellow with the cross.

MS TUOR: Okay.

25 MS MITCHELL: Yes. That's right. Yes.

MS HOMSEY: Of the maps that I've provided, there's a blown-up version of that that makes it a little easier to - - -

30 MR HUTTON: Thank you. It does too.

MS MITCHELL: Yes.

MR HUTTON: Yes. So we received a blow-up of that figure from appendix 1, 35 which we have in front of us, so thank you for that.

MS TUOR: And just another minor point. The lot boundary – or the development area, it has things like the landscaping and the fence – no – the landscaping outside of the – and the APZ, as I understand it, outside D, developable area. So, 40 presumably, the subdivision that's to occur will occur on the boundary of the developable area. So those two things, the APZ and the landscape screen, will be outside the lot boundary, presumably on another lot, so who will be responsible for that maintenance, if it's actually on a lot that's outside the developable area?

45 MS MITCHELL: Yes. That's a very good question. So the way that the assessment has been done has been looking at where that boundary lies in terms of the – in the disturbance area of the development footprint of the project. It doesn't

take into account the APZ and the net vegetation buffer, I guess because it wasn't considered disturbance, although if you look at it strictly, it is a change in land use. The reality is, is that even though we've looked the subdivision figures based on the subdivision being located on that green line, when it does – when it goes to council
5 for final certification – so while the department approves the subdivision as part of the State Significant Development - when it goes to the local council for final certification, often we find with projects of this nature is those numbers do change a lot.

- 10 In this case, I would actually anticipate that that subdivision would then incorporate the vegetation buffer, and so the responsibility for managing that would fall with the proponent and that would fall within their land parcel. While it would have some minor variation in terms of what's considered the subdivided lot size - I think it's estimated at 304 hectares at the moment – it wouldn't sort of change anything in
15 terms of permissibility and we would consider it to be generally in accordance with.

MS TUOR: So there isn't actually a subdivision plan that would form part of this consent, if it were to be granted.

- 20 MS MITCHELL: No. That's right. So that would come post approval, if it were to be approved. The detailed subdivision plan would be provided to local council and it would go through that pathway. Yes.

- 25 MR PEARSON: Is there a VPA – has there been any sort of discussion of a VPA in connection with this project?

MS MITCHELL: There isn't. No. There's not a VPA proposed.

MR PEARSON: And why is that?

30 MR PRESHAW: Clay Preshaw here. I mean, I think the answer to that question is it's a voluntary agreement between the – it would be a voluntary agreement between the applicant and the council, and there hasn't been any discussion about that, so – yes – there is no VPA on the project.

35 MR PEARSON: And what's your understanding of council's attitude to that? Is it something – a position the council is comfortable with?

40 MS MITCHELL: Yes. It is. So I think if you have a look at council's submission, you will find that they did request development contributions and VPA. Since making the submission on the EIS, we have had numerous conversations with council and they agreed that they're comfortable without having a VPA. In this case of this project, the applicant is required to undertake a number of road upgrades and council is comfortable with those road upgrades.

45 MR PRESHAW: So it's probably fair to say that, in our assessment, the costs that – you know, there are certain costs that should be borne by the applicant rather than the

council and that's why we've incorporated the costs of any road upgrades and maintenance into the conditions, so that they, therefore, have to pay for those costs that might otherwise be something the council would have to pay for.

- 5 MR HUTTON: Just another – Andrew Hutton – another general question about the network infrastructure in the I just wanted to confirm whether or not the capacity of the infrastructure that's there is large enough to take the combined energy production by both this proposal and the Orange Grove proposal. Is that the case or

10

MS MITCHELL: Well, it's our – yes.

MR HUTTON: - - - are upgrades required?

- 15 MS MITCHELL: It's our understanding in speaking with TransGrid that there is capacity to take on this project.

MR HUTTON: Yes.

- 20 MS MITCHELL: Now, in terms of taking on both projects, we understand that there are some planned upgrades in the future - - -

MR HUTTON: Okay.

- 25 MS MITCHELL: - - - but, at this stage, we understand at this point there's only capacity to take on this project before us - - -

MR HUTTON: Yes.

- 30 MS MITCHELL: - - - and, potentially in the future, there would be planned upgrades. It's important to note that the capacity of the grid, while it is a consideration in our assessment of the project, it isn't a determinative factor.

MR HUTTON: Yes.

35

MS MITCHELL: Yes.

MR HUTTON: Yes.

- 40 MS TUOR: Back on flooding, you – as I understand it, the assessment was done under the draft Floodplain Management Plan for the Upper Namoi Valley Floodplain 2016 and the Carroll to Boggabri Floodplain Management Plan.

MS MITCHELL: Yes.

45

MS TUOR: - - - for the Upper Namoi Valley Floodplain 2016 and the Carroll to Boggabri Floodplain Management Plan. So just in terms of the weight that we give

to those documents, the draft floodplain management plan – that's a draft. Has it – so it hasn't been adopted. So what status does it actually have?

5 MR PRESHAW: I think we will have to take that one on notice. I'm not sure of the answer to that.

MR HUTTON: Well, I've got another question. Just around the current agricultural use of the property or the location of the solar farm. You made the comment earlier around it being, I guess, less farmable, if you like, than other parts of the property.

10 10 What is the current land use, having not yet had the opportunity to go and have a look at it. Can you describe the – what – the land use or the farming use of that particular – well, and how it's different to perhaps other parts of the property?

15 MS MITCHELL: Yes. Sure. Well, I think the aerial image actually does give a good indication - - -

MR HUTTON: It's quite good, yes.

MS MITCHELL: - - - of what it looks like at the moment - - -

20 20 MR HUTTON: Yes.

MS MITCHELL: - - - to be honest. And, if anything, we were out there in July. The area is a lot browner, unfortunately - - -

25 25 MR HUTTON: Yes. The drought.

MS MITCHELL: - - - because of the drought. So I think you will find when you're out there that there's not a whole lot going on on that land.

30 30 MR HUTTON: Yes.

MS MITCHELL: It was – when we were out there, it was brown dirt.

35 35 MR HUTTON: Yes.

MS MITCHELL: It wasn't able to be cultivated.

MR HUTTON: Yes.

40 40 MS MITCHELL: The landowner was using that portion of the site located a bit to the further north which is greener. And a lot of it comes down to – one of the other reasons why they can't use the whole site is because of their water licensing restrictions - - -

45 45 MR HUTTON: So irrigation - - -

MS MITCHELL: Exactly.

MR HUTTON: - - - water allowance – so this – presumably, this portion to the north of the site is irrigated - - -

5

MS MITCHELL: Yes.

MR HUTTON: - - - if we interpret the photograph correctly?

10 MS MITCHELL: Yes, that's right.

MR HUTTON: Yes. Okay.

15 MS MITCHELL: Yes. Yes. So there are a number of irrigation channels located throughout the site.

MR HUTTON: Yes.

20 MS MITCHELL: You can see there on the figure, those – where the blue lines are.

MR HUTTON: Yes.

MS MITCHELL: And so they are irrigating.

25 MR HUTTON: Yes.

MS MITCHELL: And – yes. Their water licence does restrict them to a certain amount - - -

30 MR HUTTON: Yes.

MS MITCHELL: - - - which essentially only allows them to use part of the land.

35 MR HUTTON: Yes. And, as I understand it, the water form the project is a – will be a separate licence – or a separate allocation - - -

MS MITCHELL: That's right.

MR HUTTON: - - - to the irrigation allowance?

40

MS MITCHELL: Yes.

MR HUTTON: Yes.

45 MS MITCHELL: That's right. Exactly. So they would need to get either - you know, I think they're proposing to either truck the water in - - -

MR HUTTON: Yes.

MS MITCHELL: --- but any sort of – they would need to get that licence separately if ---

5

MR HUTTON: Yes.

MS MITCHELL: --- they did propose to use it.

10 MR PEARSON: They were talking about on-sites bores; is that right?

MS MITCHELL: Is there an on-site bore, Natasha

MS HOMSEY: For this project ---

15

MR PEARSON: I thought there was some on-site water that they were looking at tapping into.

MS MITCHELL: I think they might have explored that as one of the options.

20

MS HOMSEY: Yes.

MS MITCHELL: But they haven't locked that in yet at this point. Yes. So they're going to collect stormwater or use existing on-site bores, but they would have to get any sort of licensing associated with that.

MR PEARSON: Yes.

MS MITCHELL: Yes. Yes.

30

MR HUTTON: The area is mapped BSAL, as I understand it.

MS MITCHELL: Yes.

35 MR HUTTON: Consideration is given by the Department around, I guess, you know, putting a 25-30 solar farm on top of BSAL. Talk us through that assessment process and your thoughts around that

40 MS MITCHELL: Yes. Sure. Definitely. So we look at it, sort of, in the larger regional and strategic context.

MR HUTTON: Yes.

45 MS MITCHELL: So when you – you know, when you're looking at the site itself, it's – we need to consider the fact that the whole site isn't able to be cultivated as it currently is anyway.

MR HUTTON: Yes.

MS MITCHELL: But then we need to think about, well, what if it were to be able to be cultivated, what would that impact be on the larger region. I don't know the exact numbers off the top of my head, but it would actually be quite a small impact.

MR HUTTON: Yes.

MS MITCHELL: And so we're looking at, you know, balancing, sort of – looking at the benefits of having a renewable energy project in line with the Government's larger, sort of, Renewable Energy Action Plan - - -

MR HUTTON: Yes.

MS MITCHELL: - - - versus the impacts on – you know, the impacts on agricultural land. The – it's quite a small impact on the region in terms of the impacts on agricultural land but it does have a lot of benefits in terms of the renewal energy.

MR HUTTON: Yes. Yes. And one of the post-project commitments was to - - -

MS MITCHELL: Yes.

MR HUTTON: - - - return the land back to an agricultural use. You're happy that that's able to be achieved?

MS MITCHELL: Yes.

MR HUTTON: Yes.

MS MITCHELL: Definitely. I think, you know, the reality is with solar projects that they are quite a low impact development.

MR HUTTON: Yes.

MS MITCHELL: You know, it involves driving piles – you know, a number of piles into the ground, but - - -

MR HUTTON: Yes.

MS MITCHELL: - - - the actual impact on the soil resource itself is quite low.

MR HUTTON: Yes.

MS MITCHELL: We're satisfied that it would be able to be returned and we have recommended a number of decommissioning conditions around that.

MR HUTTON: Yes, I can see that.

MS MITCHELL: Something important to note is that while the consent essentially operates into perpetuity, so essentially it allows them to operate the panels over time and – you know, so at – somewhere down the track if they do choose to decommission in 25 years, 50 years, etcetera, then they do have those obligations to meet, but, in all likelihood, it would probably have a longer life span than - - -

MR HUTTON: Yes.

10

MS MITCHELL: - - - than 25 years.

MR HUTTON: Yes.

15

MR PEARSON: So what work have you done then around assessing the decommissioning process? So, again, just to pick up your theme there, if - - -

MS MITCHELL: Yes.

20

MR PEARSON: - - - there is soil degradation and so on, if - - -

MS MITCHELL: Yes.

MR PEARSON: - - - this project operates, say, for 150 years and then they – technology has moved on and they return the project back to agricultural land - - -

MS MITCHELL: Yes.

30

MR PEARSON: - - - that process might be very different to 25 years from now. So what work have you done around the applicant's obligation to return the land to agricultural use - - -

MR PRESHAW: Yes. Clay Preshaw here.

35

MR HUTTON: - - - and decommission the project?

MR PRESHAW: I think the scope in which they can operate the project is relatively limited, so when you say the project might be very different in 150 years. That's not our view. Our view is that the project can be upgraded, as in, the panels can be replaced but we wouldn't imagine - - -

MR HUTTON: No. I said the impacts might be very different.

MR PRESHAW: Right. Okay.

45

MR HUTTON: So solar panels for a period of 25 years - - -

MR PRESHAW: Yes.

MR HUTTON: - - - on agricultural land creates a certain impact but - - -

5 MR PRESHAW: Okay. The impact on the soil.

MR HUTTON: - - - if those same solar panels, as upgraded, over 150 years - - -

10 MR PRESHAW: Right.

10 MR HUTTON: - - - may be very different, so - - -

15 MR PRESHAW: Yes. So I guess the point I was making still is relevant in the
sense that the project would remain the same, subject to some upgrades of – you
know, equipment and panels etcetera. And then the second part of that, I think, is
around the impacts to the soil, I guess. And the advice we've had from the
Department of Industry is that regardless of whether it's 25 years or 50 years or
longer, the impact on soils would be the same. So you – it would still be a – it would
still be land that could be returned to its pre-solar farm use. So that is a question
20 we've explored with the experts within Government.

MR HUTTON: Okay.

25 MR PRESHAW: But it is important – the first point is important to make which is
that if they were to change the project in any way and therefore change the potential
impacts on the soil, they would either need to modify the existing project or come in
with a different project application.

MS TUOR: But when you say “change”, is that limited to changing the footprint?

30 If you look at schedule 2, condition 6

MR PRESHAW: Yes.

MS TUOR: - - - in the annexure to the - - -

35 MR PRESHAW: Yes. Sorry.

MR HUTTON: Assessment report.

40 MS TUOR: - - - assessment report?

MR PRESHAW: If they were to change it to the – there’s – yes. If they were to
change it in a substantial way, then they would need to get modification or a new
development application.

45

MS TUOR: And just back on that condition 6. It actually doesn't seem to be to the approval of the Secretary. It just says that you may upgrade it, but you need to provide revised layout plans and project details.

5 MR PRESHAW: Sorry. Can you just read that out?

MS TUOR: Schedule 2, condition 6. It's page - - -

MR HUTTON: Four.

10

MS TUOR: - - - four - - -

MR HUTTON: Yes. Of the draft.

15 MS TUOR: Of the – yes.

MR HUTTON: Yes.

MS TUOR: Draft consent, which is annexure H to the assessment report.

20

MR PRESHAW: Yes. Sorry. Repeat the question

MS TUOR: Well, condition 4 – conditions 6 and 5 both require information to be submitted – detailed plans in condition 5 and if you wish to upgrade it in condition 6, but neither of them require to be the satisfaction of the Secretary or to the approval of the Secretary, whereas when you look at conditions in schedules 3 and 4, wherever information is required to be submitted, it's always to the – there isn't inherently an approval required - - -

25 30 MR PRESHAW: Yes.

MS TUOR: - - - stated. So whether that's deliberately drafted that way to say - - -

MR PRESHAW: Yes.

35

MS TUOR: - - - you don't need to have it - - -

MR PRESHAW: Yes.

40 MS TUOR: - - - or whether it's just an inconsistency.

MR PRESHAW: The answer is – you know, it was deliberate, that we do not require – the Secretary is not required to approve those two aspects of the development consent. In relation to the final layout plans, that is consistent with the way that the Department operates in other areas, as well plans come in at various stages after an approval and it's not unusual that we would not require a further approval for that process. And then I think the upgrading question – I will probably

take that one on notice. And we can come back to you as to why, you know, that one doesn't require the Secretary's approval.

5 MS TUOR: So just so I understand why don't you require the Secretary's approval for something quite considerable like a layout plan – a final layout plan, particularly given the vagaries of, you know, the actual lot boundary, the subdivision etcetera whereas something like a traffic management plan requires the Secretary's approval?

10 MR PRESHAW: Look, in general – I think we will take that on notice, but I can answer what I think is the, sort of, preliminary answer to that, which is that the traffic management plans and some of the other management plans actually provide further detail that is important for them to achieve the outcome that we've set. So there's actually further information we expect to see in those documents, particularly the traffic management plan and probably from the other management plans as well.
15 Whereas, the final layout plan, I guess, is regarded as just a confirmation of the assessment of the issues we've already – we already had enough detail to assess on. So there's no – I guess what I'm saying is, with the final layout plans, we don't think – we don't expect those detailed plans to change anything - - -

20 MS TUOR: To change.

MR PRESHAW: - - - in our assessment or to add anything further in our assessment. Whereas, with those management plans, there is actually further information that is provided and is – and we believe should be considered by the 25 department and approved by the secretary prior to their commencement.

MR J. VAN DEN BRANDE: So if they do come in with a complete different layout plan, then it will have to be reassessed then.

30 MR PRESHAW: Of course. The final layout plans still have to comply with the rest of the development concern and, in particular, schedule 1, I think it is, which has the approved development footprint. So if they wanted to – if the final layout plans wanted to change anything that was assessed and approved, again, you would probably be in the realms of a modification application rather than something that
35 could go through that process. So if that's the concern, I'm quite comfortable saying that the final layout plans can't – they can't change the approved layout of the project in any significant way.

40 MS TUOR: All right. But I suppose just following on from our discussion, my understanding is that the final layout plan will come back and the area 304 - - -

MR PRESHAW: Yes.

45 MS TUOR: - - - you know, this boundary here, that boundary then may actually expand out - - -

MR PRESHAW: Yes.

MS TUOR: - - - and the red line that's showing landscape buffer could change considerably.

5 MR PRESHAW: Yes. So I think the answer to that question – I was going to add this at the end as well – is that we need to get a new plan for a schedule 1: it needs to be more accurate in relation to the flood – the drop-down fencing, but also in relation to the vegetation buffer, because, while what Diana said is true about the subdivision being undertaken by council, we should have as much as possible an accurate plan in schedule 1. Schedule 1 – the plan that we provide at the back of the consent
10 conditions is important, and so we need to make sure that that captures the full development footprint, as we've defined it. So I take your point on that and I was going to make that point as a general comment on the process going forward from here. So - - -

15 MS TUOR: Yes. So then the final layout plan would just have details of where you have your solar panels and the - - -

MR PRESHAW: Correct. Yes.

20 MS TUOR: - - - rows that down and – but - - -

MR PRESHAW: It's much more about what's inside of the development footprint
- - -

25 MS MITCHELL: Yes.

MR HUTTON: Yes.

MR PRESHAW: - - - than changing the boundary of the footprint itself.

30 MR HUTTON: And you might consider including the location of any dams and things too. I imagine that is the detail that would come through. Collecting - - -

MR PRESHAW: Potentially.

35 MR HUTTON: - - - water for use. Yes.

MR PRESHAW: Yes. It can include that detail as well.

40 MS MITCHELL: Yes. Yes.

MR HUTTON: Yes.

45 MR PRESHAW: And so, look, the same – I guess the same reason generally applies to the condition 6 around – of schedule 2 – around the upgrading of the solar panels and ancillary infrastructure in the sense that – yes – we don't necessarily believe the department needs to be involved in any internal changes or upgrades that

are occurring. If they wanted to – they will regularly need - as we understand it, regularly need to replace panels. So you could end up in a scenario where every time they need to replace a single panel, the secretary would have to approve that single panel's replacement, which is an administrative burden and unnecessary burden, we
5 would argue, given that the impacts have already been assessed across the whole project.

So that's – I guess that's our general response, but, again, I'm happy to sort of come back to you with a bit more of a formal considered response on why those two
10 particular conditions do not include the requirement for the secretary's approval each time as compared to the other conditions around management plans and landscaping plans, etcetera, that do require that approval.

MR PEARSON: And when do you anticipate that plan will be updated?

15 MR PRESHAW: We will go back to the applicant immediately.

MR PEARSON: Okay.

20 MR HUTTON: I just have another question around the decommissioning and the considerations given to that in the assessment not so much the post-operation land use, but more about the disposal of large volumes of waste potentially and the potential for reuse of key elements in future: recycling or whatever it might be. Was there much consideration given to that in the assessment around commitments on the
25 applicant in a decommissioning waste reuse process? And the second part of the question is - I would imagine that that would come at some cost - I'm interested in understanding whether the department gave consideration to some form of bonding or some other arrangement whereby sufficient funds were available to execute decommissioning to ultimately achieve the reuse of the land. So it's a long question,
30 but - - -

MS MITCHELL: Yes. Sure. Multiple parts.

MR HUTTON: - - - I think you're nodding, so - - -

35 MS MITCHELL: I'm deciding which part of that to take first.

MR HUTTON: Yes.

40 MS MITCHELL: So I think in terms of – perhaps we should address the bond issue first.

MR PRESHAW: Maybe address the rehabilitation - - -

45 MS MITCHELL: Yes. The rehabilitation first.

MR PRESHAW: - - - and decommissioning obligations first, I think.

MS MITCHELL: Yes. Yes. So we do have conditions around disposal of waste. It's very sort of – our conditioning is very outcomes-focused. You know, it's about minimising, classifying, in accordance with the waste classification guidelines and then, you know, decommissioning is really about – it's outcome-focused as well –
5 about getting the site back to its previous - - -

MR HUTTON: What condition is that? Sorry. Just - - -

MS MITCHELL: Yes. Sure. So we're looking at conditions 28 and 29 of schedule
10 3, the consent.

MR HUTTON: Yes. Thank you. Yes.

MS MITCHELL: Yes. Yes. Yes. So it is very outcomes-focused. Of course, we
15 would like to see as much reuse as possible of certain materials. It's our understanding, in terms of if they were to do any upgrades, it would primarily be limited to the panels themselves, so a lot of the existing piles and stuff would remain the same. Is there any additional commitments, Natasha, that the applicant made in terms of minimising waste and reusing on site?
20

MS HOMSEY: I know that they have committed to a management plan in order to, I guess, go into finer details on how that would actually look. So that would definitely be a - - -

25 MR HUTTON: A management plan as part of the decommissioning, do you mean, or waste management plan?

MR PRESHAW: Yes. An operational - - -

30 MS HOMSEY: A waste - - -

MS MITCHELL: Yes. Yes.

MR HUTTON: Operational waste management. Yes.

35 MS MITCHELL: Yes. Yes. Yes. Yes. And I think, really, it's in everyone's best interests to reuse of course and the applicant's best interests in terms of cost-saving to reuse certain materials on site. Yes.

40 MR HUTTON: Yes. Yes.

MS MITCHELL: Yes. It is – so it wasn't an issue that council raised in terms of waste disposal. Sometimes we do see councils raising concerns around their waste disposal facilities' capacity to take on waste - you know, big volumes generated from
45 certain projects - - -

MR HUTTON: Yes. Yes.

MS MITCHELL: - - - particularly during the construction phase. It wasn't a concern raised by council in this case - - -

MR HUTTON: Okay.

5

MS MITCHELL: - - - and so we consider that it's all manageable.

MS TUOR: And you mentioned before – telling us about the bond.

10 MS MITCHELL: Yes. So in terms of bonds – so I don't know if that was directed at the recent changes that were made to the EP and A Act around essentially providing for the department to put bonds in place on any State Significant Development projects. It was only recently that sort of that provision came in. So, essentially, in order for that to come into force, the regulations need to be changed to
15 put some details around what those bonds would look like. So, at the moment, there isn't a mechanism for the department to require bonds for any State Significant Developments like wind and solar projects.

MR HUTTON: Okay.

20

MS TUOR: Is there a way though of drafting a condition that can anticipate that regulations will come into place and therefore this would need to comply with those regulations? Is that some way of - - -

25 MR PRESHAW: Look, I think that's a legal question that you would probably need to seek advice on. My feeling is that that would be very difficult to achieve, because for the department to make regulations for any particular class of development - to require bonds on that particular category or class of development, there would need to be a policy position from government that that's something that we wanted to do.
30 And you will see, if you look at previous solar projects, that we've never required or never even contemplated that type of bond. So whether or not you could, you know, put some sort of, I guess, condition that's contingent on a future regulation, I think
- - -

35 MS TUOR: Yes. Something like bond must be paid in accordance with any policy adopted by blah, blah, blah that requires – I don't know.

MR PRESHAW: I feel – I mean, I don't know. I think you'd probably want to seek legal advice, is the simple answer - - -

40

MR HUTTON: Thank you. Yes.

MR PRESHAW: - - - because I feel like there would be issues, from administrative law purpose, around certainty and finality that would come into play if you were
45 trying to do a condition like that, but I guess the – you know, before you could even get to that sort of position, you know, the department doesn't have a policy of applying bonds to endorse solar projects and, particularly with this project, I guess

there's no particular reason why we believe that would be necessary. It is very different from a mine site - - -

MR HUTTON: I understand that.

5

MR PRESHAW: - - - which has a mining lease and, under the Mining Act - and there's provisions under the Mining Act

10 MR HUTTON: I mean, the scenario might be that the company, for whatever reason, ceases to operate and then we've got 186 or 200 hectares of land that we're committed to returning to an ag use, but a significant cost to remove that infrastructure and nobody with the responsibility of that. So - - -

15 MR PRESHAW: Yeah. I mean, I - - -

MR HUTTON: It's just – it's – I would imagine that it wouldn't be a big cost, is my gut feel. Yeah.

20 MR PRESHAW: Yeah. I think I understand the concern in terms of in the event – it's almost a contingency thing. In the event that the – a company or an applicant that has a development consent can't do its rehabilitation and decommissioning correctly, there will be – there may be a problem, in that event.

MR HUTTON: Yes.

25

MR PRESHAW: But the – sort of the strict legal answer is they're required by the development consent to do so.

MR HUTTON: Yes.

30

MR PRESHAW: And if they don't do so, then they're subject to, you know, whatever compliance action the department, you know, thinks is necessary to impose on that.

35 MR HUTTON: Yep.

MS TUOR: Yeah. It's just that usually when companies don't do so, it's because they don't exist.

40 MR PRESHAW: Sure.

MS TUOR: That they're long gone. So I think it's just something that - - -

MR PRESHAW: Yeah.

45

MS TUOR: That's probably a philosophical question.

MR PRESHAW: Yeah, that's right. I think it's a policy question that the department can and probably will consider in – as time goes by.

MS TUOR: So they're not looking at it, at the moment, as a - - -

5

MR PRESHAW: No, not that I'm aware of. I actually made a call this morning to legal just to find out what – whether there was any regulations that had been made under the new provisions to allow that to be – to occur, and the answer was there's no – nothing from the legal end that they know of.

10

MS TUOR: But there's been a recent change to the Act to enable it to occur.

MR PRESHAW: Yes.

15

MR HUTTON: So, presumably, it's in someone's thought process.

MR PRESHAW: It's a possibility.

MS TUOR: Yeah.

20

MR PRESHAW: It's – it – I think there was no – there was actually not legally a possible - - -

MS TUOR: Able to be done previously. Yep, yep.

25

MR PRESHAW: Yeah, and now it is.

MS TUOR: Yep.

30

MR PRESHAW: Yeah. But it would need to be a policy position that the government would take.

MS TUOR: Sure.

35

MR HUTTON: I don't have any other questions myself. Tony, do you have anything outstanding?

MR PEARSON: There's a few, yeah.

40

MR HUTTON: Yeah.

MR PEARSON: So you talk about the flow on benefits to the local community and up to 150 full-time construction jobs – the applicant does. I'm sorry. It – I think I read somewhere that there were 100 jobs that were anticipated to be sourced locally within 100 kilometres, I think it was. And there's 150 jobs that would be sourced outside of that radius. Are there other local benefits that you've assessed in this

proposal, or are those benefits – local benefits really confined to the employment of those individuals.

5 MS MITCHELL: With solar projects, the reality is is that during the operation, they don't have a very big workforce at all.

MR PEARSON: Yep.

MS MITCHELL: It's quite a passive development.

10 MR PEARSON: Yes.

MS MITCHELL: So most of the developments in terms of employing local staff and having flow-on with benefits are during the construction period. We have, you know – it hasn't quite been articulated in our report, but with, you know, an influx of 15 a construction workforce to a locality, it does have a lot of flow-on benefits to local businesses, whether that be accommodation, cafes, so it does have a lot of those economic benefits which haven't necessarily been quantified in our assessment report, but were certainly a consideration.

20 MR PEARSON: There's some minor questions that I – just for clarification, more so, but the impacts of night time lighting during construction during the short winter days – has that been assessed? The impacts of visual amenity associated with the power infrastructure connecting the substation to the grid, the – has there been any 25 assessment of dust impact associated with construction upgrade or decommissioning and any impacts around water.

MR PRESHAW: Maybe we should – can we just maybe take them one at a time.

30 MS MITCHELL: One a - - -

MR PEARSON: So the – yeah – so those four – the – sorry. Yeah.

MR PRESHAW: Yeah.

35 MS MITCHELL: Yep. Okay. Let's go back to the first one. Sorry.

MR PEARSON: First one. So the impact of night time lighting during construction during the shorter winter days. So they're – the permit that you're planning or 40 contemplating allows construction activities to take place until 6 or 7 pm, I think. So after dark.

MR: Six.

45 MR PEARSON: 6 pm, I think the - - -

MS MITCHELL: 6 pm. That's right. Yeah.

MR PEARSON: 6 pm, is it? Yeah.

MS MITCHELL: So during standard construction hours. Yeah.

- 5 MR PEARSON: So there's – right. Okay. And then during winter, obviously, that daylight will be – there will presumably need to be night-time lighting construction during that sort of tail during those winter days. Has that been considered, or have you relied on the permissibility of the policy?
- 10 MS MITCHELL: We have relied quite on the permissibility of the policy there. I think, you know, any sort of construction night lighting during that dusk period would be quite short term, really.

MR PEARSON: Yeah.

- 15 MS MITCHELL: It would only be for an hour sort of tops. And given that it's during standard construction hours, in accordance, we sort of sit that policy around standard construction hours. We considered that impact to be quite low.
- 20 MR PRESHAW: Can I just suggest, perhaps, you ask the applicant that question, what their intentions are - - -
- MR PEARSON: Yep.
- 25 MR PRESHAW: - - - during those short periods of the year, if construction overlap with that, what they would do with their intent to use - - -

MR PEARSON: Okay. And then the infrastructure connecting the substation to the existing grid – has the visual impact of that been assessed?

- 30 MS MITCHELL: There hasn't been a detailed visual impact assessment done of that, as you might see, you know, on a wind project, or something like that. Yep. So, essentially, we've got - - -
- 35 MR PEARSON: And the question may be an ignorant one. I haven't seen what the scale of this is likely to be. So all I've seen is a line on a diagram. So, yeah, I'm not sure whether we're talking about - - -
- 40 MR PRESHAW: So maybe describe, Diana, if you can, what it would typically look like.

MS MITCHELL: Yeah, sure. So, essentially, in this case, we're looking at a overhead transmission line that would be connecting the substation to the existing TransGrid's –TransGrid's existing overhead line. You'll see that there actually is quite a bit of existing transmission infrastructure in the area. There are a number of overhead lines including 66 kV and 132, and so the proposal is proposing to connect to a – an existing 132 kV line. So that's – it's also important when you're taking a

visual assessment to understand the context of the given area. Are you going to be changing it from what it currently looks like. So looking at that, you know, as a first step, we say there's already existing infrastructure there.

- 5 It's not going to be changing that dramatically. It's a new transmission line that's a couple hundred metres long, you know, standing on concrete poles. Then we have a look at the residents surrounding the site. So is there anybody that's going to – you know, that's going to be located in the area to that infrastructure that is going to have a high-visual impact. In this case, there isn't. All the residences are set back I think
10 at least a kilometre. The nearest resident is, again, VP1 which is going to be, I think over a kilometre to the proposed transmission lines. So the reality is when we looked at it, we didn't consider a detailed visual impact assessment needed to be done for the transmission line because it just wasn't going to have any impacts. It would be different if there was a non-associated resident located, you know, immediately
15 adjoining the transmission line.

MR PEARSON: Yep.

MS MITCHELL: Yep.

20 MR PEARSON: Yep.

MS MITCHELL: But given the context, yep.

- 25 MR PEARSON: Okay. And then power and – the water and dust, I guess, particularly during construction.

MS MITCHELL: Yep, sure.

- 30 MR PEARSON: Has there been any need to undertake any separate assessment of those two issues, or - - -

MS MITCHELL: Yeah. Sure. So, again, in terms of our conditions, they are very sort of outcomes driven. We do have conditions around dust mitigation for the
35 project because there is potential for dust to be generated. Primarily from – and, at the moment, being out there, it is – it's quite a dusty environment, you'll see - - -

MR PEARSON: Yes.

- 40 MS MITCHELL: - - - because there just isn't a lot of ground cover. And so we really just focused on, in the conditioning, an outcome of, you know, minimising dust as much as practical. So what that means is, you know, potentially watering down access tracks, things like that. Yes.

- 45 MR PEARSON: So when – again, forgive me if this question is ignorant.

MS MITCHELL: Yep, yep.

MR PEARSON: So when you talk about minimising dust impacts, is it, therefore, understood that minimisation includes certain practices, and those practices are water suppression?

5 MS MITCHELL: That's right.

MR PEARSON: That – that's - - -

MS MITCHELL: Yep, yep. That's correct.

10 MR PEARSON: - - - understood in the consent condition, is it?

MS MITCHELL: Yes, yes.

15 MR PEARSON: Okay.

MS MITCHELL: I would say yes.

MR PEARSON: Okay.

20 MS MITCHELL: And I think it's - - -

MR PRESHAW: It's probably just worth saying in terms of the sort of broader context that the construction activities that would be involved with the solar farm are generally not considered to create a lot of dust impacts as compared to, again, something like a large-scale mine, or a mine, that sort of thing where we have very specific criteria. This is much more, you know, a minor construction activity, and so dust is not expected to be a major concern, and that's – you know, again, that's based on advice we received from agencies, and that's - across all the projects 25 we've approved so far, that's not been an issue that we've been particularly concerned about.

MR HUTTON: Okay.

35 MS MITCHELL: I think you were – you would see similar levels that agricultural activities would be producing dust from.

MR PEARSON: Sure.

40 MS MITCHELL: Yeah, yep.

MR PEARSON: Although, there's no agricultural activity taking place, is there?

MS MITCHELL: Well, in the surrounding area, I mean.

45 MR PRESHAW: On the immediate – yeah.

MR PEARSON: So there's no need to specify in that dust condition, then, the types of practices that would be required to minimise dust. It's sufficient to have that.

MS MITCHELL: Yeah. We don't consider a need for it.

5

MR PEARSON: Okay.

MS MITCHELL: That is our sort of standard dust mitigation condition, and we would consider that they would use any sort of guidelines around enforcing it.

10

MR PEARSON: Okay.

MS MITCHELL: I mean, I – I guess just a statement in regards to our conditioning approach in general. It is really outcomes focused, and it's up to the proponent to 15 decide the practices they want to put in place in order to achieve that certain outcome.

MR PRESHAW: So if they were not – you know, if there was complaints, for example, in the unlikely event that there were complaints about dust from this 20 particular construction activity or from the operations in an even more unlikely event, the Department can just refer directly to that condition and can say, "Well, if you're not minimising, then we can take compliance action again". It's not something that we envisage is likely to happen - - -

25

MR PEARSON: Sure.

MR PRESHAW: - - - but it is – it allows us – at least we have a condition in there. In the unlikely event that there is a problem, we can take action from a compliance perspective.

30

MR PEARSON: And the water use – so – I think I've read somewhere there was 10 mega litres in construction and negligible during operation. I imagine there might be some spikes around upgrades. And it's not clear what water use would be required for decommissioning, but again I would imagine it could be quite small.

35

MS MITCHELL: Yes. So - - -

MR PEARSON: Given the size of the water use, there was no – there was – I assume there was no need to assess separately water – you know, the project's water 40 use or impacts?

MS MITCHELL: During upgrading, specifically or - - -?

MR PEARSON: During construction, in particular.

45

MS MITCHELL: Yes. Yes.

MR PEARSON: And that was just – that was a function of the water use – the total volume of water use necessary to construct the project. Is that the reason behind that or - - -

- 5 MS MITCHELL: Yes. So in terms of water use, the applicant did provide an estimate of how much water they would use during construction.

MR PEARSON: Yes.

- 10 MS MITCHELL: We would assume that during any upgrades as a worst case scenario, they would use that amount as well.

MR PEARSON: Yes.

- 15 MS MITCHELL: As – well, you know, up to that amount, but not above that amount.

MR PEARSON: Yes.

- 20 MS MITCHELL: So that came into our consideration for the project, yes.

MR PEARSON: But I - - -

MS MITCHELL: Yes.

- 25 MR PEARSON: Have you relied on the fact that if they want to use on-site water, they will need a separate licence and/or the fact that the water use amount is relatively small and therefore they could just truck it in or have you – how have you – I couldn't find anywhere there was – where there was an assessment of water use
30 or water requirements associated with the project. I'm just wondering why there was no separate water use and - - -

MR PRESHAW: Yes.

- 35 MR PEARSON: So was it a function of the limited water use and the options available or the licensing or was there some other, sort of, mechanism that got you comfortable with - - -

- 40 MR PRESHAW: I think, again, as - the context is important. So we have looked at some solar projects where, you know, the water usage numbers are higher - - -

MR PEARSON: Yes.

- 45 MR PRESHAW: - - - for reasons that probably related to climate and dust and that sort of thing, like, naturally occurring - - -

MR PEARSON: Yes.

MR PRESHAW: --- and the lack of water in the area as being a bit of an issue. So for some solar projects, this has been an issue that we've, like, delved into with some detail how you're going to get your water ---

5 MR PEARSON: Yes.

MR PRESHAW: --- there's quite a lot of water, you know, how is that going to occur over the life of the project? I think in this case – and Diana, maybe, you can provide a bit more detail, but there's plenty of water in the region. There are
10 different ways that they can get it reasonably easily. And the amount of water they are proposing to use here is actually very small ---

MR PEARSON: Yes.

15 MR PRESHAW: --- even in comparison to other solar projects.

MR PEARSON: Okay.

20 MR PRESHAW: So there have been solar projects where we have actually had to go back to the company and say, "That's too much water, like, you shouldn't need – there is no need for you to use that much water ---

MR PEARSON: Yes.

25 MR PRESHAW: --- and there's actually not enough water in the region for you to be, kind of, taking that much water. In this case, you know, they – if they wanted to get it from a bore, then they would need to do that in accordance with the Water Management Act. And there's no concern from the Department of Industry about the availability of that – such water. And the amount of water is actually relatively
30 small, so – I don't know if that – I just wanted to give you a bit of that context ---

MS MITCHELL: Yes.

35 MR PEARSON: No, it does. It does. I guess then – so what – when we talk about this land, which is zoned BSAL, having issues around accessing water sufficient to actually irrigate the entire property, what's the source of that constraint, then, if there is enough ---

MR PRESHAW: Again ---

40 MR PEARSON: --- water around?

MR PRESHAW: --- the amount of water we're talking about for this ---

45 MR PEARSON: Okay.

MR PRESHAW: --- for that activity is very small.

MR PEARSON: Okay.

MR PRESHAW: I mean, just as a, sort of, contemporary thing that I'm looking at at the moment, there's, you know, some underground mines experience inflow - - -

5

MR PEARSON: Yes.

MR PRESHAW: - - - everyday inflows of 10 to 15 megalitres.

10 MR PEARSON: Yes. Yes. Yes.

MR PRESHAW: So we're talking about one and a half megalitres across a year.

15 MR PEARSON: Yes.

MR PRESHAW: It's a very – I mean, there are different ways you can, kind of, quantify it, but I think one and a half megalitres is about – I think four megalitres – and I'm not entirely sure, but I think four megalitres is the size of an Olympic-size swimming pool, so you're talking about less than half - - -

20

MR PEARSON: Okay.

MR PRESHAW: - - - of an Olympic-size swimming pool - - -

25 MR PEARSON: Okay.

MR PRESHAW: - - - across a year.

MR PEARSON: That's useful. Thank you.

30

MR PRESHAW: So – yes. It is – it's hard to – kind of - - -

MR PEARSON: I wasn't sure, so that's - - -

35 MR PRESHAW: The numbers are so big - - -

MR PEARSON: - - - hence the question because - - -

MS MITCHELL: Yes.

40

MR PEARSON: - - - you know, and so – that's a useful background. Thank you. Annalise, you might want to have a go first.

MS TUOR: I've just got a few questions about the conditions.

45

MS MITCHELL: Yes.

MS TUOR: So we've already discussed schedule 1 – schedule 2, sorry. Just another – condition 2 in schedule 2, it says:

5 *...the applicant must carry out the development generally in accordance with the EIS –*

there has been quite a lot of further information submitted, so do you actually say in accordance with the EIS and further information or is that covered somewhere else or

10

MS MITCHELL: So that comes down to the definition of the EIS.

MS TUOR: Okay.

15

MS MITCHELL: So if you go down – if you have a look at the definitions in the consent.

MS TUOR: Yes.

20

MS MITCHELL: The definition of the EIS actually includes the additional information that has been provided by the applicant.

MS TUOR: I see.

25

MR PRESHAW: So you will note all the different dates - - -

MS TUOR: Okay. Right.

MS MITCHELL: Yes.

30

MS TUOR: Thank you.

MS MITCHELL: Yes.

35

MS TUOR: Yes

MR PRESHAW: So when - - -

MS TUOR: Yes.

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MR PRESHAW: If and when we go to get the new version of the schedule 1, we may indeed add that as an additional thing in terms of the - - -

MS TUOR: Yes.

45

MR PRESHAW: - - - area of the land.

MS TUOR: Yes. And then schedule 3, condition 9. I know you say that your conditions are outcomes-focused and I presume with things like dust, it's easy to say what minimise means because you then go to best practice, but in 9(b) where it says:

5 *...consist of species that facilitate the best possible outcome in terms of visual screening –*

I – my feeling was that that's, I suppose, unclear, as opposed to just saying that consist of species that provide visual screening. I don't know. But I just wanted the
10 logic behind that.

MR PEARSON: And if I could add to that, actually, because it refers it back to the visual impacts which are assessed as – there's a scale in your assessment report.

15 MS MITCHELL: Yes.

MR PEARSON: And most of them in year 5 are still moderate – the visual impacts are still moderate. And so when you talk about the use of the word "effective" and mature trees – I guess like Annelise said, it was, sort of, very unclear as to how this
20 was going to operate in practice.

MS MITCHELL: Yes. Sure. Well, I think, as a first, it's important to note that the landscaping plan is required to be approved – it's to the satisfaction of the Secretary. And so we do allow some flexibility to the proponent in terms of what species that
25 they think will facilitate that best outcome and then we will be reviewing that landscaping plan to ensure that we're comfortable that they will be effective. And so I guess that's why we've allowed that flexibility. And then we've got the landscaping plan, which the Department would then approve, having a look at the species that they're proposing to use.

30 Just going to the impacts and the visual impacts, I think it's really important with solar farms that while the applicant's assessment gave them a rating of moderate following the implementation of the screening, that you really need to understand that in terms of context, for example, a wind project. Well, they've given moderate ratings to some of the residences here. If you compare it to what you would give a moderate rating for a wind farm, the impacts are actually – you know, quite greater for what you would give a moderate rating for a wind farm impact assessment - - -

35 MR PEARSON: And why is that?

40 MS MITCHELL: - - - so it's all in context. I guess it's – and it's the applicant's assessment. I think we note in the report that while, you know, the Department notes that while the applicant is giving them moderate impacts, we would actually consider the impacts to be quite lower in terms of, you know, looking at the more, sort of,
45 larger context to visual impacts.

MR PEARSON: Okay.

MS MITCHELL: Yes.

MR PRESHAW: I think it's fair to say that it's very much a relative scale, that they use.

5

MR PEARSON: Right.

MR PRESHAW: So, you know, rather than saying that they're all low or very low – low you know, they've spread out the potential impacts - - -

10

MR PEARSON: Okay.

MR PRESHAW: - - - into a relative scale.

15

MR PEARSON: Okay.

MR PRESHAW: But you couldn't compare the visual impacts on the same scale to wind farms, for example - - -

20

MR PEARSON: Sure.

MR PRESHAW: - - - or other developments because that scale would not work across the board.

25

MS MITCHELL: Yes.

MR PEARSON: So would you look at – I mean, would you look at the height of the screen or is that too prescriptive? If you talk about it being effective, then - - -

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MR PRESHAW: Yes.

MR PEARSON: - - - obviously at a minimum height of three metres, then that's effective.

35

MS MITCHELL: You could potentially look at doing that. I guess we didn't want to be that prescriptive.

MR PEARSON: Right.

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MS MITCHELL: Yes. So - - -

MR PEARSON: Why not?

MS MITCHELL: I - - -

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MS TUOR: I suppose because you don't know the height

MR PRESHAW: So – yes. Like – so - - -

MR PEARSON: Well, you do - - -

5 MS TUOR: And it's more the detail of the landscape - - -

MR PEARSON: You do the - - -

MR PRESHAW: So some of these projects – these conditions are slightly different.

10 It depends.

MR PEARSON: Right.

MR PRESHAW: So the one about:

15

...consist of species that facilitate the best possible outcomes -

that one sometimes reads in relation to a specific type of vegetation, a specific species, even - - -

20

MR PEARSON: Yes.

MR PRESHAW: - - - where OEH has given us advice that they think that's the appropriate one or that – we're actually trying – sometimes we're trying to achieve

25 - - -

MR PEARSON: Yes.

MR PRESHAW: - - - almost like an offset outcome as well - - -

30

MR PEARSON: Yes.

MR PRESHAW: - - - as a visual screening outcome. In this case, we're not worried about the – you know, providing native vegetation - - -

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MR PEARSON: Yes.

MR PRESHAW: - - - necessarily. So that's why that one is, I guess, worded in that way as opposed to some of the other projects, but the advice we've had from OEH is that it's very difficult to set hard, you know, height or other limits on vegetation because it very much relies on, you know, natural rainfall and those sorts of things. So to say that they achieve a certain outcome during a drought period might be very difficult if it was a very specific height or depth or, you know, density of vegetation etcetera. And very hard to judge even if you had that type of criteria in the consent.

45

So we prefer to leave ourselves an element of discretion I guess you could say.

MR PEARSON: Yes.

MR PRESHAW: And we look at the landscape plan before it's approved, and we make sure that it is something that is achievable. So some of those details will come into the landscaping plan.

5 MR PEARSON: So if I follow that through, if, for instance, there's a period of dry weather over a number of years that you're anticipating, will that feed into a decision to insist in the landscape management plan more mature trees be planted and more, sort of, irrigation activities be undertaken as part of the management plan that might otherwise be required if you had - - -

10 MR PRESHAW: Yes, that certainly can be part of the operational part of the management plan – the landscaping plan.

MR PEARSON: Okay.

15 MR PRESHAW: But we've certainly shied away from putting specific criteria - - -

MR PEARSON: Yes.

20 MR PRESHAW: - - - on vegetation, and that was based on advice from the Office of Environment and Heritage who - - -

MR PEARSON: Okay.

25 MR PRESHAW: - - - sort of, cautioned about doing that, because you end up in very difficult regulatory position in terms of - - -

MR PEARSON: Sure. Trees are unpredictable, so - - -

30 MR PRESHAW: Yes, and just – and measuring certain things can be very difficult.

MR PEARSON: Yes.

MR PRESHAW: You can imagine - - -

35 MR PEARSON: I understand.

MR PRESHAW: - - - the amount of surveys that might be required in that sort of scenario. There was another question I wanted to address as well. Look, if it comes back to me, I will - - -

MR HUTTON: I will just note, too, that we've been provided with figure 8.4 out of the visual impact assessment.

45 MS HOMSEY: Of the EIS.

MR HUTTON: Of the EIS that we've got – been presented as part of the pack. So thank you. The pack of information.

5 MR PRESHAW: That's actually – sorry, that's what I was going to say. So it is – again, it's just drawing back to the context in terms of when you look at that figure, and that is the kind of clearer one – we have one – you can look at the electronic one. It's even a little bit more clear, you know, the scale of the visual impact in comparison to other development types, I think, is important to consider when you're talking about how prescriptive we need to be about a vegetation screening.

10 MS HOMSEY: So just to clarify, VP1 has been given the moderate reading, based on this figure.

15 MR HUTTON: Okay.

15 MS TUOR: So back to the conditions, is there any conflict between the APZ requirement, or the defendable space, and then the landscaping, particularly going back the appendix 1 map, where it seems to have the landscape screen and then the APZ, I think

20 MS MITCHELL: So the landscape screen is proposed to be located outside of the asset protection zone. So you would have the infrastructure, the fence and the asset protection zone around it, so there would be that APZ buffer between the screening and the infrastructure itself. Yes.

25 MR PRESHAW: And again, we're going to get that plan updated.

MS TUOR: Yes, you will get that more detail.

30 MS MITCHELL: Yes.

35 MS TUOR: Yes. And then condition 17, heritage requires that you have further consultation with the Aboriginal stakeholders, which seems to imply that you would go back and talk to all of them, whereas the assessment of it in the actual body of the assessment report on page 28 seems to indicate that you only need to go back to undertaking additional consultation and site visit with the Gomeroi people, because they were missed out. So is there a conflict between the - - -

40 MR PRESHAW: Right. Yes.

40 MR HUTTON: - - - consultation that has already occurred and - - -

45 MR PRESHAW: So I think the answer to this is that the condition refers to the code of practice in terms of what is the consultation that needs to be undertaken, and we've actually been in discussions, I guess, with OEH about the content and interpretation of that code of practice, and there is an element of uncertainty in terms of what is required and who is required to be consulted with in the code of practice.

So we've identified, I guess, through our assessment process, that there is certain Aboriginal parties that do need to be consulted with, but, ultimately, they need to comply with the code of practice. Whether or not you need to do all stakeholders or particular stakeholders is actually the element of uncertainty in the code of practice.

5 So I guess, to be super clear from our point of view, we wanted to make sure that the stakeholder that's concerned about it is part of the consultation process. If the applicant, as part of doing the consultation in accordance with the code of practice, chooses to do other stakeholders, that's – I mean, that's fine, and that may well be
10 necessary as part of, you know, complying with the code of practice. So there is just – there is, I guess an interpretation element in the code of practice that actually needs some clarification, and I know OEH is looking to make some changes to make it really clear. Yes, I think going forward, where we will end up with, at least the Department's perspective, and this is subject to OEHs potential changes to the
15 guidelines – to the code of practice, is that we will just require all that consultation to be done before we even make a decision, because it just clears up that issue of who should - - -

MS TUOR: Sure.

20 MR PRESHAW: - - - be consulted with and what should they be consulted on.

MS TUOR: Okay. I think that was my questions on the conditions.

25 MR PEARSON: Could I pick up, then, on conditions. So schedule 2, number 6, it talks about:

30 *The applicant may upgrade the solar panels and ancillary infrastructure on site provided these upgrades remain within the approved development footprint of the site.*

You talked earlier about how any major change to the upgrades would require a separate modification or separate consent. I just wanted to clarify that in terms of my reading of this section, though because it does – where is that issue captured in your
35 conditions, then, that - - -

40 MR PRESHAW: I think the answer to that – like, the answer to what is a modification – what requires a modification as opposed to what is in accordance with the conditions is a decision that we make, you know, on a case-by-case basis. So for example, I guess – maybe this will give you some context as well – we've seen a few solar farms recently that have been approved come back and say, "Well, actually, we want to increase the height of our solar panels by a metre, you know, from three-point-whatever metres to four metres, for example". Like, potentially something that they think might fit under that - - -
45

MR PEARSON: Yes.

MR PRESHAW: --- and we've said, "No, that's a modification". That would be an example where if you're increasing the height of the panels, that's a material difference to the project. That's something we would consider under section – the old section 96, the new section 455 to be not substantially the same development,
5 and so I think the answer to your question is if it's not substantially the same, then it requires a modification.

MR PEARSON: So how does that legislative aspect interact, then, with this clause 6, which does actually contemplate the ability of the applicant to upgrade the solar
10 panels, provided that such upgrades occur within the approved development footprint? To take the height example ---

MR PRESHAW: Yes.

15 MR PEARSON: --- this consent, to me, indicates pre-approval almost, in a way, that so long as you're within the footprint, you can elevate – or you can increase or decrease the height of the poles.

20 MR PRESHAW: I think the footprint – on the specific height one, the footprint actually applies in a height sense as well.

MR PEARSON: Okay. Right.

MR PRESHAW: At least that's how we've interpreted that.

25 MS MITCHELL: Yes.

MR PRESHAW: So it's a footprint in terms of we've done – like ---

30 MR PEARSON: Okay.

MR PRESHAW: --- you know, in an urban planning context, you talk about a building envelope.

35 MR PEARSON: Okay.

MR PRESHAW: It's something akin to that.

MR PEARSON: Okay.

40 MR PRESHAW: Like, there are certain things, when you own a house, that you can do inside your house without getting development consent ---

MR PEARSON: Yes. Okay.

45 MR PRESHAW: --- and that's – I guess, it's similar. You know, sometimes if you want to ---

MS TUOR: Yes. Although – sorry - - -

MR PRESHAW: If you want to upgrade your balcony, that might just be exempt development, but if you actually want to extend the balcony out, that suddenly

5 becomes a modification to your existing development consent.

MR PEARSON: Yes. Okay.

MS TUOR: Yes, although I think footprint would normally relate to your ground plane, as opposed to envelope, which relates to a three-dimensional.

10 MR PRESHAW: Yes.

MS TUOR: So maybe you need to say three-dimensional footprint, just to – or - - -

15

MR PRESHAW: Yes. I mean, again, it's one of those things where the department is comfortable having an element of discretion, because we generally require changes to be done via modification, and I don't have the numbers at hand, but we've seen a lot of modifications come through on solar projects, because some of the detailed design has led to changes that are not things you would just put in your detailed plan. They actually needed a modification. I mean, I can't – what are some of – some of the other examples are when they want to move their car parking area and put a hardstand area that they hadn't previously proposed, or they want to move their site access.

20

25 MR PEARSON: Yes.

MR PRESHAW: Move from one spot to another. That may change the traffic impacts, but we've seen a number of modifications come through that we would consider to not be substantially the same, and not, you know, for example, be subject to that condition 5 of schedule 2.

MR PEARSON: So schedule 3, number 2:

30

The applicant must keep accurate records of the number of heavy vehicles entering or leaving the site each day.

There's a separate section that requires the publishing of some data. Has the department considered whether this data would be useful to be published together with the other data that is proposed to be published?

40 MS MITCHELL: So the access information condition, which is condition 7 of schedule 4, I believe it is – is that what you're referring to?

45

MR PEARSON: Yes.

MR PRESHAW: Yes.

MR PEARSON: Yes.

MS MITCHELL: Yes. Yes. So essentially, that does require them to publish a number of things.

5

MR PEARSON: Correct.

MS MITCHELL: So - - -

10 MR PEARSON: But schedule 2 – so they've - - -

MR PRESHAW: Yes, it doesn't capture that one, no.

MR PEARSON: It doesn't capture that one.

15

MS MITCHELL: It doesn't.

MR PEARSON: I'm just wondering whether - - -

20 MS MITCHELL: Yes.

MR HUTTON: - - - the department had considered that.

MR PRESHAW: I mean, it's the sort of thing that, I guess, we don't think

25 necessarily needs to be made public, but I – like, again, I'd probably take that on notice, see whether there's any particular reason why we don't want it to be made – there's no – I can't think of any reason why it should not be made publicly available.

30 MS MITCHELL: But I think it's also important to note that – if we did find that it was important for that information to be made publicly available, down the track – that we do have the discretion to ask for any other additional matter to be published, under condition 7 in schedule 4.

MR PEARSON: Okay.

35

MS MITCHELL: Yes.

MR PEARSON: And then, I think – number 4, road upgrades: it talks about road upgrades in the context of initial construction. And it may be the way I'm reading 40 this, but you did discuss the ability of this project to perhaps live on – not necessarily in perpetuity, but - - -

MS MITCHELL: Yes.

45 MR PEARSON: - - - potentially in perpetuity, I guess. How does this document, I guess, ensure that any future road upgrades as part of – sorry – road upgrades as part of a project upgrade are dealt with and managed by the applicant? Say, in 50 or 100

years time, the road degrades; they do another upgrade. How does this document ensure that that upgrade also carries with it the obligation to upgrade the road at that time?

5 MR PRESHAW: Right, so, as I understand – I think what you're asking about is if they needed to do future – road upgrades.

MR PEARSON: Well, both. So in 100 years' time - - -

10 MR PRESHAW: Yes.

MR PEARSON: - - - if there's a proposed project upgrade, and the road has, in 100 years, degraded to the point where the heavy vehicle traffic involved in that upgrade would, obviously, be problematic to the existing road infrastructure, how does this 15 document ensure that the same obligations for the initial construction in terms of the road upgrade are carried forward for each subsequent upgrade, and/or decommissioning, at some future point? It may be in the document; I just couldn't detect whether that obligation carried through all the way through.

20 MR PRESHAW: So I think the first thing to say is that the roads, under the should not degrade. And there's a part of our traffic management plan, of condition A of schedule 3, part C – subpart C – a protocol for the repair if any local resident finds have been damaged during construction, upgrading or decommissioning. So - - -

25

MR PEARSON: I see, okay.

MR PRESHAW: - - - the traffic management plan is set up to ensure that the roads are not degrading, and if they are - - -

30

MR PEARSON: Okay.

MR PRESHAW: - - - in any way, then they need to be repaired at the cost of the applicant.

35

MR PEARSON: Okay.

MR PRESHAW: So I think that deals with the issue of potential degrading. And therefore there wouldn't be a need for road upgrades. But if there was a need in the 40 future – again, this goes to the question of what's a modification and what's something that can be done under the consent. If they needed, for – if there's been changes in the locality and they need to do road upgrades at some other part of the project, that may well be subject to a further modification. They can only – the road upgrades that they're allowed to do are the ones that are specifically mentioned - - -

45

MR PEARSON: Yes, correct.

MR PRESHAW: --- in the development consent. If there were some other road upgrades that were required later down the track, that certainly could be part of a road ---

5 MR PEARSON: Okay.

MR PRESHAW: A modification application.

10 MR PEARSON: Because C, to me, looks like a rearward-looking test. It says that – the road could be in a terrible condition; you can do the upgrade; and if you damage the road beyond the terrible condition it's in, you need to restore it back to the terrible condition it was in. But it doesn't seem to me to indicate or contemplate that if the road's in a terrible condition and you want to run 150 trucks on it a day, that you actually need to upgrade that road at that point in time. That's, I guess – one
15 seems to be rearward-looking, as opposed to ---

MS TUOR: Yes, although C is based on a dilapidation report ---

MR PRESHAW: Yes, so B and ---

20 MS TUOR: --- so you've got to ---

MR PRESHAW: So B and C have got to ---

25 MR PEARSON: Correct.

MR PRESHAW: --- be read together there – sorry. So they have to do dilapidation surveys. That's your protocol – like, basically, they set up a system of doing surveys and repairing throughout the life of the project.

30 MR PEARSON: That's fine, but the point is that the obligation to undilapidate the road is back to its state, right, that it was in prior to the construction activity. That road might be in a pretty poor state at that point in time, as ---

35 MR PRESHAW: Right.

MR PEARSON: --- it is now.

MR PRESHAW: I think – well ---

40 MR PEARSON: So what we're ---

MR PRESHAW: I mean ---

45 MR PEARSON: --- saying now is that the road needs to be upgraded; whereas, in the future, what we're really saying is that the road just needs to be repaired back to

the poor state that it was in, as opposed to, it needs to be upgraded to satisfactorily accommodate those trucks. There's a slight difference, unless - - -

MS TUOR: So are you saying - - -

5

MR PEARSON: - - - I'm missing something.

MS TUOR: - - - that B needs to recognise that the didapidation report in dot point 1
- - -

10

MR PEARSON: Well, no - - -

MS TUOR: - - - should be identifying the upgraded - - -

15

MR PEARSON: No, I'm not - - -

MS TUOR: Not the existing condition, but the - - -

MR PEARSON: No, I - - -

20

MS TUOR: - - - upgraded, as required by condition 4 - - -

MR PEARSON: I guess – well, I'm not - - -

25

MS TUOR: - - - as your benchmark?

MR PEARSON: - - - saying anything. What I'm asking is, are road upgrades – it would seem, if the obligation to upgrade the road that's currently contemplated to be used – seems to be quite a sensible condition, but in future, if the road degrades other than through the activity of this project, it could be in a state that's pretty poor – A only serves to operate to compel the applicant to return that road back to the condition it was in prior to the construction activity. There doesn't seem to be a similar 4 that carries through to future road – future project upgrades, or decommissioning of the project, if that - - -

35

MR PRESHAW: Yes.

MS MITCHELL: Yes.

40

MR PEARSON: - - - decommissioning occurs in - - -

MR PRESHAW: No, I think I understand. I think Annelise has raised the point – the right point, which is, it probably needs to more clearly reflect that the roads need to be maintained at the level as upgraded, and the intersections need to be maintained at the levels upgraded.

45
MS TUOR: Yes, yes.

MR PRESHAW: And maybe that's not entirely clear in 8B of schedule 3. And I think that is something that could be – yes – clarified by a drafting amendment.

5 MR PEARSON: Potentially. I guess – again, the concern isn't – so the activity of this project on that road, for – let's say there's no upgrade for 50 years, so the contribution to the road degradation of this project is very small between construction and, say, decommissioning in 50 years' time. So it's not that "What's the impact of this project on that road over that 50 years?" because it will be quite small, and the other traffic will be the larger source of degradation of that road. It's –
10 in 50 years' time, if that road, through that other, third-party source of degradation, has reduced that road to a dirt road, and then they go to decommission the project, then the obligation that they currently have to upgrade the road, to undertake the construction work, isn't – in my mind, anyway – carried forward to that point in the future.

15 MS MITCHELL: Yes. So - - -

MR PEARSON: And, I guess, the question is whether - - -

20 MS MITCHELL: So - - -

MR PEARSON: - - - that's a deliberate – whether that's a deliberate intention on the part of the Department, or whether it's not.

25 MR PRESHAW: I think – yes, look, I think – I really think we need to take this on notice, because it's a little bit tricky, because we certainly want them to upgrade the road and the intersection that will be used during the construction - - -

MR PEARSON: Construction; correct.

30 MR PRESHAW: - - - period.

MR PEARSON: Correct.

35 MR PRESHAW: Whether or not they need to maintain that for ever more - - -

MR PEARSON: I'm not saying that - - -

MR PRESHAW: - - - if they're not upgrading – exactly, yes.

40 MR PEARSON: I'm not saying they're maintaining it.

MR PRESHAW: No, I know.

45 MR PEARSON: That's not - - -

MR PRESHAW: And – but I think - - -

MR PEARSON: --- what I'm saying.

MR PRESHAW: --- if we were to do what Annelise and I were discussing there, that would probably create the situation where they'd have to maintain it ---

5

MR PEARSON: Correct.

MR PRESHAW: --- at a certain level ---

10 MR PEARSON: And that's not ---

MR PRESHAW: --- which is not really the ---

MR PEARSON: That's not ---

15

MR PRESHAW: --- outcome we're looking for.

MR PEARSON: That's correct.

20 MR PRESHAW: What you're saying, I think, is, perhaps there needs to be a mechanism by which the road is – the road that would be used for construction – the upgrades that are required to that road for construction may also need to be upgraded again ---

25 MR PEARSON: Correct.

MR PRESHAW: --- at certain points in ---

MR PEARSON: Correct.

30

MR PRESHAW: --- the future, whether it's upgrading or decommissioning ---

MR PEARSON: Correct. So ---

35 MR PRESHAW: --- but at the moment, there's – I guess – there's a grey area there. So ---

MR PEARSON: Correct.

40 MR PRESHAW: Like, I'm happy – I think we just take that one on notice, if we can, because ---

MR PEARSON: That's fine, yes.

45 MR PRESHAW: --- I would like to think about how – well, firstly, what are we trying to ensure happens ---

MR PEARSON: Correct.

MR PRESHAW: --- in future; and, secondly, how can we achieve that in the simplest way?

5

MR PEARSON: That's right.

MR PRESHAW: So ---

10 MR PEARSON: So my question was really around ---

MR PRESHAW: Yes.

MR PEARSON: --- whether that's contemplated, then.

15

MR PRESHAW: I understand, yes.

MR PEARSON: And so ---

20 MS MITCHELL: Yes.

MR PEARSON: Because, as ---

MR PRESHAW: And I ---

25

MR PEARSON: --- you point out, it is a – potentially – it's a – you know – it's a multigenerational project.

30 MR PRESHAW: Yes. I think the intention is to get it to be incorporated into the traffic management plan, so that it has a mechanism to ---

MS TUOR: Yes.

35 MR PRESHAW: --- deal with that particular situation. And I'm not sure that B and C do it exactly in the way that ---

MR PEARSON: No, I – that was ---

MR PRESHAW: --- you're referring to.

40

MR PEARSON: --- correct, yes.

45 MS TUOR: Yes, I'm not sure if I actually understand what you're saying, because I get the impression that you're actually saying that this proposal – proponent should be responsible for upgrading the road, even if the degradation in the road has occurred from other usage. But ---

MR PEARSON: They are obliged to do it now, under the road upgrade - - -

MS TUOR: But that's because - - -

5 MR PRESHAW: Prior to construction.

MR PEARSON: Prior to construction.

MS TUOR: Yes, but that's to upgrade it so that this development can occur, that the

10 - - -

MR PEARSON: Correct.

MS TUOR: - - - road is in a suitable condition - - -

15

MR PEARSON: Correct.

MR PRESHAW: But they may - - -

20 MR HUTTON: It's parts of the road, too.

MR PEARSON: Yes.

MS TUOR: - - - to - so it's a nexus.

25

MR PRESHAW: But they may need to do - - -

MS TUOR: Whereas - - -

30 MR PRESHAW: They may need to upgrade it again when they - - -

MS TUOR: Yes.

MR PEARSON: Correct.

35

MR PRESHAW: - - - decommission.

MS TUOR: Yes, which is then - - -

40 MR PEARSON: Because they'll be running - - -

MS TUOR: Then it is that dilapidation report, where you basically look, and - okay, before you have started your development, you've got the roads to a state that is fit for the purpose of your development. So that's your benchmark. And then you have to have a dilapidation survey that takes that bench and monitors what's happening as a result of your development on those roads, and you're responsible to maintain those roads in that condition that's suitable for your development.

MR PEARSON: But that's not what I'm saying. So what I'm saying

MS TUOR: Yes.

5 MR PEARSON: - - - is, the road, in 50 years' time, may be degraded to a point that
is worse than the current road is now, and the current road now is required to be
upgraded in order to enable construction. So if the road, through no fault of the
applicant, in 50 years time ends up in a state where it is worse than it is now or – at
or worse than it is now, then is the applicant – has the department considered – or is
10 the applicant obliged to undertake the same upgrades then as it is now in relation to
this road?

MS TUOR: But I would then say that it's only the nexus between this development
and the condition of the road and if for other reasons that the road has somehow
15 become a major highway and now is – you know, got a whole lot of trucks on it, it's
not this applicant's responsibility for doing that, but I think - - -

MR PEARSON: Yes. We will move past it.

20 MS TUOR: I think it's – yes, something that needs to - - -

MR PEARSON: Yes. We will move past it.

MR PRESHAW: I'm happy to consider the drafting. Yes.

25 MR PEARSON: Yes. Yes.

MS TUOR: Yes.

30 MR PRESHAW: We will get that – we will get back to you.

MS MITCHELL: Yes.

MS TUOR: To make it clearer. It's obviously not - - -

35 MR PRESHAW: I think there are actually two issues there and – so let's move on.
I can – we can get back to you on Friday.

MR PEARSON: Yes.

40 MS TUOR: Yes.

MR PEARSON: So I think it was condition 5: cost sharing on the road upgrades.
Could you just confirm that a similar obligation will be inserted into SSD 8882.

45 MS MITCHELL: So if the Orange Grove solar project were to be approved, a
similar condition - - -

MR PEARSON: Yes, would be put in.

MS MITCHELL: It's – the department would set – to put a similar condition in there.

5

MR PEARSON: Okay.

MS MITCHELL: Yes.

10 MR PRESHAW: And there is precedent for that. Right.

MS MITCHELL: There is.

MR PRESHAW: We've done a couple of pairs of projects like that.

15

MS MITCHELL: Yes, we have.

MR PEARSON: Yes. That's right.

20 MS MITCHELL: Yes.

MR PEARSON: Obviously there would need to be a similar cost-sharing obligation the other way.

25 MR PRESHAW: Yes.

MS MITCHELL: Exactly.

MR PEARSON: Okay

30

MS MITCHELL: Yes.

MR PEARSON: Okay. And then in schedule 4, number 3 – sorry. Number 3, para 3. Schedule 4, number 3, paragraph 3:

35

With the agreement of the Secretary, the applicant may prepare any revised strategy plan or program with undertaking consultation with all the parties referred to under the relevant condition of this consent.

40 What are the conditions that would allow the Secretary to enter into such an agreement?

MR PRESHAW: So you're saying what's the scenario, for example, that you were to use the para 3?

45

MR PEARSON: What's the criteria, I guess, that would enable the Secretary or allow the Secretary or oblige the Secretary to enter into such an agreement to - - -

MR PRESHAW: Well, I think – if I can give you an example by way of an answer, which is that there are requirements to update your management plans as part of any modification. Right. So you have to actually update all your management plans.

5 MR PEARSON: Yes.

MR PRESHAW: But sometimes the modification only has a very small impact on the development and is only about roads or whatever it is. You then have to go update your other management plans that have no relevance to that particular
10 modification. In that scenario, for example, the applicant might say, “Do I need to update my, you know, landscaping plan when I’m only doing something in relation to the roads?”

MR PEARSON: I see. Okay.

15 MR PRESHAW: And we will say, “No. You don’t need to go consult with everybody about that because it has no relevance whatsoever.”

MR PEARSON: Okay. Okay.

20 MR PRESHAW: So that’s – when you say, “What’s the criteria,” it’s a discretionary call, but that’s the scenario we’re envisaging.

MR PEARSON: Yes. I understand.

25 MR PRESHAW: And it happens quite regularly because every time they modify, they have to go update their management plans.

MR PEARSON: Okay.

30 MR PRESHAW: And it would be a burden on everybody - - -

MR PEARSON: I understand. No. No. I - - -

35 MR PRESHAW: - - - especially the agencies, if we were asking them to go out and do that kind of consultation.

MR PEARSON: Okay. And in number – schedule 4, item 4, what does “incident” mean? Is that - - -

40 MS MITCHELL: Sure. So - - -

MR PEARSON: Is that an understood term that - - -

45 MR PRESHAW: Yes. That should be defined.

MS MITCHELL: It is. Yes. There is a definition of “incident” in – under the – in the definitions.

MR PEARSON: Okay.

5

MS MITCHELL: So essentially it's a set of circumstances that causes or threatens to cause material harm to the environment, and then we also have a definition of what material harm is.

10 MR PEARSON: Okay.

MS MITCHELL: So it's fairly clearly defined.

MR PEARSON: Yes. Yes. Okay.

15

MR PRESHAW: That's straight from the EPA.

MR PEARSON: All right. Thank you. Okay.

20 MS MITCHELL: Yes. Yes.

MR PEARSON: Okay.

MS TUOR: I just thought of another question in relation to the conditions. This
25 consent would be approving subdivision, and you mentioned the details of the subdivision plan related to council, but are there any conditions relating to subdivision that outline that – what that process is?

30 MS MITCHELL: There aren't, no. There are no conditions. So essentially the linkage there between the conditions and the approval of subdivision is that we would consider the subdivision to fall within the scope of the works as defined within the environmental impact statement, as defined in here.

35 MR PRESHAW: And also outlined in the plan which we need to get updated in schedule 1.

MS MITCHELL: Yes. Yes. So while there isn't a specific condition around it, it's sort of implied that it's approved.

40 MS TUOR: But the obligation then to go to council and do all the normal things that you do in a subdivision - - -

MS MITCHELL: Yes.

45 MS TUOR: How does that happen if there's no condition?

MR PRESHAW: Well, the condition – sorry. I mean – so the – the schedule – appendix 1 actually has the outline of what areas are part of the urban development footprint and which areas are not. So that defines what would later be subdivided. And then the process by subdivisions is managed by council in accordance with – 5 with the EIS and that plan in the consent conditions.

MS TUOR: Yes It's just that when you go to page 29 of the assessment report, it has a heading Subdivision, and it says:

10 *A proposed subdivision would three new lots.*

And at the moment I – unless I go into the EIS, I don't really actually have any idea where those three new lots are because it's not shown in the developable area. The developable area is just shown as one lot. There's a dot point 3 which talks about 15 one of the lots may be prohibited – strict reading of it. I don't understand what that is.

MS MITCHELL: Yes.

20 MS TUOR: And then notwithstanding blah, blah, blah, the EPA Act does say that you can grant the – so it's saying that you can actually approve it even though it's prohibited. So I haven't – I don't really understand what that is about, but I just would have thought that there would be a bit more certainty in the consent that if subdivision is to be approved, that at some point in time someone is going to take 25 care of the details because at the moment there's nothing that even shows you – there's no plan that even indicates what the three lots are. So they could be three lots that are quite different to what's proposed.

30 MR PRESHAW: Yes. I mean, I guess what I'm saying is that the general layout of the development, while it doesn't specify the subdivision, it does actually show the areas that would ultimately be subdivided because, as I understand it – and correct me if I'm wrong, Diana – the development footprint is going to be one of the lots

35 MS MITCHELL: That's right. Yes.

MR PRESHAW: --- the subdivision is going to be one – sorry, the substation, which is in yellow, will be one of the other lots; and the rest will be the third lot. So while they're not specified as, you know, subdivision – future subdivisions, they are 40 the boundaries of which the subdivision would be based. So one is the yellow, one is the development footprint and one is the rest of – around that area.

MS TUOR: And so it's automatic, without putting on a condition, that to actually lodge a subdivision plan with the Land Titles Office, that that would have to be done.

45

MR PRESHAW: That would need consent from the council. Yes.

MS TUOR: And you don't have to say it, because it just has to happen.

MS MITCHELL: Yes. Yes.

5 MR PRESHAW: Yes. Yes. Yes.

MS MITCHELL: That's correct.

MR PRESHAW: I guess the answer is yes. Yes.

10 MS MITCHELL: Yes. There have been a number of circumstances where we have approved subdivision in this similar manner and they have been able to proceed with it.

15 MR PRESHAW: Yes. I mean, I guess it's fair to say it's standard practice with many of these renewable energy projects where there's a requirement for a substation which – and this goes to the thing that you're saying you didn't quite understand, but a substation is sometimes quite often smaller than a minimum lot size under the council LEP, and so we can approve it as part of a SSD project, because it's only a 20 partial prohibition of the whole site, and so once that has been approved – it's basically saying - the SSD is saying it's approval and then the council can do the subdivision certification.

25 MS TUOR: But how can – so you're approving subdivision as a concept, which, as a concept, has a lot that's below the minimum lot size.

MR PRESHAW: Correct.

MS TUOR: You've got the power to do it as an SSD - - -

30 MR PRESHAW: Yes.

35 MS TUOR: - - - but the actual plan that will go to council, which has the minimum lot size, council doesn't have the power to approve it if it's a prohibition; is that correct?

MR D. KOPPERS: I think we need to clarify that it's probably not a prohibition, it's a development standard, and you have power under the LEP to vary development standards. So it's not prohibited land use, therefore it's not prohibited development.

40 MS TUOR: So it will be a clause 4.6 variation.

MR KOPPERS: Yes. So - - -

45 MS TUOR: However, if you actually had that area identified at this point in time, it would be approved, because you've got the power to do it without clause 4.6 and then council would just have to, you know, do whatever they - - -

MR PRESHAW: I think – there's sort of two issues going here, I think. There's the one about like what the subdivision is and what we're approving, and then there's the process of getting the subdivision plan stamped essentially, and that's – like we're essentially not – the department is saying, "We're not going to deal with that process now. We're saying it's approved. You can have a subdivision of this size", and then council will deal with the actual process of that.

MS TUOR: Yes. I suppose I'm just saying - - -

10 MR PRESHAW: And that's - - -

MS TUOR: - - - that you want to avoid a nightmare for the proponent down the track where - - -

15 MR KOPPERS: And maybe because we're going to be having a meeting with council, we can broach the topic with council and then - - -

MR HUTTON: Yes. Absolutely. Yes.

20 MS TUOR: Yes.

MR PRESHAW: Yes. So we have consulted with council and, look, it's fair to say that there is – I guess, the other part of the development that does – the department that does urban developments, I think that they, on occasion, actually handle the subdivision on the way through, but it becomes a tricky kind of process that we, in our area, don't deal with and that has been across all the projects so far. So council is comfortable that they will handle it from here and perhaps that is something that you can discuss with the applicant and the council to ensure that they're comfortable that that process can play out correctly.

30

MR HUTTON: Yes.

MS TUOR: Yes. That it's going to go through smoothly.

35 MR HUTTON: And I think - - -

MR PRESHAW: I would argue, from - you know, just from our research point of view, it's probably better if they go to council to get it done quickly. Yes.

40 MS TUOR: No. But I'm just thinking if, at this point in time, there was just an indicative map - - -

MR PRESHAW: Right.

45 MS TUOR: - - - that was the indicative subdivision that then got approved with the substandard lot size - - -

MR PRESHAW: Well – and that’s – and I guess that’s what I’m saying is essentially - - -

5 MS TUOR: - - - and a condition that said, you know, go to council to get the thing done - - -

MR PRESHAW: Yes.

MS TUOR: - - - then it's clear. Anyway.

10 MR HUTTON: Sorry. Just to check our meeting time is 11.30.

MR KOPPERS: No. 11.

15 MR HUTTON: 11. Okay. We've overrun. All right. Is there any other questions or matters then given that time? Everyone is happy?

MS TUOR: No. Thank you very much.

20 MR HUTTON: All right.

MR PRESHAW: Should I just run through the things that I think I've said we will take notice and get back to you about?

25 MR HUTTON: If you don't mind. Thank you. Yes.

MR PRESHAW: So there's a detailed map in schedule 1 – appendix 1, I should say - that we will provide to you, a revised version that has some updated aspects. You did ask about the legal status of the draft Floodplain Management Plan and we will 30 get back to you. We will have to seek advice from the Department of Industry on that and we will get back to you on that. Then there was questions around conditions 6 and 7 of schedule 2, which I think we ended up covering in some detail.

MR PEARSON: I think so. If – subject to - - -

35 MR PRESHAW: Did you want any further - - -

MR PEARSON: - - - Andrew's view, I would be comfortable with your answer, but if there's something different to your answer - - -

40 MR PRESHAW: Yes. I think we will leave that one, unless you come – unless - - -

MR PEARSON: Well, it was - - -

45 MR PRESHAW: - - -

MR PEARSON: Annelise and I had that concern, so, I mean - Annelise, subject to your concerns

MR PRESHAW: Well, that can come through as an email anyway if you like.

5

MR HUTTON: Yes.

MR PEARSON: Yes. Okay.

10 MS TUOR: Yes.

MR PEARSON: Yes.

15 MR PRESHAW: So I will leave that one for now. There was the question around the road dilapidation and repairs, and we will just – we will have a – I think we need to consider that and whether it's actually covering exactly what we intended to cover

MR PEARSON: Yes. Yes.

20

MR PRESHAW: --- and we will get back to you on that. There was also a question around the heavy vehicle number records. Again, I think Diana noted that that is something that we can require at any point to be made public. If that's sufficient for you, then I don't know that we need to back to you.

25

MR PEARSON: It's sufficient for me. It was really whether it would be considered as to whether that was a desirable thing to do and whether the mechanism existed, so you've answered both questions.

30 MS MITCHELL: Yes. Okay.

MR PRESHAW: Okay. So it's just the three things that we will get back to you on.

MR HUTTON: All right. Well, apologies for running over time.

35

MR PEARSON: That was great. Thank you.

MR HUTTON: Yes. Thank you.

40 MS HOMSEY: I'm going to leave that with you: the USB with the digital copies of the maps provided.

MR HUTTON: Okay. So that's a USB. Thank you. Thank you again for your time and certainly your contribution to answering the questions that we've put forward. So it has been much appreciated. So I think on that point, I will close the meeting and we will – thank you. Cheers.

MR PRESHAW: Thank you very much.

MS TUOR: Thank you.

5 MS MITCHELL: Thank you.

MATTER ADJOURNED at 11.17 am INDEFINITELY