

Ben Hicks (Senior Planner)

Orange City Council
PO Box 35
ORANGE NSW 2800

19 August 2021

Dear Ben,

RE: S4.55(2) MODIFICATION APPLICATION TO DA423/2019(1) IN RELATION TO 643 MITCHELL HIGHWAY (MOLONG ROAD) ORANGE

ITP Development thanks the staff of Orange City Council in administrating and assessing our proposed s4.55(2) modification application.

We confirm receipt of the submissions received from the public exhibition of the subject application. Whilst there were ten (10) objections made to the proposal, there were twelve (12) letters of support lodged with Council, which indicates a reasonably high level of community support for the modification.

To assist Council's finalisation of the assessment of the proposed modification, enclosed is a detailed response to all concerns raised in the letters of objection.. Given there were similar themes raised in each of the objections, where possible, concerns of a common nature have been grouped together.

In addition to the above, we also note that Council requested further information (via telephone correspondence) in relation to two (2) additional matters, which are addressed in the table below.

Request for Information	Response
Additional information regarding warranty of the system components	We refer to Section 3.2 of the planning statement submitted with the original modification application, whereby details surrounding warranty of the system components are addressed. In addition, although the financial time horizon considered is 35 years of operation, many of the solar system's components such as cables and steel piles will be usable for more than 45 years. The 35-year operational lifespan, however, reflects the infrastructure's minimum design lifetime. Only after this period would major upgrades, for example, panel replacements be considered.
A response to Ecologically Sustainable Development (ESD)	In discussing this matter with Council, the request for information focused on the implications of the reduced lifespan to 25 years from an ESD perspective. We refer to the following response, having regard to the principles of ecologically

	<p>sustainable development, namely, (i) the precautionary principle, (ii) inter-generational equity, (iii) conservation of biological diversity and ecological integrity and (iv) improved valuation, pricing and incentive mechanisms.</p> <p><i>Precautionary Principle & Conservation of Biological Diversity and Ecological Integrity</i></p> <p>The original DA was approved on the basis that it had been designed, and conditioned (though the consent), to ameliorate impacts where possible and reasonable. The suitability of the site was addressed at length, noting that the DA was approved on the basis that the site was indeed suitable for the development. The proposal, whether it operates for 25 years versus 35 years, will not result in any threat of serious or irreversible environmental damage and will not conflict with the principles of conservation of ecological integrity, noting there are clear obligations surrounding decommissioning and rehabilitation of the land. The restriction around the lifespan of the solar farm to 25 years was entirely related to the speculative need for the land to be released for urban residential purposes. As set out in our original modification planning statement, strategic planning by Council beyond 2036 and the market itself will determine when land should be released. If land release is appropriate in 25 years' time, any form of existing use on the land at that time will likely make way for residential/urban development and if not, this would be on the basis of there not being sufficient demand. Artificially constraining the timeframe of existing uses will not change that situation.</p> <p><i>Inter-generational Equity</i></p> <p>The approved development is consistent with the principle of inter-generational equity as it will contribute to the sustainable transition of electricity generation in NSW to a more reliable, affordable and cleaner energy future. An additional 10 years of operations will only further contribute in this regard. Again, there are clear obligations surrounding decommissioning and rehabilitation of the land, which do not change as a result of the proposed modification.</p> <p>An additional 10 years of operations by the proposed solar farm will result in a further contribution to the reduction in the reliance on energy sources derived from non-renewable</p>
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	<p>sources, which produce greenhouse gas emissions and contribute adversely to impacts surrounding climate change.</p> <p><i>Improved Valuation, Pricing and Incentive Mechanisms</i></p> <p>This principle requires that environmental factors should be included in the valuation of assets and services in terms of the overall costs to the Proposal.</p> <p>Implementation of the conditions of consent for the approved development to mitigate environmental impact will impose an economic cost on the Applicant, increasing both the capital and operating costs of the development, signifying environmental resources have been given appropriate valuation.</p> <p>Notwithstanding this, the condition limiting the lifespan of the solar farm to 25 years will <u>undermine</u> this principle, in that the limitation does not respond to mitigation of any environmental factors, but rather, limited strategic grounds surrounding the potential (but not certain) future release of the land for urban development. The solar plant/infrastructure is designed with the intention of being a permanent structure, tailored to each specific location. Therefore, it is not feasible to relocate the infrastructure to an alternative site after 25 years. It would be tremendously wasteful to require the infrastructure to be decommissioned and disposed of after 25 years; more than 10 years short of its full operating capacity. This is entirely contradictory to this principle and ESD in general.</p>
Clarification regarding conditions to be modified	<p>Council has requested clarification as to the conditions that require modification as a result of the proposed extension to the lifespan of the approved solar farm. To clarify, modification of the following conditions is required to facilitate the proposal:</p> <ul style="list-style-type: none"> • Part B – Condition 1(b) to amend the reference of 25 years to 35 years. • Part B – Condition 44 to amend the reference of 25 years to 35 years. <p>The original Section 4.55 planning statement submitted with the subject application invertedly only referred to amendment to Condition 1(b). As Condition 44 also refers to the 25-year restriction, we also formally request an amendment to this condition, for consistency and completeness.</p>

	The reasons, justification and assessment of impacts associated with modification of both conditions remains the same/unchanged.
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Having regard to our original submission, the above and the enclosed response to all matters raised in the objections to the proposal, we consider that all concerns/queries surrounding the modification have been satisfactorily addressed. On this basis, ITP Development intends to seek consent for the proposed modification, as originally submitted to Council (although noting as per the table above that we also formally request that Condition 44 be modified, in addition to Condition 1(b) to amend the 25-year reference to 35 years).

Should Council require any further clarification or information in respect to the application, please contact the undersigned.

Yours sincerely,



Mishka Talent