



EPYC Pty Ltd

31 March 2016

Executive Director
Resource Assessments & Business Systems
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam,

**Submission on the Draft Community Consultative Committee
Guidelines for State Significant Projects**

We welcome the opportunity to provide feedback on the draft Community Consultative Committee Guidelines for State Significant Projects.

EPYC Pty Ltd

EPYC is an Australian wind farm developer and the proponent of the proposed Jupiter Wind Farm.

EPYC:

- supports the robust assessment and regulation of wind farms; and
- is committed to working with regulators and the community to ensure that its wind projects deliver strong outcomes for the Community.

EPYC has concerns with some of the details in the draft CCC guidelines. Our comments with respect to various sections of the guidelines are outlined below:

Purpose of the committee

- We support the greater guidance proposed on the functions of CCCs establishment.
- We support good working relationship between the Company and the community and other key stakeholders on individual projects.
- However, in principle we do not support the involvement of the CCC in development of new projects including site selection and design as these are determined based on highly technical considerations and financial decisions. None of which are matters that are within the scope of the requirements or the expertise of the CCC members. The CCC could not be expected to analyse or decide upon matters that have significant financial consequences for the company without the appropriate credentials or accountability.

- Discussions around general mitigation measures at CCC would be useful although it should be made clear that no one solution fits all and the nature of some mitigation is technically based.
- Based on the fact that not all CCC members would have the necessary knowledge, full background, or years of experience related to all State Significant Projects, it would be inappropriate to expect CCC members to comment on any of the scientific assessment documentations. Similarly, it is the responsibility of relevant governmental agencies with the relevant expertise to oversee that the conditions of approval have been met.
- The discussions around management plans should be clarified further. These can generally be discussed at the CCCs, but it should be noted that the management plans for State Significant Projects, i.e. Construction Management Plans, are based on technical features and are therefore prepared by expert consultants. The aspects of the management plan that directly involves or is relevant to the community should be discussed with the CCC.
- EPYC strongly believes that it is the responsibility of relevant governmental agencies to oversee the project's performance against any conditions of approval as the regulator.
- The CCC members could not be expected to act as government's agents and provide the scientific, technical and well informed feedback to the government by making regular inspections of the project's operations. This should be the responsibility of the regulator.
- Given that there is one reference in the draft CCC guidelines stating that the responsibility for oversight of the project's compliance with the condition of any governmental approvals remains with the relevant governmental agencies, allocation of tasks to CCC members noted in points 2, 3, 5, 8 and 10 under the section "**The Committee may**" will only lead to misperception. For this reason we recommend that these points should be removed from the CCC guidelines.

The purpose and focus of the committee should be to provide project related information to the broader community and take the feedback from the community to the Company. The purpose of the CCC is not to provide technical review and hence it should be made clear that the committee members will not be making technical decisions for the project.

Establishment of the committee

- The establishment of CCC should be defined more clearly, for example for State Significant Projects where assessments require a long lead time; it would be more beneficial to have the CCC formed approximately 6 months prior to the proposed exhibition of an Environmental Impact Statement (EIS). It is when the majority of the assessments have been carried out that meaningful discussions could take place with the CCC and the broader community as a whole.

Members of the committee

EPYC supports:

- the role and mechanisms proposed for selecting the independent chair (including for reviewing appointments);
- the overall smaller size proposed for CCCs, which will enable more productive meetings to be held;
- Greater clarity should be provided regarding the requirements for community representatives. We particularly support the criteria that community members should be:
 - current residents of the area;
 - willing to adhere to the CCC code of conduct; and

- demonstrate involvement in local community groups and/or activities. This is particularly important as it will enable the members to have a broader connection with the local community members and not be limited to just the immediate neighbours.
- Greater guidance should be given as to the required conduct of committee members, including in relation to obligations of complying with the code of conduct and to respect confidentiality. This is critical to ensure the information provided is not misused by those who may have other agendas;
- The guideline should provide a framework for CCC members to focus on the matters that are directly relevant to the project in order to establish an effective communications between the Company and the community. This would ensure the most beneficial outcome for the broader community as a whole.
- The draft guidelines also suggest that as part of the community representatives there may be some instances where representatives from environmental groups could be present. EPYC has some concerns regarding this inclusion if further guidance is not provided as to when an environmental representative should be included and who will be eligible. For example, organisations which are opposed to specific types of development, such as wind farms, rather than having broader environmental concerns, are unlikely to be impartial and should not be eligible as environmental representatives. It will be unlikely that anyone from such organisations would be acting only in the interest of the local community and be able to provide impartial feedback.

Committee meetings

EPYC supports:

- the item relating to attendance by non-committee members;
- the guidance provided on the Independent Chairperson's responsibility to:
 1. convene and run meetings in a fair and independent manner; and
 2. identify confidential information and how this may be used;
- the guidance provided in the draft CCC guidelines in relation to the conduct of the committee members, specifically the minimum expectation from the committee members and alternates. This will in turn ensure a more transparent and effective CCC; and
- the draft guideline in relation to funding and remuneration for the independent chairperson.

EPYC does not support:

- funding by the Company to train committee members. It should not be the responsibility of the Company to provide funding for any training or skills development for members or induction training in case of new members. During selection of the CCC members their relevant skills as well as their associations with other groups should be taken into consideration.

For this reason we recommend that this section should be removed from the final CCC guidelines.

Responsibility of the company

- EPYC supports the transparency and the provision of the information with considerations given to the nature of the project. For instance, wind farm development is a very long, detailed and complicated process. Until all assessments are completed, there is a chance that adjustments may be required in one or more aspects of the assessment. Consequently, it is critical that the information is provided at a time where minimum variation is expected.
- There is concern with respect to the timing of when the assessment documentations should be provided to the CCC. It should be specified clearly that the Company is not required to provide draft assessment documentation to the CCC ahead of it being provided to the Department of Planning and Environment (DPE). This is necessary to ensure the CCC reviews and considers final documents only due to the reasons explained above; and
- Clarification is warranted to ensure that while the Company is not required to discuss all details in relation to modifications, but rather to consult on general terms. Considerations should also be given that there may be circumstances where not all modifications will be able to be raised with the CCC ahead of lodgement.

Communications with the broader community

- There needs to be more guidance as to what the CCC members should discuss with the broader community. In the interest of clarity, facts and information that has been discussed in CCC meetings should be conveyed to the broader community, not bias interpretation of the information by members of CCC. This is rather critical to ensure that the broader community is able to have the facts/information and make a personal judgement on matters of importance.

EPYC remains committed to working with the community to understand their concerns and to ensure that these are considered and taken into account, to the greatest extent practicable.

Please contact us if you would like any further information in relation to any of the matters discussed above.

Yours sincerely

A handwritten signature in blue ink that reads "SH. MOHAJE RANI".

Shahroo

Dr Shahroo Mohajerani

Business Development Manager