



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: BOWMANS CREEK WIND FARM (SSD-10315)

UPPER HUNTER SHIRE COUNCIL MEETING

COMMISSION PANEL: ALICE CLARK (PANEL CHAIR)
ADRIAN PILTON
RICHARD PEARSON

OFFICE OF THE IPC: JANE ANDERSON
OLIVER COPE

UPPER HUNTER SHIRE COUNCIL REPRESENTATIVES: MATT PRINGLE
PAUL SMITH

LOCATION: VIA ZOOM VIDEO CONFERENCE

DATE: 1.00PM ON TUESDAY, 28 NOVEMBER 2023

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PROF. CLARK: Before we begin, I would like to acknowledge that I am speaking to you from the traditional lands of the Arakwal People of the Bundjalung nations and I acknowledge the traditional owners of all of the country from which we virtually meet today and pay my respects to their Elders past and present.

Welcome to the meeting today. We're here to discuss the Bowmans Creek Wind Farm project (SSD-10315) currently before the Commission for determination. The applicant, Ark Energy Project Pty Limited proposes to develop 347 megawatt wind farm in the Hunter-Central Coast Renewable Energy Zone. The proposed project involves the development of up to 56 turbines up to 220 metres high and associated ancillary infrastructure including a new 330 kilovolt transmission line to connect the TransGrid existing network at the Liddell Substation.

My name is Professor Alice Clark. I'm the Chair of this Commission Panel and I'm joined by my fellow Commissioners Adrian Pilton and Richard Pearson. We're also joined by Jane Anderson and Oliver Cope from the Office of the Independent Planning Commission. In the interests of openness and transparency and to ensure full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website.

This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its determination. It's important for the Commissioners to ask questions of the attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a position to answer, please feel free to take that question on notice and provide any additional information in writing which we will then put up on our website.

I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure the accuracy of the transcript. With that we will now begin and I think we'll hand over - is it Matt or Paul who would like to take the conversation first with Upper Hunter Shire Council?

MR PRINGLE: I'm happy to start.

PROF. CLARK: Thanks, Matt.

MR PRINGLE: So good afternoon, Commissioners. I'd just like to start by saying, you know, we note that there's only three turbines proposed in the Upper Hunter Shire so - and there's no - no roads that will be utilised in our Shire as well. So, I guess, the impacts in our Shire are fairly limited and to Singleton and Muswellbrook. We identified a few - or raised a few issues in our original submission and I've gone through the Department's report and we're satisfied that the majority of those issues have been - generally have been addressed either through amendments to the proposal or through the conditions - proposed conditions of consent.

Just in relation to the conditions of consent, if I can move onto that, just had a couple of concerns. One was just in relation to the Planning Agreement, the offer to enter into a Planning Agreement and the way that the CPI is applied, the CPI calculation. So in the draft conditions at the moment - - -

MR PEARSON: Which condition number is it, Matt?

MR PRINGLE: I'll just find it, sorry.

10 MS ANDERSON: Just for assistance is it Appendix 3 of the conditions, the general terms?

MR PRINGLE: That's correct. Yeah, I was trying to find it.

MR SMITH: Yes, it's Appendix 3 but the condition number - it relates the community enhancement funding condition which is on page 8 of the conditions of consent.

MR PRINGLE: Yes, that's it, sorry.

20 PROF. CLARK: A18.

MR PRINGLE: Thanks, Paul.

MR SMITH: Yep, A18, yep.

MR PRINGLE: So they - so condition A18 refers to a letter dated 6th of April, 2023 from Upper Hunter Shire Council, that's incorrect, it was actually a letter that was dated 26th of April, 2023 where we confirmed that Council accepts the offer made by Ark Energy to enter into a planning agreement, it should be based on their contribution
30 of \$686 per megawatt installed on land within the Upper Hunter Shire LGA indexed to CPI.

If you refer to the Appendix 3 of the draft conditions, that basically provides a summary of the terms of the offer and you'll note the last dot point there basically says that CPI will be adjusted annually from 1st of July commencing on the first anniversary of the operational date. Our view is that the CPI should be calculated at least from the date of approval of the - if it's approved of the project given that we know that some of these projects take some time to get off the ground and often
40 there's delays for various reasons.

You know, we have a project over the western part of our Shire at the moment that was approved about five years ago and it's still not up and running and so, therefore, the contributions that were accepted then they obviously will decrease in value over time if the CPI isn't applied - CPI increases aren't applied from either the date of approval or the date of acceptance of the offer. So as I said, we would like to see the CPI adjustment apply from at least the date that any approval is granted.

PROF. CLARK: Noted. O.K.

MR PRINGLE: And obviously the payments - the payments wouldn't be commencing until the development begins generation but it's just the way that the - - -

PROF. CLARK: the CPI's calculated.

10 MR PRINGLE: Yeah, CPI's applied. The other point I just wanted to raise was just in relation to decommissioning of the wind farm. We did suggest to the Department that some level of security be provided to ensure that the project or the infrastructure is not abandoned at some point in the future and the landowner is left with decommissioning that infrastructure or removing that infrastructure from the land. At this point in time, I guess, the draft conditions don't have any form of security needed so there is a risk that at some point down the track the project would be abandoned and these turbines left - left on the land.

20 I understand the Department has enforcement powers under the Act but I just don't know how it would work if - you know, if the company have gone bankrupt or - and who they would actually - who they would actually pursue, whether it's the landowner or developer if that actually happened. They were the two - I guess, two main comments I had in relation to the draft conditions.

PROF. CLARK: Thanks, Matt. Paul, anything to add from yourself there or any other comments?

MR SMITH: No, I don't have anything to add at this stage, no.

PROF. CLARK: Adrian, any questions?

30 MR PILTON: No, I don't have any questions, thanks, Alice.

PROF. CLARK: O.K. Richard, any questions?

MR PEARSON: Yes, Matt, just a follow-up to your decommissioning comment. What would you think would be appropriate by way of security or what would Council - what would Council - not - you know, I'm not necessarily suggesting you'll get what you wish for but what would you think would be the ideal or what - what would your view be?

40 MR PRINGLE: At the moment the Department has the draft energy policy framework on exhibition and in that framework the wind - wind energy guidelines and the benefit-sharing guidelines and a few other guidelines are prepared. I think in the wind energy guidelines there's a - some suggestions on how to calculate the cost of decommissioning of these turbines so that could be a starting point to determine, you know, I guess, the amount of any bonds or security that could be paid but, I guess, the question is whether or not that should be paid to the - or be part of the agreement with the landowner or whether that's held by the Department of Planning. So it could be between the landowner and the - and the proponent.

PROF. CLARK: O.K. Yes. So it's primarily around the decommissioning and the CPI reference in the conditions?

MR PRINGLE: That's correct.

PROF. CLARK: And the date of the - and the date of the letter. O.K.

MR PRINGLE: That's correct, yep.

10 PROF. CLARK: All right. O.K. I didn't have any other further points. You've covered the questions that I'd anticipated answering. If there's nothing else I think - I think we can draw this meeting to a close now. Of course - there is one question I have. Will you be making a written submission outlining these issues and, if so, when do you think you might have that submitted?

MR PRINGLE: Yes, I guess we probably should. We can draft something up and send that in fairly quickly. So in the next few days.

20 PROF. CLARK: That would be appreciated. Yes. Thank you. O.K. So if there's nothing else, I don't see any hands up anywhere, thank you very much. All right. thank you.

MEETING CONCLUDED