

Executive Director, Resource Assessments & Business Systems

My submission is in respect of wind farm CCCs. I have attended all 6 CCC Meetings for the Jupiter wind farm as an observer. I have actively researched other NSW wind farm CCCs and contributed to the documents on CCCs emanating from this community.

The Department has released a document designed to meet the community consultation needs for SSDs ranging from mines to quarries to zoos to residential to retail to schools to hospitals to IMAX, and that's from the first page of the Register using a query on SSDs. Consequently I predict it will meet the needs of none in its present form.

So, a strength of the previous guidelines in that they were specific to wind projects is lost.

My first reaction is who, outside the Department was given the opportunity to review the draft? Apparently the Department "held a workshop with a number of Committee Chairs on how to improve the operation of the committee" and "We've reviewed the guidelines after speaking with a number of stakeholders".

Without having to go through the tedious "Public Access to Information" process, who were the CCC Chair attendees at the workshop and which stakeholders were consulted. Without divulging that information you leave us positing that the process changes were driven by the Clean Energy Council or their members.

It would appear that this document about **consultation** with the **community** was not reviewed with arguably the most important stakeholder; the local communities.

And now, after the draft is released, the Department seeks our opinion. I know from experience since my first communication with the Department in February, 2014, that having staked a position, the Department will defend to the death the documents they produce and the decisions they make. To emphasise that point, most previous recommendations on the CCC process emanating from the Jupiter community don't seem to have made it into this variant.

Let me first say that there is no point in having a revised process if the Department is not going to enforce it. There is no indication that the current process is enforced by the Department. We have a relatively successful CCC because our community insists on it and we have confidence in our Chair.

However, you have wind farm CCCs:

- that don't exist.
 - that rarely meet.
 - that meet with just a few members and even without the chairperson
 - covering two wind farms; one operating and one yet to be approved.
 - that are stacked in the developers favour.
 - where the information requested is refused or delayed
 - that remain unminuted for months
- and so forth.

The key factor the Department should enforce is the developer living up to their responsibilities.

Some specific comments:

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Once again the Introduction and indeed most of the page is written as if the project is approved or at least post EIS submission. I have previously suggested that no EIS should be accepted by the Department until a minimum number of effective CCC meetings have been held. That is more important than ever from my Jupiter CCC experience. Every wind farm proposal will be highly contentious going forward as remote sites dry up. There is nothing to stop a CCC having its first meeting within 4 months of the issuance of EARs if all parties set their mind to it. This new process of course will slow it down.

We need to recognize that for wind farms the site may span 2 or 3 LGAs each requiring representation. Remember though, each Council representative is conflicted as they can see the pot of gold at the end of the rainbow in the form of a VPA or similar.

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Why do you have to be so verbose.

Also

“Responsibility for oversight of the project’s compliance with the condition of any government approvals remains with the relevant government agencies.”
It is not clear what are you saying? Which Agency for instance is responsible for the Visual Impacts of a wind farm? Noise?

The current guidelines allow for 5 to 7 local community representatives and other stakeholders. That has been changed to 3 to 5 in this variant.

So, in the current guidelines the Department deems it important that a wind farm CCC has a minimum of 5 local community and other stakeholders and it now is desirable that an upper limit of 5 be imposed, not necessarily locals, as that word has been dropped.

What problem forced this change?

Who lobbied for it?

Worse than that the minimum 3 can be diluted at the whim of the Secretary’s nominee by the imposition of representatives (plural) of environmental groups. I’ve yet to meet a representative of an environmental group who wasn’t a rabid supporter of wind farms to the point of irrationality.

In the racing game it’s called nobbling.

Why single out environmental expertise? We know that for wind farms, the major issues will probably be Visual, Noise, Health and Economic impacts. This is an example of an

“all things to all people” process. I agree that some SSDs will have significant environmental (in the traditional sense) impacts.

As previously advised by this community on more than one occasion, the developer should have nothing to do with the nomination of the Chairperson (by the way, you won't convince me that many chairpersons will be independent even if you say it 70 times). The total nomination and selection decision must remain a Departmental one. The developer or the community will quickly let you know if you got it wrong. Chairpersons nominated by the developer will be as independent as their independent consultants currently used in EIS preparation.

Once again:

What problem forced this change?

Who lobbied for it?

Epuron wrote something eerily familiar in their submission to the Draft Wind Farm Guidelines:

“It is strongly recommended that the Director General nominate a suitable independent chairperson for the meetings from a shortlist prepared by the Department in consultation with the developer.” (Page 22)

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Also once again, why does a professional facilitator need an understanding of the development and awareness of local issues as a prerequisite..

It is good to see that hosts or other contracted local residents can't be community representatives. Hopefully relevant chairpeople have been contacted requesting revisions to existing CCC membership. You also need to extend this restriction so that these contracted people cannot be CCC members at all, as their contracts forbid them from being open and honest.

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Here we go again. The proponent independently decides its members. The councils independently decide their members. The local community however can't be trusted (as a Departmental employee once told us) to appoint its own representatives or at least have a major say in it.

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What is wrong with the current process for selecting alternates

Once again:

What problem forced this change?

Who lobbied for it?

Items of a confidential nature do not belong in a CCC. The CCC community members must be able to report back on any issue raised.

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Minutes:

Check out a random sample of minutes from NSW wind projects especially the date of the meeting and the subsequent date of the minutes. For example, you will find draft minutes produced after the following meeting has taken place.

Having minutes taken by an independent person is the only way to go. For Jupiter, our professional could have a draft copy out within 48 hours if required. Fourteen days is ample. If you give most developers 28 days it will be done on the 28th day from incomplete notes and fading memory. If the developer can't do it in 14 days then the community can.

PDF copies of minutes must be UNSECURED (as the vast majority are)

Code of conduct

I note the Chairperson has to sign a code of conduct. Did you really mean that?

No-one should sign a code of conduct. It is up to a competent chairperson to set the tone. It would appear that you are not requiring the Company representatives to sign it. How I wish that EPYC would abide by some of the "Accepted Behaviours"

Once again:

What problem forced this change?

Who lobbied for it?

Observers

As I said, I have sat in as an observer on all Jupiter CCC meetings. That surely is my right. As a courtesy, I email our Chair, Brian Elton before each meeting foreshadowing my attendance. That works. This proposed procedure, where attendance is by invitation only, in the hands of a less than independent and less experienced chairperson is dangerous.

Once again:

What problem forced this change?

Who lobbied for it?

Page 8

Payment of the Chairperson.

I'm not sure I would want to be a member of a CCC where the chairperson is doing it gratis. This is not a P&C or a garden club gathering. Pay peanuts as they say.

Leave it (and the chairperson nomination form) as something like:

"Any remuneration is subject to your negotiation with the proponent" although the argument has previously been made that a chairperson must to some extent be beholden to the payer. The old saying "Take the Kings Shilling" comes to mind.

The responsibilities of the company are all written with approval being assumed.

Is there any chance of having another section written for the pre-approval period, which could span some years?

Start with: The proponent should answer all reasonable questions put to it by the community.

My guess is that an experienced facilitator will read your guidelines once and then ignore the bits that don't make practical sense. In that case, why have those sections there at all?

As a last point, the planners, and in some cases management, need to get involved right from the start. How many planners read the CCC minutes for wind projects they control? How many attend meetings? How many exert influence when the process is not followed? Once the EARs are issued, the ultimate responsibility for a successful CCC process is yours.

I'll leave the Toolkit to somebody else but that also needs work.

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