

<p>Crookwell 2 & 3 Wind Farms</p> <p>Minutes, 1st Meeting of Community Consultative Committee 12/12/12</p> <p>Project: Crookwell 2 and Crookwell 3 Wind Farm projects</p> <p>Meeting No: #1</p> <p>Date: Wednesday 12 December 2012</p> <p>Venue and Time: Crookwell CWA Rooms, 7:00pm to 8:10pm</p> <p>Documents:</p> <ul style="list-style-type: none"> ▪ Agenda dated 12 December 2012 ▪ Materials provided by the NSW Office of Environment and Heritage <p>Attendees:</p> <p>Chair: Don Elder (DE)</p> <p>Minutes: Lucia Calvo (LC) (Union Fenosa/Crookwell Development Pty Ltd)</p> <p>Union Fenosa/Crookwell Development Pty Ltd representative members:</p> <ul style="list-style-type: none"> ▪ Shaq Mohajerani (Project Development Manager) (SQ) ▪ Thomas Mitchell (Legal Manager) (TM) <p>Community representative members:</p> <ul style="list-style-type: none"> ▪ Chris Croker (CC) <p>Council representative members:</p> <ul style="list-style-type: none"> ▪ Cr Malcolm Barlow (Upper Lachlan Shire Council)(MB) <p>Observers in attendance:</p> <ul style="list-style-type: none"> ▪ Cr Paul Culhane (Upper Lachlan Shire Council, alternate) (PC) ▪ Chris MacKenzie Davey (OEH Representative)(OEH) ▪ Dieuwer Reynders (OEH Representative)(OEH) 	<p>Action:</p>
<p>Agenda Item 1: Apologies</p> <p>Apologies:</p> <ul style="list-style-type: none"> ▪ Maurice Newman (MN) ▪ Jamie Buck (JB) 	<p>Action:</p>

<p>Agenda Item 2: Attendance at meetings</p> <p>DE: Opened a discussion on attendance at meetings by observers and media. Asked whether the committee supported media observers and/or invitation to the media.</p> <p>All: Agreement that there were no objections to media or observers in meetings</p> <p>MB: Observed that local media from Crookwell Gazette was fair-minded and even-handed with coverage of wind farm stories</p> <p>TM: Suggested a caveat on media/observer attendance, being that they make themselves known to the Chair prior to the meeting</p> <p>Resolved: That media and observers are welcome to meetings subject to having previously notified DE or LC of their intention to attend.</p> <p>DE: Introduced OEH representatives and asked them to introduce themselves as observers.</p> <p>OEH: Introduced themselves as Precinct Managers for NSW/ACT Border Region Precinct pursuant to NSW Renewable Energy Action Plan, and mentioned they had some documents (attached) that they would like to submit for review by committee members.</p>	<p>Action:</p> <p><i>Media and observers are welcome to meetings subject to having previously notified DE or LC of their intention to attend</i></p>
<p>Agenda Item 3: Introduction by all Committee Members and of their hopes for the Committee</p> <p>DE: Invited all attendees to introduce themselves and describe their hopes for what the CCC will achieve. DE has lived in Goulburn area since 1962, working as a lawyer in a local law firm. He retired in 2008, and has been the Chairman of a similar CCC for the Ardmore Park Quarry since 2010. He commented on the similarities between the committee charters.</p> <p>SQ: Project Development Manager for Union Fenosa, responsible for the overall environmental permitting and grid connection of the NSW and Victorian wind farm projects. Expects CCC to resolve as many issues as possible as they arise between the community, the council and the company during the planning, construction and operational stages of the wind farm projects.</p> <p>MB: Retired from a career as a teacher and school principal, Crookwell resident, and serving councillor on the ULSC. Declared that he has publicly stated his opposition to wind farm developments in the Shire, and he expects that the CCC should ensure that the wind farms are compliant with State and Council planning laws and regulations.</p> <p>PC: An accountant in Crookwell, and serving councillor on the ULSC in the last 5 years. Appointed to the CCC as an alternate for MB, and clarified that therefore he would speak to the CCC as an observer with the permission of the Chair. Believes that wind farms are a major issue for the Shire, and wants to ensure the best possible outcomes for local ratepayers.</p>	<p>Action:</p>

<p>CC: A resident of Golspie (30km north of Crookwell) and involved in multiple local organisations around Crookwell (RFS, Upper Lachlan Foundation, etc). Sits on CCC for Golspie wind farm. Wants to represent landholder interests to ensure that wind farm activities are well-managed to ensure minimal disruption to community.</p> <p>LC: Project Development Engineer working for Union Fenosa, and acting as Secretary to record Minutes. Hopes the CCC resolves as many issues as possible.</p> <p>TM: Legal Manager for Union Fenosa, responsible for preparation of contracts for construction of wind farm projects, contract management with landowner stakeholders, and community engagement activities. Expects CCC to be like similar Shire-sponsored committees in Victoria, focused on discussion of practical issues associated with construction and operation, and taking steps to ameliorate the inconveniences and disruption caused by construction activity.</p>	
<p>Agenda Item 4: Declaration of pecuniary interests</p> <p>DE: declared that he receives a set fee from UFWA to attend and chair the meeting, irrespective of the duration of committee meeting.</p>	<p>Action:</p>
<p>Agenda Item 5: Insurance of Committee members</p> <p>DE: described a policy of insurance for the Ardmore Park Quarry CCC which provides insurance to all committee members when they are attending the CCC meetings. Queried whether CCC thought it appropriate to request UFWA to provide similar insurance.</p> <p>MB: ULSC insurance would cover councillors attending.</p> <p>SQ: UFWA insurance would cover all UFWA employees attending.</p> <p>CC: not concerned about any need for insurance to attend a CCC meeting.</p> <p>DE: no real requirement for insurance.</p>	<p>Action:</p> <p><i>No insurance required for CCC</i></p>
<p>Agenda Item 6: Committee rules</p> <p>DE: raised discussion of committee rules. Had previously been provided with a copy of ULSC's meeting guidelines, believed they were overly prescriptive. Suggested we establish our own rules for quorum and attendance. Suggested standard rule for quorum should be half members plus one. Chair has to be independent and therefore suggested that he should have a non deliberate vote, except in the event of even votes which would be resolved by the Chair having a casting vote.</p> <p>TM: We should consider our rule for quorum against the background of a realistic assessment of attendance at the CCC. If we move future CCC meetings to Fridays we will have a better attendance (given apologies from JB and MN).</p> <p>DE: A great believer in day-time meetings. Reported that Fridays were more</p>	<p>Action:</p> <p><i>Quorum for voting to be half attendees plus one</i></p> <p><i>Agreed: Chair to hold a casting vote, not a deliberative vote</i></p>

convenient for MB and JB, based on his communications with them.

CC: said that Friday afternoons were better for him.

DE: mentioned that Friday 2pm to 2.30pm starts are ideal for MB, and that JB can juggle his roster and would be happiest with Friday afternoons.

MB: raised a query of UFWA about how CCC committee members were selected and why there weren't more people on the CCC.

TM: replied that every community member that had applied to the CCC (following 6 weeks of advertisement in Crookwell Gazette and Goulburn Post, and mentions in monthly Community Engagement Meetings and meetings with nearby residents) had been selected to the committee.

LC: clarified that it was also advertised in the online version of the Goulburn Post and Crookwell Gazette.

MB: questioned the appointment of CC as a member, who lives 25km from Crookwell, and questioned whether he represented the local community. Stated that he believed the community needed to be represented by more than 3 people.

CC: replied that he lives in the Shire and that he had already described the community organisations that he is an active member of, and that he also works in the local area.

DE: agreed that the CCC needed more members, and that he thought it would be a good idea to have a local woman represented on the CCC too.

SQ: agreed that the CCC needed further members, and believed that the reason that many people may not have applied to be members of the CCC was because the Draft Guidelines for Wind Farms advised a strict test for participation (reads the relevant appendix from the Guidelines), and that many people who object to the project proposal aren't interested in listening to the company's reports, or they think that participation in the CCC requires that they should be supportive of the wind farm project proposals.

MB: said that people that object to the wind farms in the ULSC that he speaks to think the CCC will be a waste of time. Said that he would be prepared to go out into the community to ask people to be a part of the CCC. Suggested that we set a date to reopen the nominations to the CCC so that people could have another opportunity to get involved.

CC: said that he had a problem with Council's representation on the CCC, and that MB had declared his anti-windfarm position in the newspaper many times, and that Council should be better represented by an impartial representative.

DE: declared that this was a matter to raise with Council concerning the impartiality of its representative, and that it was not a matter for the CCC to decide.

CC: said that he would raise the matter with Council, and that he felt very strongly that the Council's representative should be impartial and independent.

Agreed: CCC will seek more members to represent community

DE: returned to discussion of Chair's vote, and said that he had to remain completely independent, and for this reason he was suggesting that the Chair should only hold a casting vote. Resolved:

1. That the Chairman have a casting vote if required but no deliberative vote.
2. That a quorum for a meeting be half the number of committee members plus one.

DE: asked whether members wanted to add any further rules regarding the conduct or control of meetings. He referred to the ULSC code of practice, and said that he thought the meetings didn't need to be so rule-based.

MB: suggested a certain degree of formal control and that formalities would be observed and exercised by DE

DE: asked if there were any further specific suggestions for rules

SQ: said that if certain topics become heated then members should direct their questions to the Chair and wait for the Chair's permission to speak in turn. This will help in controlling the number of questions and the minute-taking.

PC: said that observers should always seek the Chair's permission to speak, but as Council alternate he would always be given that permission so that he could be more involved.

TM: said that he believed that DE would prove to be a strong Chair and that he was confident that he could keep order and keep the meetings to a civil discussion.

DE: if formality became necessary he would follow Joske 'Law of Meetings'.

Agenda Item 7: Company report on progress of wind farms and overview of activities

SQ: As part of the Crookwell 2 wind farm (C2WF) construction phase, the public road upgrade works is currently in progress. These include the Goulburn-Crookwell Road intersection with Woodhouselee Road (including the bus interchange area), the project site access entrances on east and west side of Goulburn-Crookwell Road near the site compound, and the project site access entrance on Woodhouselee Road. Subject to the weather conditions, all of the works including the lane marking and cleanup is planned to be completed prior to Christmas this year.

SQ: The unsealed 2km section of Woodhouselee Road north of the project site that was deemed to be used by the original proposal and is no longer proposed for construction route to service the sites, was granted deferment to be completed prior to commissioning instead of prior to construction, by the Upper Lachlan Shire Council's (ULSC) Director of Works at the time of the commencement of construction in 2009. Earlier this year due to enquiries from Community and Council's new Director of Works, the upgrade to the unsealed section of this road was asked to be expedited to be completed much earlier in the construction

Action:

timeline instead of immediately prior to commissioning the whole project. This was again discussed in a meeting with ULSC on 28th September 2012 and it was agreed that ULSC would provide an indicative pricing by end of 2012, for sealing the 2km section using their resources. This price would then be compared to market price and further discussions take place on which party would undertake this work and in what timeframe.

SQ: The grid connection negotiations with TransGrid for the design and configuration of the substation has been completed. We are currently in the process of pursing and negotiating an off-take agreement for the output of the wind turbines to continue with the rest of the construction phase.

All: no questions

SQ: Crookwell 3 wind farm (C3WF) was designed to be an extension to the C2WF project. When the C2WF DA modification application was approved in 2009, the proposed C3WF continued its initial development process. These two projects will use the same connection point for connecting to the electricity grid. This would reduce the infrastructure footprint of the projects. C3WF is split into two sites, C3 East and C3 South. C3 East will host up to 22 wind turbines, and C3 South will host up to 8 wind turbines. There are several site access road options being proposed for C3WF for each site, and we are proposing to utilise one access for each site.

SQ: C3WF has been granted a Major Project and Critical Infrastructure project status under the Part 3A of the Environmental Planning and Assessment Act (EP&A). After the repeal of the Part 3A section of the EP&A Act, the Part 3A projects were considered as Part 3A Transitional Projects, however they would still be assessed under the Part 3A of the EP&A Act. The draft NSW Planning Guidelines for Wind Farms (draft Guidelines) were released in December 2011, and in April 2012 DP&I requested from wind farm proponents to have regard to and consider the provisions in the draft Guidelines. Appendix 1 of the C3WF Environmental Assessment reports highlights how these draft Guidelines have been considered and addressed.

SQ: As part of our C2WF and C3WF Stakeholder Consultation Strategy, we have stepped up our community engagement program, and have a presence in the area consulting with the local community at least once a month and more frequently in the recent weeks during the Public Exhibition period. We have been negotiating with several of the immediate neighbouring landowners within 2km of the nearest proposed wind turbine for a potential neighbourhood agreement. Additional consultation is planned for January 2013 prior to the end of the Public Exhibition period. We are negotiating with several of the immediate neighbouring landowners that in accordance with the conservative noise modelling may be impacted. We are proposing to have a noise agreement with these landowners.

SQ: The C3WF is on public exhibition from 1 November 2012 till 6th February 2013, this extended public exhibition period is due to it coinciding with the Christmas public holidays and the January school holidays and instead of the standard 30 days, it has been changed to 60 days as part of the draft Guidelines, and to about

90 days to accommodate the holiday season. The purpose of the public information day session carried out earlier this afternoon, was to provide an avenue for the community to have access to the specialist consultants that prepared the environmental assessment reports and be able to raise their concerns and asked questions about the reports that are on public exhibition. We did not get a large attendance at the information day, however we did get quite a few of the immediate neighbouring landowners that had genuine concerns and wanted to ask very relevant questions from the consultant team, we believe that the session was very productive for us as we got to spend a lot of time and discussions on the real concerns for the neighbouring landowners.

MB: raised a number of concerns regarding the CW3 proposal, being: that many of the turbines were proposed as close as 1000m from neighbouring properties, and that these neighbours would be unable to sell their properties; that noise from the wind farm would impact on people's health; that the wind farms would cause impacts on people's health and local land values; that the CW3 project proposal was not sufficiently specific, and used widely-varied 'ballpark' figures about tower heights, blade lengths, and electricity output; that he hadn't yet seen a map of the turbine placements; and that he was against turbines being sited that close to people's homes and properties.

DE: asked if MB would be lodging an objection to the CW3 project during the public submission period?

MB: replied that he would be lodging an objection.

CC: asked if MB's objection would be lodged on his own behalf or if he wanted the Council to lodge an objection too?

MB: said that if a Council objection to the CW3 proposal was in the Council Agenda then he would be voting in support of a Council objection. In the meantime he intended to represent individual landowners on the CCC, and he indicated that he had letters from people in his bag who wanted him to represent them in the CCC meetings.

CC: said that he would like to see the letters.

TM: said there was no need to see the letters because he could probably guess the landowners that had written them after having meetings in recent months.

DE: said that MB would likely need to get the consent of the landowners that wrote letters before he could table them in a meeting.

SQ: responded to MB's queries/questions saying that the recent Senate Committee hearing on audible noise from wind farms had been a failure for Senator Xenophon because the committee had used strong language to say there was no evidential link that inaudible noise was causing health problems. Questioned focus on arbitrary 2km limit, what it was based on, whether it had any link to existing planning controls

MB: replied that it was based on Van den Berg effect described in 2004 journal

article about 1MW turbines, and that larger turbines should therefore have a larger setback based on further studies about acoustics and health/medical effects.

SQ: asked why, if there is this claimed evidence that there are health impacts, that participating landowners are not getting ill

MB: replied that they are getting ill but that 'gag clauses' in their contracts stop them from speaking out, citing Waubra wind farm as an example

SQ: said that UFWA contracts do not contain confidentiality clauses about health or similar matters, only contain confidentiality clauses about normal commercial items which are common in any commercial agreement

DE: said that he believes that the fine details of MBs claim are more a matter for his public submission than a matter for the CCC

Agenda Item 8: General business

PC: (requested Chairs permission) asked if UFWA had finalised its voluntary contribution funding (VCF) agreement with ULSC and to describe the company's thinking about the VCF

SQ: replied that the draft being discussed with ULSC only applied to CW3 project, and that the \$1666/turbine/annum contribution was based on the precedent established in the Gullen Range Land & Environment Court (LEC) decision. Explained that the draft agreement was being negotiated so that it refers to a specific dollar value (\$1666) rather than linking it to reference to the DCP. Explained that UFWA was considering 'packaging' the CW2 and CW3 VCF payment together, but that other organisations such as the Upper Lachlan Foundation were also interested in administering community funds from the CW2 project. No decision has been made on 'packaging' the funds, although the CW3 funds have been committed to the Council for administration. Explained that the company doesn't feel strongly about having a strong say in directing the spending of the VCF funding because Council has best view on appropriate community projects/needs, but we do want to be kept informed on how the VCF is spent and given appropriate acknowledgement.

MB: said the funds should be spent within 10km of the project and that the Council thought \$2500/turbine/annum was an appropriate amount, as described in the DCP

SQ: replied that the value of the VCF/turbine had been established by the LEC and this was the reason why there were protracted negotiations about linking the VCF to a dollar figure or a reference to the ULSC DCP.

MB: said any dollar figure-linked VCF should be linked to CPI inflation

SQ: confirmed that this had already been agreed in discussions about the VCF, and that ongoing discussion of VCF revolved around extent of UFWA involvement in administration and dollar-figure/DCP-linked methodology.

Action:

TM: added that Neighbours Agreements recommended under draft Wind Farm Guidelines would contribute benefits to immediate neighbours and that these extra funds would bridge the difference between the \$1666 precedent established by the LEC and the \$2500 figure in the Council DCP.

CC: questioned why the VCF was calculated with reference to turbines and not to a project as a whole.

SQ: replied that the methodology was established by the LEC Gullen Range decision.

CC: wanted to confirm that the VCF was a voluntary contribution from the developer, and that they could opt not to make any contribution if they decided not to make a contribution.

SQ: replied that the VCF was voluntary, but that the company accepted there was a legitimate expectation that it should contribute to the community, and that the VCF formalised the contribution so that it was documented and practical to administer.

MB: said that the VCF was not just a donation but a recognition that wind farms do not pay a Development Application fee to Council like other developers do.

TM: replied that UFWA paid fees to the State Government and agencies to have the project assessed, and that a dispute about Council's fair share of those fees was a matter to raise with the Planning Department.

MB: responded that the Council had raised the matter with the Department

TM: added that UFWA was aware that a packaged CW2 and CW3 VCF which was administered by Council was strongly supported by councillors and council staff.

Agenda Item 10: Arrangements for meetings and date of next meeting

DE: requested members ideas on when would be an appropriate date for the next CCC meeting

TM: replied that we should hold a further meeting before the end of the public submission period in early February. Suggested Friday 1 February 2013 following Australia Day public holiday in late January.

All: Friday 1 February agreed.

CC: Agreed that this date suited him and that a 2.30pm start would give people like MN a chance to drive from Sydney for the meeting.

MB: asked if the meeting would be held at the CWA rooms again.

LC: said that she would contact the CWA to confirm the availability of the rooms for the next meeting.

DE: proposed that further nominations to the CCC should be sent by 11 January 2013, but questioned how to apply the criteria for selecting members from the nominees.

Action:

Next meeting scheduled for 2.30pm, 1 February 2013. Venue to be confirmed

Further nominations to the CCC are invited by 11 January 2013

SQ: said that the Department had declined to be involved in selecting members of the CCC despite this being described in the draft Guidelines, due to the Guidelines still not being finalised.

TM: added that it wasn't likely that the Department would attend CCC meetings because they didn't have time or resources.

OEH: (requested Chairs permission) added that the OEH was happy to gather information from any other department and would always be happy to help the CCC, and that they planned to attend as many meetings as possible. (provided documentation to CCC) Explained that a number of CCC's had been established for wind farms throughout the State in recent months, and that the State Government was proposing some training/capacity-building in Sydney for improving the usefulness of these CCCs. Submitted documents (attached) for review by CCC members.

DE: Thanked everyone for their attendance and declared the meeting closed.