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**TRANSCRIPT OF PROCEEDINGS**

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O/N H-1091329

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH COUNCIL**

**RE: ERARING POWER STATION ASH DAM EXPANSION**

**PANEL:** **PETER DUNCAN (CHAIR)**  
**PROF ALICE CLARK**

**PANEL ASSISTING:** **CALLUM FIRTH (SECRETARIAT)**  
**LISA HONAN**  
**KIM STRATHAN**

**APPLICANT:** **SARAH WARNER**  
**DANIEL WOODS**  
**GLEN MATTHEWS**

**LOCATION:** **IPC OFFICE,**  
**LEVEL 3, 201 ELIZABETH STREET,**  
**SYDNEY, NSW**

**DATE:** **1.05 PM, TUESDAY, 19 NOVEMBER 2019**

**THIS PROCEEDING WAS CONDUCTED BY TELEPHONE CONFERENCE**

MR P. DUNCAN: All right. Christine, I think we'll get started.

5

MS .....: Cool.

MR DUNCAN: Good afternoon and welcome. Before we begin, I'd like to acknowledge the traditional custodians of the land on which we meet. I'd also like to pay my respects to their elders past and present and to the elders from other communities who may be here today. Welcome to the meetings today on the proposal seeking approval for the modification to the Eraring power station Ash Dam to augment the dam using alternative ash placement strategy and landform design to increase the storage capacity in the short to medium term. My name is Peter Duncan. I'm the chair of this ICP panel. Joining me is my fellow Commission Alice Clark, Callum Firth, Lisa Honan and Kim Strathan are attending from the Commission of secretariat.

In the interest of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded, and the full transcript will be produced and made available on the Commission's website. The meeting is one part of the Commission's decision-making process. It is taking place at a preliminary stage of this process and will form one of the several sources of information upon which the Commission will base its decision. It is important for the Commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate. If you're 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 then put on our website.

I request all participants today to introduce themselves before speaking for the first time, and if all members can ensure we don't speak over each other so that we can get the transcripts correct. We'll now begin. Then over to you, Sarah and Daniel, if you'd like to introduce yourselves and maybe provide Alice and I some background to your submission. We have, obviously, the assessment report, and we know that you've raised no objection to the augmentation proposal, but you've mentioned some issues to do with biodiversity and air quality that require further consideration. So I'll hand to you to start with, and then we can have a discussion. Thanks, Glen.

MR G. MATTHEWS: Thanks, Peter. Ah, it's Glen Matthews. I'm a senior development planner with ..... council. Um, so council reviewed the proposed modification providing feedback on the 27th of – 27th September in 2018. Um, we relied upon specialist advice from our internal experts. Ah, unfortunately, the experts who provided that information have now moved on from council so we – I have two other specialists with today who can assist in providing some further comment. However, at the time of comment, ah, while we didn't object to the proposal, there were concerns around the impact to flora and fauna and air – potential

air quality. Um, there may – council may have had some further issues but believed a lot of the issues were considered at, um, at the previous application stage that would then flow into the modification. Um, so I might introduce my experts to provide a rundown on the comments that they've provided or reviewed. Um, I'll - - -

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MR DUNCAN: Thanks, Glen.

MR MATTHEWS: I'll introduce Sarah first.

10 MS S. WARNER: Hi, so my name's Sarah Warner and I'm the development planner flora and fauna council. So, as Glen mentioned ..... provided the comments previously and I've looked over those as well as the assessment. I think while it's been mentioned that council didn't object to the proposal, just in my position, my role and the issues that I look at, I would have to say that I, um, would have objected  
15 to it just on the ecology grounds. There are a few things, um, that I thought stood out. Um, the first one, I'm just wondering whether there's an enquiry in the Upper House about, um, the Eraring and Vales Point Power Stations and there's been some talk in the media that it might be inappropriate to determine the application while that's proceeding. Um, do you know where that is at at the moment?

20

MR DUNCAN: Look, that's a matter that we'll have to – I – I can't tell you exactly where it's at, but we'll take those – those sorts of comments into account in the – in our determination.

25 MS WARNER: Yeah, I – I probably agree with you ..... with what I've read in the papers anyway, but I would be waiting until - - -

MR DUNCAN: Yeah.

30 MS WARNER: - - - that inquiry's been, um, determined. Um, the other - - -

MR DUNCAN: But the – just to go to the point you raised on flora and fauna, could you probably give us a bit more of, ah, detail of your view about that and – and whether in fact these things can be dealt with or not just to give you – give us a sort  
35 of background.

MS WARNER: Well, I think from what I've read, like, the coal ash is extremely toxic. I've been out to the site a couple of years ago and I would say it's very toxic. You know, anything in its path seems to just dissolve. There's been talk about it  
40 getting into the ecosystem and, um, I don't know, potentially not being able to eat produce around that area. Um, but then there's the bigger and more – I don't know if it will be dealt with in the inquiry and maybe this a separate issues, but the broader, ah, principles around ecological sustainable development, um, in clause 4.15 of the EPNA Act, the old 79C matters of consideration. Um, also under the new  
45 legislation, the need to avoid impacts.

They kind of – all of those things, I think, hopefully, will be dealt with in the inquiry, but if not, um, I would just add them as separate issues for this application to consider. With ESD, um, there's been some court cases at – particularly the one that Preston did with Rocky Hill at Gloucester. Um, they talk about the need to start  
5 considering climate change impacts, um, under ESD and clause 4.15 and I'm – yeah, I'm not sure how – it's a huge issue. I don't – I don't know how you address that on an application by application basis, but yeah, anyway, I – I guess I - - -

10 MR DUNCAN: So, um, yeah, I understand what you're saying and we'll – we take all those things into consideration. As Glen outlined, this is a modification of an existing approval and – and things, obviously, were taken into account at that stage. Are you – are you aware of the modification itself and the change that brings and – and what that issue might be in the way of impact?

15 MS WARNER: Yeah, I am. Like, it's an additional 10 hectares of, um, threatened species habitat, um, to an existing approval, as you said. Um, so that in itself has some more issues. So under the BC Act you're meant to avoid first. I don't know. They seem to have encroached on the northern area, our clause 7.5 of the area under  
20 the LEP. Um, they did respond to it, but not – I – I'm not sure if they've actually realised the point of that submission comment. It's already been an offset to the previous approval. So not only do they need an offset for what they're impacting in the expansion, but they also then need to offset the offset they're impacting from the previous approval. Does that make sense? But - - -

25 MR DUNCAN: It does.

MS WARNER: I - - -

30 MR DUNCAN: Yeah, I know what you - - -

MS WARNER: Yeah, I can - - -

MR DUNCAN: - - - I know what you mean.

35 MS WARNER: .... if it helps further. But then under the BC Act they're meant to avoid and they went to a lot of effort to identify that offset for the initial approval under clause 7.5 and they've put it in the LEP. They did that because it had a lot of Tetratheca and other threatened species habitats so I don't know how that ties in with  
40 being able to avoid – you know, they're meant to avoid the significant habitat, but they've gone – encroached it which is, um, I don't know, another issue. Um, I think that was pretty much it for mine.

MR DUNCAN: Okay.

45 MS WARNER: Yep.

MR DUNCAN: Alice, do you have any questions? No?

PROF A. CLARK: Sorry, I had myself on mute there. Ah, no. Thank you very much for that, Sarah. Um, but I don't have any specific questions to that, Peter. Thanks.

5 MR DUNCAN: Okay. All right. Glen, do you want to add any more? You or Daniel?

MR MATTHEWS: Yeah, I want to introduce Daniel to raise his concerns now.

10 MR D. WOODS: Yeah, ah, so my name's Daniel Woods. I'm the council's senior sustainability officer in environmental health.

MR DUNCAN: Yep.

15 MR WOODS: So, ah, look after sort of the – the air quality referrals at council. Um, and so I've looked over the submission that the council provided on the major project and also the response to submissions, um, and I know that - - -

MR DUNCAN: Yep.

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MR WOODS: - - - most of the issues that were raised were addressed in that response to the submissions and I think that they were addressed adequately. Um - - -

25 MR DUNCAN: Right.

MR WOODS: One point that was raised but requested was, um, to provide the dust dispersion modelling. Um, so we've noted that the expansions to the ash dam was only going to result in, um, like a minor – it was only expected to have a minor  
30 increase in the, ah, impact on air quality and it referenced a 2017 report of dispersion modelling which showed that it was well within the, ah, the criteria limits and - - -

MR DUNCAN: Yes.

35 MR WOODS: But that report still hasn't been provided, um, and it would be great to be able to see the data to help support that decision.

MR DUNCAN: Yep.

40 MR WOODS: Um, but I do – I do note in the response to the submissions that it – it also indicated that the – the New South Wales EPA were satisfied with the, um, proposal, um, subject to compliance with the environment protection licence conditions. Um, and so – so it'd probably default to what the, um, EPA requires as the, ah, appropriate regulatory authority for the development.

45

MR DUNCAN: Right. Okay. And the issue with the report, it's something that council has asked for or your area has asked for? Is that - - -

MR WOODS: Yeah, in our - - -

MR DUNCAN: - - - something you've asked for?

5 MR WOODS: In our submission we requested to provide the – the dust  
dispersioning model – dust dispersion modelling or at least the figures from, the – the  
dust dispersion modelling. Um - - -

MR DUNCAN: Yes.

10

MR WOODS: And the response to that was that, um, it was only referenced by  
context.

MR DUNCAN: Right. Okay. All right. Other issues for you, Daniel?

15

MR WOODS: Yeah, ah, there's a couple of other things, um, ah, which is a little bit  
separate to the – the submission and probably a bit more in relation to the community  
concerns that we have received in relation to the facility. Um, one thing - - -

20 MR DUNCAN: Yep.

MR WOODS: - - - the, ah, the facility has a – a target of, um, recycling the, um, the  
fly ash of 80 per cent and it's not currently meeting that target. Um, and I just leave  
this for your consideration about whether more should be put into sort of developing  
25 and marketing reuse options. Um - - -

MR DUNCAN: Yeah.

MR WOODS: And then - - -

30

MR DUNCAN: I think that – yeah, I think – I think the department's, um, talking  
about some sort of strategy there that has to – if – if this proposal were to go ahead,  
there'd be some sort of – um, there'd be conditions on that which were in the existing  
one as well, I think.

35

MR WOODS: Yeah. The other concerns that we have from the community are in  
relation to water quality and groundwater quality, in particular, selenium levels, but  
also other heavy metals and the other main issue that we've is about the, um, the  
safety of the ash dam particularly with the closure of the, um, the sports complex.  
40 Um - - -

MR DUNCAN: Yes.

MR WOODS: And I note that they're – they're separate issues and it's outlined that  
45 they, um, that the expansion of the ash dam is not meant to impact on the stability,  
um, but the community doesn't see them as separate issues. It sort of sees it as

you're closing a sports complex because of the safety and stability, um, yet you're also providing an expansion. Um - - -

MR DUNCAN: Yep.

5

MR WOODS: And on – on top of that is the consideration of the application from Centennial to undermine the ash dam, um, and what the impacts of stability would be from undermining.

10 MR DUNCAN: Okay. Good. That's a pretty thorough list of issues, I think.

MR WOODS: Yep, that's - - -

MR DUNCAN: Alice?

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PROF CLARK: Ah, I don't have any questions, thanks, Peter.

MR DUNCAN: Okay. All right. That's good. That – at least that gives us some pointers for, um, our inspection tomorrow and going forward. Glen, is there anything else you'd like to add?

20

MR MATTHEWS: Um, no, I think, yeah, the experts have provided what – what they had. I – at the time I didn't have anything further and I still wouldn't. I – I would potentially echo Daniel's concerns particularly over the closure of the sport and rec, um, considering at the time that didn't form any mention, um, within the documentation and that it was closed down not long after. So I guess while it's potentially not a concern, it's that perception that it is and how that ....

25

MR DUNCAN: Yep. No. I do understand that and just so that you know, tomorrow we're doing the site inspection - - -

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MR MATTHEWS: Yep.

MR DUNCAN: - - - and I've asked two community groups to come along as observers - - -

35

MR MATTHEWS: Yep.

MR DUNCAN: - - - and also the sport – sport and rec organisation and Centennial Coal because they're sort of, um, it's interlinked, the issues there.

40

MR MATTHEWS: Yep.

MR DUNCAN: Ah, so, you know, we are trying to get the best, um, view of it all and make sure that, um, those other four groups that are coming tomorrow can see the site inspection as well.

45

MR MATTHEWS: Yeah. Okay. Okay.

MR DUNCAN: All right. I don't think, unless any of you have more to add, there's  
5 much more that we need to say at this stage, but I guess if we need to we can come  
back to you with further questions.

MR MATTHEWS: Yeah, yeah.

MR DUNCAN: But – yep. We would like to deal with it, um, as quickly as we can,  
10 you know, given all the information, once we gather all that and then look at it one  
way or the other. Okay?

MR MATTHEWS: Okay.

15 MR DUNCAN: All right. Thanks for your time today and, again, apology we  
couldn't do it last week but, um, I think everybody realised the fires were – were  
taking a lot of – a lot of – every – everybody's time.

MR MATTHEWS: Yep. Yeah, no, certainly.  
20

MR DUNCAN: Okay.

MR MATTHEWS: Yeah. Thank you for your time to all of you and, yeah, if  
25 there's anything further, um, Kim's got all of my contact details. Yeah, feel free to  
contact council directly through me and we can work out whatever we need to.

MR DUNCAN: Okay. Thanks Glen, thanks Sarah and thanks Daniel.

MR WOODS: Thanks very much.  
30

PROF CLARK: .....

MR MATTHEWS: Thank you.

35 MS WARNER: Thank you.

MR DUNCAN: I'll close the meeting. Thank you. Bye bye.

PROF CLARK: Thank you. Bye.  
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**MATTER ADJOURNED at 1.21 pm INDEFINITELY**