



26 October 2018

Secretariat
Independent Planning Commission
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000

Attention: David Koppers

Dear David,

RE: CLEAN TEQ SUNRISE PROJECT OPTIMISATION MODIFICATION (MOD4) – CONCERNS RAISED DURING COUNCILS MEETING

Following the Independent Planning Commission's (IPC) meeting with the Lachlan Shire Council (LSC), Parkes Shire Council (PSC) and Forbes Shire Council (FSC) for the Clean TeQ Sunrise Project Modification 4 on 16 October 2018, Clean TeQ Holdings Limited (Clean TeQ) wishes to provide the IPC with additional information in response to some residual concerns raised by the LSC and FSC (including their written submission) in the meeting.

The concerns raised by the LSC and FSC were generally consistent with previous Modification 4 submissions and therefore have already been addressed in Clean TeQ's Response to Submissions and the DP&E's environmental assessment report. In addition, the following LSC and FSC concerns have already been addressed in Clean TeQ's letter to IPC dated 23 October 2018:

- borefield assessment and management requirements;
- noise and air quality conditions;
- air quality monitoring requirements; and
- Development Consent compliance.

Clean TeQ understands that the LSC and FSC written submissions were considered by the Department of Planning and Environment (DP&E) during its assessment of Modification 4 and that some of their comments have been incorporated in the recommended Development Consent.

Should the IPC elect to review the recommended Development Consent conditions, Clean TeQ respectfully requests an opportunity to comment on any proposed amendments to the recommended Development Consent conditions prior to the IPC's determination.

Water Pipeline Development Consent Requirements

- Clean TeQ considers that the suggested conditions regarding water pipeline construction and operation as proposed by the LSC and FSC are unnecessary for the following reasons:
 - Clean TeQ will need to enter into an easement agreement (including survey plans) with the LSC and FSC in accordance with the NSW *Conveyancing Act 1919* irrespective of whether this requirement is included in the Development Consent. Based on consultation with the LSC and FSC undertaken to date, the formation of this access agreement will include the provision of detailed construction plans.
 - Any access agreements between Clean TeQ and private landholders is a commercial agreement between Clean TeQ and the private landholder and is not relevant to the LSC or FSC.

- Clean TeQ is required to obtain relevant approvals for the water pipeline under NSW *Roads Act 1993* irrespective of whether this requirement is included in the Development Consent.
- The relevant environmental assessment for the water pipeline has been conducted as part of the Environmental Impact Statement and the Modification 4 Environmental Assessment (i.e. no additional environmental assessment is required).

Management Plans and Reporting Consultees and Approval Bodies

- Clean TeQ considers that the consultees and approval bodies for the management plans and reporting requirements required by the recommended Development Consent do not need to be changed as the consultees and approval bodies have been selected based on the regulatory role, for example:
 - The Roads and Maritime Services, LSC, PSC and FSC are relevant roads authorities and have therefore been included as consultees for the Traffic Management Plan.
 - The Department of Industry – Lands and Water is responsible for the administration of the NSW *Water Management Act 2000* and has therefore been included as a consultee for the Water Management Plan.
 - The Environment Protection Authority is responsible for the administration of the NSW *Protection of the Environment Operations Act 1997* and has therefore been included as a consultee for the Noise Management Plan, Air Quality Management Plan and Water Management Plan.
- Clean TeQ notes that all management plans and reporting required by the Development Consent will be available on the Clean TeQ website (Condition 12, Schedule 5).

Voluntary Planning Agreements

- Clean TeQ considers that the requested changes to the Voluntary Planning Agreement terms in the recommended Development Consent are unnecessary as they have either already been incorporated by the DP&E or are minor in nature.
- Clean TeQ notes that a Voluntary Planning Agreement has already been agreed with LSC, FSC and PSC and is currently on public exhibition.

Short-Term Construction Phase Water Transport

- Clean TeQ requested that the short-term construction phase water transport be excluded from the Modification 4 application on 29 June 2018.
- Clean TeQ took this decision based on a review of the costs associated with the implementation of the short-term construction phase water transport and in response to concerns raised by the FSC and community members during consultation.

Please contact the undersigned if you have any queries regarding the above.

Yours sincerely,

CLEAN TEQ HOLDINGS LIMITED



JOHN HANRAHAN
APPROVALS LEAD – CLEAN TEQ SUNRISE PROJECT