

**31 March 2016**

Executive Director,  
Resources Assessment & Business Systems,  
Department of Planning and Environment,  
GPO Box 39,  
Sydney NSW 2001

Dear Sir,

## **Response to revised NSW Community Consultative Committee Guidelines**

Thank you for the opportunity to make a submission on the draft NSW Community Consultative Committee Guidelines for State Significant Projects dated February 2016.

We note the Department of Planning and Environment's statement in the FAQs to the Guidelines that CCCs have played an important role in the regulation of mining projects in NSW. We note also that they play different roles at different stages for projects having key value during one or more of the development phase, the construction period or the operational phase.

As a renewable energy company, working in wind and solar energy but predominantly in wind farm developments in NSW, Epuron has set up and operated four CCCs for wind farm projects in NSW. The CCCs were set up in June 2012 (Rye Park Wind Farm), November 2012 (White Rock Wind Farm), February 2013 (Liverpool Range Wind Farm) and May 2013 (Yass Valley and Conroys Gap Wind Farms). Accordingly over the last few years we have gained some experience of the benefits and challenges associated with such committees.

While the intent is for these new guidelines to provide a consistent approach across all State Significant Development (SSD) applications we suggest that when it comes to consulting with communities not all SSD developments are the same or face the same planning issues or even process and there is no logical basis for having the same approach to CCCs for projects as diverse as mining, transport and renewables.

CCCs do have the potential to be a useful part of community consultation for wind farm developments but the main hurdle they face in being useful is the lack of certainty in the planning process and the timeframe involved. Timeframe and process are vital aspects of consultation, providing a framework of understanding of the project and what will happen in nearby communities. Neither the timeframe nor the process is clear or predictable for wind farm projects in the NSW planning process.

On the Department of Industry's Resource and Energy page under "Wind energy" is the encouraging statement that:

"As of March 2014, NSW has more than 2.1 gigawatts of new wind generation proposals with development consent and an additional 5.6 gigawatts currently under assessment through the planning system..... there is a potential to add up to 7.8 gigawatts of additional wind capacity generating up to \$21 billion in capital investment with associated employment and regional development benefits".

There is also a link to a NSW wind farm map ([www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)). The map was last updated on the 14<sup>th</sup> November 2013. Alongside it is a table (pasted into the end of this submission) showing the status of wind farms as at 14<sup>th</sup> November 2013:

- 'Approved wind farms':  
12 - installed or in construction,

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11 - where construction has not commenced,

- 'Application received':

18 - wind farms listed

Sadly none of the wind farms listed in 2013 under 'construction not commenced' has actually moved to construction.

Of the 18 projects listed under 'Applications received' in 2013, two (2) have been approved in the 28 months (almost 2 and a half years) since the map was posted to the website, 7 have been withdrawn or lapsed.

Since November 2013, a cursory search of applications for mines shows 95 mining applications have been determined. While most of these are modifications some of the modifications are significant such as the Mangoola Mine (Anvil Hill) modification for an extraction rate increase, which received 2,040 objections.

The 95 approved mining applications also include 10 large scale mines such as the Shenhua Watermark mine near the Liverpool Plains and Bengalla and Drayton South Mine Projects.

This brief glimpse at State Significant Developments (SSD) is not to divide types of development against each another but to indicate that SSD projects are clearly not assessed within similar timeframes, however, if they were then a guideline applicable to all may be useful.

If the CCC guideline is to be consistent for all SSD projects there should be greater clarification of particular issues including:

1. For the benefit of the community represented by each CCC, the Department of Planning and Environment (DPE) should provide to the independent chair of the committee the process and timeframe for assessment and determination of the SSD project. This should be benchmarked against other SSD projects. The benchmark should be reviewed annually to assist in providing certainty to the community.
2. The Guidelines lack consistency stating in the Introduction that:

*'CCCs play a critical role in ensuring proponents engage with the community and key stakeholders by providing an open forum for discussion on State significant projects.'*

Yet under the title 'Establishment of the Committee' the Guidelines state:

*'It is important to recognize that not all State significant projects will require a Community Consultative Committee, and that in some cases there may be better ways to ensure there is effective community engagement on these projects.'*

The next paragraph suggests that a CCC could be established prior to an application being lodged. This is inconsistent, as the Guidelines themselves state that the DPE will decide when the CCC should be established in either:

- the Secretary's Environmental Assessment Requirements for the project (which are issued after the application has been lodged and the government agencies have been consulted) or
  - the conditions of approval for the project.
3. The one size fits all approach for Guidelines for SSD projects will result in each type of project being treated differently from other types of project.

For wind farms the following suggestions included in the Purpose of the Committee are at best unhelpful:

- Provide advice to the Company on the development of new projects...
- Review the performance of the project...and

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- Undertake regular inspections.
4. For wind farms the CCC is likely to be set up in the development stage, prior to approval. The Membership of the committee is to include “the person with direct managerial responsibility for environmental management”. Until a project is approved and moving to construction this role is not required for a project.
  5. Ensuring that representatives are not members of groups whose purpose is to stop developments for example for wind farms this would include Landscape Guardians.

Epuron’s experience of having such members on CCCs is that they do not disseminate accurate information about the project to the community and this can create community angst rather than assisting in community consultation. For this reason Epuron recommends that the names of those shortlisted by the independent chair should be provided to the Proponent for advisory comment prior to finalizing the membership. Without this opportunity the CCC may not represent the community, or operate in line with the purpose of the committee.

6. Clarifying the guidelines to be clearer on the role of the CCC in disseminating information but not decision making.

For example: Page 2, item 2 indicates that the Committee is a forum to:

*Allow ongoing communication of information on the project and environmental performance, including about:*

*development assessment – including scoping of issues for assessment and commenting on assessment documentation.*

- The scoping of issues for assessment is undertaken in the Secretary’s Environmental Assessment Requirements (SEARs). By the time the CCC is formed (see item 2 above) the assessment scoping has been determined by government agencies. Implying that the scoping of issues for assessment is a matter for discussion could create confusion.
  - Commenting on assessment documentation – all documentation, including assessment documentation is to be provided to the CCC when it is in the public domain ie put on public exhibition by the department. To have the committee read documents to which DPE might request amendments would be a waste of time and create uncertainty.
7. Under ‘Dispute resolution’ the draft Guideline states:

*‘Although the Committee is not a decision-making body, it is encouraged to discuss and seek agreement on all matters that may be the subject of substantial disagreement between its members.’*

This optimistic outcome is not realistic. Community members can firmly oppose council representatives views, rural landowners and environmental representatives do not always agree on issues raised.

Epuron affirms that CCCs can be a useful way of ensuring a flow of information to and from the community. CCCs can also fail as an information exchange and consultation tool if the planning process is excessively delayed or unclear.

One Epuron project has been so delayed through the planning process that CCC members stopped attending meetings as the Proponent had no progress to report. A subsequent recommendation for refusal did not provide anything the CCC and Proponent could usefully discuss. A year later when the same project was recommended for approval there is still no news or new aspect sufficient for the CCC to want to meet until a decision is made. The Proponent could be accused of not holding CCC meetings but Meeting 6 had three attendees – two from the Proponent and one community member with many others not advising they were apologies before the meeting. Meeting 7 passed a resolution that 6 people were to attend meetings and since this meeting this has not been achieved. CCC members have stated that due to the lack of news or certainty until there is a decision on the project there is no update to discuss. In such circumstances DPE may wish to

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convene a CCC meeting and send a representative of the Department to answer questions from the CCC members and the Proponent to explain the timeframe and the process.

Wind farm projects must respond to the directions of DPE. Where these directions are in a state of flux, for example the approach to the current draft wind farm guidelines, this creates delay, cost and uncertainty. For example the current approach of DPE to visual impact and benefit sharing is not clear. This CCC guideline provides little clarity or certainty for wind farm projects. In its current form it has the potential to confuse and delay.

NSW, despite its Renewable Energy Action Plan, is lagging far behind other states in establishing new large scale renewable energy generation, particularly wind. In 2012 Epuron wrote in response to the introduction of the draft wind farm planning guidelines (which contained a guideline for the establishment of CCCs):

*Australia has a renewable energy target of 20% by 2020. Over the last ten years wind energy development has been largely focused on South Australia and Victoria and its success in those states highlights the potential in NSW with its excellent grid availability and good wind resource. As wind power will play a crucial role in the future growth and prosperity of NSW it is vital that policies are effective and workable.*

There has been little progress in building new wind farms in NSW since that time. Epuron would be encouraged if these new proposed CCC guidelines and other changes to the Wind Farm Guidelines would assist the State in progressing wind farm projects through planning and assisting to capture the expected \$20 billion of investment in NSW power generation. Despite its Renewable Energy Action Plan NSW is increasing the lag behind other states and continuing to fail to capture the economic, social and climate benefit for rural communities throughout NSW.

From our constructive discussions at CCCs we know that communities want wind energy and the jobs and investment wind farms bring.

Should you have any further queries regarding our submission please do not hesitate to contact the undersigned on 02 8456 7400.


Sincerely,



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**ANDREW DURRAN**

Executive Director



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**MARTIN POOLE**

Executive Director

## **Epuron Background**

Epuron is a North Sydney based, NSW-owned, renewable energy company with a proven track record in the development of wind and solar projects. Established in 2003, Epuron has gained planning approval for the largest number of wind turbines in NSW, and is the most active wind farm developer in NSW including very large wind farms (598 turbines).

In addition to its wind farm activities, Epuron builds owns and operates 7 MW of solar (photovoltaic) power generating plants in the Northern Territory and is developing further solar power and wind farm projects around Australia.

Table extract from the currently displayed NSW wind farm map found at:

<http://www.planning.nsw.gov.au/Policy-and-Legislation/Renewable-Energy>

