

BOWMANS CREEK WIND FARM COMMUNITY CONSULTATIVE COMMITTEE

DATE: Wednesday, 15th July 2020

ATTENDEES:

Chairperson: Dr W.E.J. Paradise AM

Community Members: Catherine Ball (by phone)
Martin Cousins
John Madden
Sue Sylvester
Brigitte Thomas
Nigel Wood
Peter York
Nola Connor

Council Representatives: Cr Godfrey Adamthwaite (Singleton Council)
Dr Paul Smith (Upper Hunter Shire Council)

Epuron Representatives: Julian Kasby
Andrew Wilson

Apologies: Muswellbrook Council
Ken Sylvester

Apologies accepted by Wej Paradise.

Minute Taker: Kerri Garvie

Meeting opened at 5:00pm

- It was put to the committee that the meeting be recorded by Kerri Garvie for true and accurate minutes and asked if there were any opposition. It was proposed that the recording be kept until all present were happy with the minutes and then it would be destroyed. No opposition was received.
- All members and representatives were asked to briefly introduce themselves.

Declaration of Pecuniary Interest by Committee Members:

- The Chair indicated that he was paid to Chair the Committee. All committee members had previously submitted their forms on pecuniary interests to the Chair. No other pecuniary interests were declared by committee members.

Overview of CCC Guidelines, Governance and Administration:

- The Chair discussed and clarified the NSW Department of Planning CCC Guidelines, the Role of the CCC and the Governance and administration.
- Cr Godfrey Adamthwaite requested that the minutes be circulated to relevant Councils after they have been formally accepted by the Committee.

- The chair noted that Nola Connor is an alternate member of the CCC. Nola Connor was not aware of this and asked for clarification. The Chair stated that the Members were full time and should attend every meeting or send in an apology if not available to attend. The Chair stated that although not full-time members, the Alternates would be encouraged to attend all meetings, more for continuity of information and support.

Project Overview and Update:

- Julian Kasby provided a project overview which was summarised in a folder given to each attendee. It was requested by Peter York that future meetings use PowerPoint to present such information if the technology is available.
- Peter York requested a breakdown of the Companies that have purchased wind farm projects once approved.
- A request for the number of proposed vs approved wind farm projects was put forward. Julian Kasby & Andrew Wilson said they will do what they can to provide this information.
- Peter York requested the total hectares/ footprint in project areas under Wind Farms in NSW, stating the land use conflict as the reasoning behind this request. Andrew Wilson stated that the disturbance area was about 2% of the project area. Julian nor Andrew were able to provide statistics as they had not been asked this question before. This was objected to by Cr Godfrey Adamthwaite as being irrelevant to the Bowmans Creek Wind Farm.
- Peter York expressed concerns about the amended Secretaries Environmental Assessment Requirements (SEARS) only being released on the 13th July and that Epuron were still proposing to submit the Environmental Impact Statement (EIS) by the end of July.
- Cr Godfrey Adamthwaite asked how the houses impacted by the proposal will be identified in the EIS. Julian Kasby said that Epuron will be using an alpha numeric system. Nigel Wood asked if an electronic version of the EIS would be available and if it will have the ability to zoom in on the sites, similar to Google Earth. Julian Kasby said this would not be an option as the EIS will be in PDF format.
- Nola Connor requested more information about the location of the turbines and an updated map with turbine #54 being taken off as had been previously agreed. Peter York asked if turbine 54 had been dropped off then why was it still included in the presentation for the CCC meeting. Julian Kasby has stated that Epuron have made commitments to people regarding turbine 54 and that it would not appear in the EIS and that he will supply the updated map as soon as it is available. Julian Kasby advised that Epuron were waiting on the specialist's final recommendations concerning the layout and that it would need to be reviewed prior to release.
- Brigitte Thomas requested that maps be provided that clearly show houses in relation to the turbines. Julian Kasby confirmed that detailed maps will be included in the EIS.

- Concerns were raised by Peter York about the omission of the Grey Headed Flying Fox and the Green and Golden Bell Frog in the initial SEARS submission. Peter York stated that any consultant should have taken into account the 2 significant camps of the Grey Headed Flying Fox in the Muswellbrook and Singleton Council areas. Julian Kasby said he would take this onboard.
- Nola Connor stated her concern on who assesses the visual impact of the project and queried their independence given they are being engaged by Epuron. Nicole also voiced her concern about the photo being taken from the front door of the house, and not the front gate, and using the land as a buffer. Julian Kasby said the guidelines stated that the photos are to be taken from the front door.
- In relation to the interpretation of the Guidelines and the integrity of the consultants, Andrew Wilson stated that the Department of Planning have a team of their own in-house experts and they assess if the visual impact of a project is a controversial issue, they will hire a 3rd party to produce an independent assessment.
- Peter York asked how the social impact study were being measured. It was confirmed that this was being done by an independent consultant. Peter York then asked if anyone from the CCC had been contacted by this consultant. No CCC member indicated they had contact with the consultant. Another concern was raised by Peter York that it was a requirement of SEARS that the proponent consults the committee during the preparation of the EIS, and that this does not appear to have been done. Andrew Wilson said that a round of email questions and answers had been circulated. Peter York then restated that, to his knowledge, nobody on the committee had been consulted or asked their opinion of the project.
- Cr Godfrey Adamthwaite asked how much face to face consultation Epuron has undertaken with the community living in the project area. Epuron stated that they have undertaken various consultative processes with members of the local community. Nigel Wood disagreed and said that he knows people that live very close to the proposed turbines that have not been contacted.
- Julian Kasby stated that information sessions in localities close to the project have been held. In particular, McCully's Gap Community Hall, Muscle Creek Fire Station, Hebden Community Hall and Mt Pleasant School.
- Epuron's focus is to have face to face contact with people within 3 km of the turbines. A few people have received letters.
- Cr Godfrey Adamthwaite asked how many people attended the meetings. The response was 10 to 50 people.
- Cr Godfrey Adamthwaite raised concern about the questions being raised by the members of the CCC and that many seemed to be of a personal interest nature rather than concerns relevant to the general community. Members of the CCC responded that these were concerns from their local community.

- The Chair indicated that a Department of Planning representative is happy to attend future meetings but had not wanted to attend the first meeting given the large agenda and the limited amount of time given COVID 19 restrictions. Anthony Ko, the Departmental liaison representative, indicated to the Chair that he is willing to take questions via phone calls and emails from community members.
- Julian Kasby informed the CCC about the updated newsletters and suggested that if they were not getting them, they could sign up for them.
- Nigel Wood asked if there would be lights on the turbines. Julian Kasby replied that there would be an aviation assessment done as part of the project. The aviation consultant will make their recommendation if the project turbines need lights. This would form part of the EIS
- Because of the current COVID 19 situation Zoom meetings were suggested for future general community sessions. Face to face meetings are the preferred method by the CCC community members as a lot of people do not have reliable internet connections. The timing of the sessions was also raised, and Julian Kasby assured members that there were differing times and days when these meetings are to be held and that most people would be able to make at least one of the sessions.
- The question was raised about how Epuron were publicising the information sessions and future community forums. Julian Kasby replied that notices had gone out in the newsletter to those signed up to the mailing list and were also available on the website. He had also undertaken a radio interview to promote the meeting. Peter York then asked if it had been advertised in local papers. The reply was that it had not been advertised in the local papers. The CCC then suggested it would be valuable to put in all the local papers and more than one radio station.
- Julian Kasby raised some of the benefits the Project would provide to the local community. One mechanism employed is the development of the Community Enhancement Fund. The Fund is initiated by the wind farm developer and attracts an annual financial contribution based on the number of constructed turbines. This is paid by the owner of the turbines. This money can be spent on a variety of community projects. The CCC is able to make suggestions as to how this money should be spent. The question was asked how many turbines would be in each local government area. Julian Kasby answered 2/3rds are to be located in the Muswellbrook Shire, 1/3rd in the Singleton Shire and a small number in the Upper Hunter Shire. The question was asked what the total number of proposed turbines was. Julian Kasby said they would have the number at the next meeting.
- Discussion followed about how the Community Enhancement Fund would be allocated between local government areas. Andrew Wilson said it was typically split on a pro rata basis determined by the number of turbines constructed in each local government area. Cr Godfrey Adamthwaite asked if this was subject to negotiation by the Councils.
- Andrew Wilson stated it is now becoming more common for neighbouring properties to be offered a neighbour agreement/participation agreement for compensation. This payment is separate from payments made into the Community Enhancement

Fund. Peter York asked how many neighbour agreements have currently been signed. Julian Kasby replied that there was a general rule that any agreement that has a commercial nature is private between the parties. Andrew Wilson stated that any property related to the project will be in the EIS as they will be part of the development. A neighbouring property is considered one within 3 km of a turbine. Sue Sylvester said that the guidelines state that this is 4.5klm

- Sue Sylvester raised the issue about the location and height of the test towers and that consultation and notification was supposed to have been in emails. She had brought to Julian Kasby's attention that a tower was erected only 200m from her boundary and she had not been informed about it until she saw it. She hadn't heard from Council or Epuron about when it was going to be erected. She then questioned Council about the Development Application (DA) and then was told there wasn't a DA. A few other CCC members also said they had no notification of towers being erected until they were constructed. Julian Kasby said the lack of communication was regrettable and apologised. Sue Sylvester said she still hadn't heard from Council even though a DA had now been submitted. Julian Kasby then stated that the DA had been withdrawn as Epuron had lowered the height of the test towers. Sue Sylvester then asked Julian Kasby why they had chosen to lower the towers instead of putting in a DA. Julian Kasby replied that when they found out that the towers exceeded the criteria for a consent development they wanted to try and resolve the issue as quickly as possible. There were 2 options for resolution – 1. Apply for a retrospective DA or 2. Lower the height of the towers so that it complied as an exempt development. A retrospective DA was submitted, and it was taking too long so the decision was made to lower the height of the towers and withdraw the DA.
- Peter York asked about the 'significant job creation' mentioned in the presentation folder. In response Julian Kasby indicated that one project currently under construction had 40 turbines and that had created 125 jobs in construction. This project should take about 18 months to 2 years.

Questions and Clarification:

- Nigel Wood – Test towers lowered – why are they now exempt? Took 17 months to reduce the height. Nigel Wood then stated that they are not exempt developments as the guidelines and standards for an exempt development had not been met. Julian Kasby and Andrew Wilson stated that the department had been advised of the location and height adjustment. Nigel also stated that there was no erosion control on the roads that have been constructed and that Parthenium weed had been introduced.
- Nigel Wood – earlier emailed concerns about councils and local members not being involved and Julian Kasby said that they had started consulting with all the councils around the time of the first community meeting at McCullys Gap. Nigel Wood then asked for minutes from these meetings. Julian Kasby advised that they hadn't taken any minutes.
- Nigel Wood – have any future owners or Epuron received any incentives to build the Wind Farm in the area? Julian Kasby said no incentives had been received.

- Nigel Wood – regarding the DA submitted to Muswellbrook and Singleton Councils, these are false and misleading documents. There was no mention of retrospective DA's. Nigel Wood claims that Epuron knew that the test towers had been built illegally as it was in an email that he had sent in October 2018 and the DA was not submitted until April 2019.
- Nigel Wood– Will there be any Carbon Credits? Asked for an email. Julian Kasby said there were no carbon credits and that he will send an email with the details.
- Peter York – asked about the excavated materials – what is the process? Julian Kasby responded that as much of the material as possible will be reused. The road base will be brought onto the site.
- Martin Cousins – are there one or two wind farms being constructed as a couple of different names are being used to refer to the development? Julian Kasby – Bowmans Creek is the only one he is aware of in this locality.
- Sue Sylvester – Community Enhancement Fund – can it be used to improve the quality of roads and telecommunications? Julian Kasby – there is potential for this to happen. Andrew Wilson– one other wind farm in the Glen Innes area allowed roads, power supply and land for Optus and Vodaphone to put up telecommunication towers to be built. This money had been sourced from the Community Enhancement Fund. Sue Sylvester – note that communication is a major community concern and would like the communications in the area improved.
- Paul Smith – looking forward to reading the EIS. Andrew Wilson - the EIS would answer a lot of the questions brought up at this meeting.
- Cr Godfrey Adamthwaite – what is the timeline for the project? Julian Kasby – the key milestones will be communicated through an email.
- Cathy Ball – would like information on the turbine distances from her property. She also stated that she would like the next meeting to be face to face as some of the older people cannot use zoom and the reception in the area is very poor. She understands that the consultation phase is in July. She would also like more clarification on noise.
- Julian Kasby agreed to provide answers to all of the questions asked by the CCC within 3 weeks of this meeting.

Issues for future meetings:

- Identified many issues.
- Keep sending things through for the agenda for the next meeting.
- Questions answered for next meeting.
- Complete update on what has been done since the last meeting and the future timeline.
- Department at the next meeting – the Chair will contact Anthony Ko to request Department of Planning attendance.

General business:

- Technology options for next meeting. 1. Face to face in a venue large enough to accommodate the Committee members with COVID 19 spacing. 2. Zoom if face to face not available due to COVID19.
- Nigel Wood circulated a paper with 2 motions (ATTACHMENT 1) which he proposed to put to the meeting. This item had not been referred to the Chair prior to the meeting. The first motion proposed that the CCC prepare a submission to the Independent Commission Against Corruption (ICAC) alleging fraudulent conduct in the submission of documents to Singleton and Muswellbrook Council. The second motion proposed that the EIS not be submitted until after the COVID 19 restrictions had been lifted to allow adequate community consultation. The Chair repeated his opening remarks about the role and purpose of the CCC as stated in the Departmental guidelines and indicated that such motions were outside the role of the Committee. The Chair indicated that if any community member felt there was a legitimate case to bring to ICAC they should make such a submission in their own right. The Chair acknowledged the concern about the impact of COVID 19 on the consultation process for the project. Such concerns will need to be considered by the consent authority as the proposal develops. The submission of the EIS will allow a more considered debate and consultation because the proposal will be more defined than is currently the case. The Chair noted that this issue will need to be addressed by the proponent to ensure adequate consultation has taken place.

Next meeting:

- It was suggested by Julian Kasby 3-4 meetings be held per year as per the guidelines. He suggested the next meeting be held in 3 months and if and when the EIS is lodged and the exhibition period is announced. Other community members suggested a further meeting in August given the EIS is proposed to have been submitted by then and the desire to meet a representative from the Department of Planning. Peter York said it would be beneficial to run through the EIS with the community.
- Following discussion, it was agreed that the next meeting be held on Wednesday 26th August, time 5pm – 7pm. Location – Muswellbrook RSL.

Meeting close:

- ❖ Meeting closed 7.15pm

Motion for the Proposed Bowmans Creek Windfarm CCC meeting
July 15, 2020

Motion 1

Members of the Proposed Bowmans Creek Windfarm CCC on July 15th, 2020 vote that a submission is prepared, and the submission is submitted to the Independent Commission Against Corruption (ICAC)

The reason for the submission is because we want ICAC to undertake an investigation into the apparent fraudulent conduct by Epuron. Epuron appear to have engaged in Fraudulent conduct by submitting False and Misleading documents to both Singleton and Muswellbrook councils. To date it appears that the government agencies and/or representatives have failed to adequately investigate the alleged fraud and may even be complicit.

Representatives from Singleton and Upper Hunter councils will have to abstain from voting.

Motion 2

Members of the Proposed Bowmans Creek Windfarm CCC on July 15th, 2020 vote that the EIS is not submitted until all of the Covid 19 restrictions are lifted to allow adequate consultation with the wider community to take place face to face "The Community information Sessions". This will allow true consultation to take place.

When the Covid 19 restrictions are lifted we ask that Epuron adequately advertise the information sessions and they are held at times to facilitate people who have to work.