



26 April 2024

Mr Tim Vesey
Development Manager
Energy Transition Solutions

By email: [REDACTED]

Dear Tim,

Dubbo Firing Power Station (SSD-28088034)

The Panel of the Independent Planning Commission appointed to determine the above Application refers to its meeting with your representatives on 16 April 2024.

At that meeting, material was presented to the Panel to the effect the Applicant now does not seek development consent for the electricity transmission line currently forming part of the application (see slide 10 of the presentation linked [here](#)).

The Commission notes your Ms Rowarth's exchange with Commissioner Michael Chilcott on 16 April 2024, in which Mr Chilcott asked whether an application to amend the present application would be made in respect of the electricity transmission line (ETL) (see the Commission's transcript of the meeting lined [here](#) at page 4, line 25 to page 5, line 39).

The Panel has formed the view that in order to exclude the ETL from its deliberations, a formal request to amend the present application will need to be made by the Applicant in accordance with sections 37 and 38 of the *Environmental Planning and Assessment Regulation 2021*.

The Commission notes that it has delegated its functions of determining whether to approve or reject amendments under section 38 of the Regulation to officers of the Department of Planning, Housing and Infrastructure (see Item 10 of the Commission's delegation linked [here](#)).

The Panel also notes that it is unaware of evidence of landowners consent having been provided by Essential Energy for any part of the ETL that extends onto its property.

Accordingly, if the Applicant decides not to amend its application to exclude the ETL from the consent being sought, or if the amendment is rejected, the Panel requires evidence of landowners consent (or a reason why such consent is not required) for every part of the land on which the ETL is to be situated.

Absent either:

1. an approved amendment of the Application to remove the ETL, or
2. evidence of landowners consent having been provided by every landowner on whose land the ETL will be situated,

the Panel cannot proceed to determine the Application.

The Panel seeks your views on how the Applicant proposes to resolve this matter. Please provide confirmation on the above to the Commission by **5pm Wednesday 1 May 2024**.

Yours sincerely



Brad James
A/Planning Director