

<p>Crookwell 2 & 3 Wind Farms Minutes</p> <p>4th Meeting of Community Consultative Committee 13/09/13</p> <p><i>Project: Crookwell 2 and Crookwell 3 Wind Farm projects</i></p> <p><i>Meeting No: #4</i></p> <p><i>Date: Friday 13 September 2013</i></p> <p><i>Venue and Time: Crookwell CWA Rooms, 2:30pm to 3:45pm</i></p> <p>Documents:</p> <ul style="list-style-type: none"> ▪ <i>Agenda</i> ▪ <i>Letter from DE regarding preparation of Minutes</i> <p>Attendees:</p> <p>Chair: Don Elder (DE)</p> <p>Secretary (acting): Tom Mitchell (TM)</p> <p>Union Fenosa/Crookwell Development Pty Ltd representative members:</p> <ul style="list-style-type: none"> ▪ Shaq Mohajerani (Project Development Manager) (SQ) ▪ Tom Mitchell (Legal Manager) (TM) <p>Community representative members:</p> <ul style="list-style-type: none"> ▪ Jean Dooley (JD) ▪ Maurice Newman (MN) ▪ Steve Ward (SW) <p>Council representative members:</p> <ul style="list-style-type: none"> ▪ Cr Malcolm Barlow (Upper Lachlan Shire Council) (MB) ▪ Cr Paul Culhane (Upper Lachlan Shire Council) (PC) <p>Observers in attendance:</p> <ul style="list-style-type: none"> ▪ Humphrey Price-Jones (President of the NSW Landscape Guardians Inc) (HP) 	<p><i>Action:</i></p>
<p>Agenda Item 1: Apologies</p> <p><i>Apologies: Received from Chris Croker</i></p>	<p><i>Action:</i></p>
<p>Agenda Item 2: Declaration of pecuniary interests</p> <p><i>None</i></p>	
<p>Agenda Item 3: Minutes of meeting held 17 May 2013</p> <p><i>DE: Declared meeting open. Expressed concern about transcript minutes being too long. Suggested engaging Crookwell local to look after minuting.</i></p> <p><i>TM: Agreed that verbatim transcript and reduction to concise Minutes had proved</i></p>	<p><i>Action:</i></p>

enormous workload. Discussed merits of minutes being prepared by a Crookwell local, including turnaround and satisfaction of NSW Draft Wind Farm Guidelines regarding local content, capacity building. Discussed merits of recording and transcript approach, being accurate verbatim record, and asking transcriber to produce Minutes rather than verbatim transcript.

DE: Proposed Amanda Catwell to keep Minutes.

MN : Concerned about a transcript, and that action items aren't automatically brought to the surface. Also concerned that doesn't know whether it is a true verbatim, but accepts that it is in good faith, but is hesitant to challenge if you accept that these are verbatim minutes.

SQ: Agreed it is difficult to identify action items but recommended recording in addition to hand written note..

DE: Was happy to support both recording and minute taker.

MB: Suggested to approach Council and see if we can hire the hall.

Chair: Said using Council resource would be cheaper than transcribing, question if company had any problem with that, subject to expense?

TM: I've got no objection. Will note as an action item and contact John Bell.

MN: Proposed motion that CCC be accommodated by the Upper Lachlan Council in their chambers, with the use of one of their secretaries or people who can take minutes for the next meeting of this committee.

PC: Proposed that the motion first request the receipt of secretarial services, and in second alternative that we request secretarial services and use of Council chamber.

DE: First motion moved Paul, seconded MN, carried. Second motion moved Paul, seconded MN, carried. The second motion being that the preferred option would be to seek use of the council's facilities.

DE: Returned to question of minutes of the previous meeting.

TM: Proposed minutes be distilled down to three pages in a more traditional minutes style. Noted that Ian's presentation, presented in a transcript style, was very useful.

MN: Noted did not receive Agenda and Minutes documents previously by email.

TM: Confirmed conversation with MN secretary, that email had been sent previously, and will update email contact to ensure all emails go directly to MN personal secretary.

DE: Requested circulation of CCC#3 Minutes to all members.

Action: TM to request secretarial services

Action: TM to write to John Bell to request use of Council facilities

Action: TM to circulate CCC#3 Minutes to all members

<p><i>Chair: Confirmed that summary of the minutes will be prepared and circulated so we can comment on them. I think at this stage we don't confirm, and leave the confirmation to the next meeting.</i></p>	<p>Minutes to be confirmed at future CCC#5 meeting</p>
<p>Agenda Item 4: Business arising from the minutes</p> <p><i>DE: Raised business arising agenda item point b. regarding liability of committee members. Noted previous divergent opinion, and opinion that no situation had yet arisen where we're liable for anything. Suggested it be raised as secondary point in the questions and representations that we're going to raise with the Planning Department.</i></p> <p><i>DE: Raised point c., regarding the noise and neighbourhood agreements.</i></p> <p><i>SW: Had received no further information since the previous meeting.</i></p> <p><i>SQ: UFWA is waiting for the consultant to finish the noise analysis for the individual houses, and the agreement is contingent on Voluntary Planning Agreement with Council as it relates to the agreed Voluntary Fund Contribution. Neighbour Agreements are offered on the basis of proximity. The neighbour offer will follow the settling of a draft with Council, and Tom has a draft.</i></p> <p><i>TM: Confirmed a draft has been prepared and is ready to go to council. It will take a bit longer for you to receive any formal contract offer from us, stating what our proposed neighbour benefit to you is going to be. Confirmed a previous meeting with the ULSC General Manager where UFWA put to him a proposal about bundling the benefit to neighbours together with the benefit that we'll pay to the Council on an annual basis. In a follow up to that meeting, we put the offer in a letter format, and the General Manager put it to the council. We have received a notice from Council saying that they'd accepted 'in principle' the offer, and we've come to an agreement on commercial terms for our Voluntary Planning Agreement with the Council. Now it remains to take those commercial terms and agree the contract detail in the planning agreement. We're up to a point now where we have a restructured VPA agreement to put to Council.</i></p> <p><i>MB: Confirmed the VPA offer had been discussed 'in camera' because it's offered commercial in confidence.</i></p> <p><i>SW: Requested a timeframe.</i></p> <p><i>MB: Confirmed following Thursday is the next meeting, and VPA is not on the agenda, and the next Council meeting is in October.</i></p> <p><i>MN: Queried the distance between a turbine and a dwelling or residence where a neighbour agreement is offered?</i></p> <p><i>TM: Confirmed that those dwellings that are within two kilometres of a turbine in</i></p>	<p>Action:</p>

the Crookwell 3 Project are eligible.

SW: Queried whether the eligible dwellings are affected by this separate VPA with Council?

SQ: The overall VPA encompasses part of that contribution and so it influences part of the payments. So we're aiming to settle the VPA-Council aspect before settling the individual contracts aspect. But we can provide you with some feedback from technical and commercial aspects of the offer, if that helps.

SW: Queried whether noise agreements had been reached.

SQ: Said that technical aspects of values or thresholds in there, so it has to be done by a consultant, to specify exactly what the landowners is going to consider.

JD: Queried whether a complete list of all the neighbour landholders had been prepared? Queried if JD's property was on list.

TM: Confirmed a single DA-approved property-site at Rainmore was on list, which the Crookwell 3 Project was designed to have regard to. Said the council has the DCP, which says that you can't site a home within two kilometres of the turbine, and that there are a number of turbines that have been approved at Crookwell 2, which according to the council's DCP means that you could not site a house at two of the Rainmore sites.

JD: Said Council cannot overrule what they've already approved.

TM: Confirmed that is a discussion to have with council. Explained that planning scheme balances your right to do with your land what you would like to do, and your neighbour's right to do what they would like to do. The neighbours have a right to build a wind farm and it needs to comply with certain requirements, including setbacks from houses. The planning scheme does not plan for the way people use their land based on contingencies - that you may, or may not, develop your property.

JD: Criticised that design of CW3 only referred to one DA site.

MN: Questioned why there was no compensation?

TM: Replied farm is valuable as a farming enterprise, and that design decisions based on one house site was already above and beyond requirements described in planning law.

MN: Said that other DA's would be made worthless. Said that a good corporate citizen would acknowledge that properties that they've held for a very long time have been made worthless as a consequence of an overruling of a decision which I would have thought would take precedence over what you're trying to do.

TM: Said being a good corporate citizen is what we've done in voluntarily

designing the project to ensure that one of the home sites met requirements.

MN: Said principle is that a family who own property which, due to your actions, is going to be worthless. How does that work without compensation? The law of reason for this type of thing, of fair play, there would be some sense of obligation either to step back the offending turbines or else to provide some sort of compensation.

TM: Explained the benefit which is to be paid to JD, and we'll be paying that benefit despite the fact there's no house at the property.

MN: Said benefit was paltry and can't compensate the loss of land value.

TM: Said the value of the land is as a farm, for farming productive purposes and without any activity in 30 years to make it a residence.

MB: Said it was an example of dividing the community. You move in, you divide the community.

TM: Disagreed, saying it's an example of how the planning scheme needs to balance public goods with very private interests.

MN: Questioned what is the public good?

TM: Replied the public good is the deployment of clean renewable energy at an extremely competitive price, cheaper than new gas or coal.

MN: Objected to TM taking high moral ground where we've just heard a situation where a person's properties have been made essentially worthless, and invoking the idea that this is farming land when we know there are three DAs.

PC: Wanted to comment that we're talking about these draft guidelines that are hopefully going to eventually arise. I'm aware of the two kilometre thing. My understanding is that's an imposition on the developer rather than the reverse, if you know what I mean. I'm aware of a couple in the district who have recently approached council with their desire to build a house within five kilometres and they just want to know that they can do it.

Chair: Wanted clarification of whether there's any restriction? Can you build within 20 metres of a tower, or is there some distance you must leave from a tower?

SQ: We wouldn't put it any closer than the noise consultant says, according to the standards, is not advisable. We did send a landscape visual consultant to JD's property and a noise consultant to one of those three locations, which as he was on site with yourself, consulted on which one is potentially your preferred option if you were going to build one. The main concern is that you are going to build one, you are building it in a zone that theoretically is going to be encumbered by noise that's going to exceed the standard. That's what we're trying to do. That's why from that

perspective Crookwell 3 is not an issue for those three properties. It's Crookwell 2 that's been approved from a long time ago that puts those properties on the threshold. Therefore, most of the impact is going to be from them because they're closer. Whereas the Crookwell 3 turbines are further from those three approved dwellings than the Crookwell 2 approved turbines. So we have considered the noise threshold on the land. We know where the noise contours go.

PC: That's what I'm saying. That's my understanding. This is pre-existing. The wind farm is already there. These people are just saying, they want to know that they can build there if they so choose. The LEP is the ruling document.

MB: This DCP doesn't say, from my recollection that you can't build a house within two kilometres of a turbine. It says you can't build a turbine within two kilometres of a house, or the entitlement.

Chair: Suggested we move on to the submissions we were talking about making, referring to the minutes of the previous meeting, and also in the letter that I sent out. My letter of the ninth of July, one of the matters arising out of the last meeting was that a submission to the appropriate minister and commissioner, et cetera, should be made. I want to ask each committee member to draft a submission. I will then formulate a final draft and circulate that.

MB: Didn't send it through to DE but was phoned by ABC Radio and reiterated information that aerial capacity represented about 40 per cent of the fire fighting capacity. Then the Assistant Commissioner of the AFS followed on the radio, and he said that I was wrong and it was only 10 per cent. Wanted ABC to interview a local fire captain from out that direction but they didn't contact him.

MN: Made a submission to the mayor and the General Manager.

Chair: Questioned whether we still want to do something as a committee?

MN: Absolutely. Said the last meeting was distracted by the man from the parliament.

Chair: Confirmed that we came to the decision, we're our committee, we'll do our own thing.

TM: Disputed that we did come to that decision because CMD is effectively our liaison to the Department and that it was most logical to give him that submission to take to those people in the department who can make most good of it.

MN: Said he had a response from the NSW Premier and the Minister, saying that the attendance of people like CMD at these meetings would no longer occur.

TM: Questioned why that would make any sense at all, that the department wouldn't send us somebody, given their interest and role in decisionmaking and requiring these meetings?

MN: Said CMD was prejudiced.

TM: Rejected prejudice. They come here, they listen, they report back. It's their job.

MN: Said he knew how influence worked.

SQ: Without advocating the department's involvement but considered that they attend every other CCC meeting as an observer.

Chair: The guidelines say that they can come at our invitation.

MN: Stated the view of the Premier and the Minister was that this was using taxpayer's funds to attend meetings which are being hijacked for the purposes of promoting the wind turbine business using the information being distributed by CMD, and this is an improper use of taxpayer's funds.

Chair: Said the guidelines say state government agencies, for example, will attend committee meetings on an as-needed basis at the request of the chairperson.

MN: Said he believed that was probably being revised.

SQ: Stated the benefit of their agency's involvement is that because they sit across a lot of CCCs, and the issues raised could happen anywhere, that as a State agency they're on a better platform to be able to collate all this information and raise it as a concern across all of these wind farms or all of these infrastructure projects.

MN: Wanted to make it clear that he did not represent Council or committee, that he put it generically to the State government that this was an inappropriate use of taxpayer funds, and that the Premier and Minister are in accord with that view.

Chair: Queried how many CCCs for wind farms are there in New South Wales?

SQ: All the projects that are past public exhibition.

MB: Questioned whether more submissions would help given previous well researched submissions are ignored. Didn't want to waste time doing more work when my submissions have been ignored by Macquarie Street.

PC: Stated his recollection that TM or SQ was going to send a submission draft out of the meeting and we were going to contribute to it.

TM: Commented that MBs experience in writing submissions had not been yielding results, and that MN had taken initiative to make various submissions such as having CMD removed from these meetings.

MN: Suggested that DE attend a meeting with MN and the Emergency Services Minister.

<p>TM: Said that UFWA would not support Chairman attending meetings on a private mission with MN to meet his connections in government.</p> <p>MN: Questioned why?</p> <p>TM: Replied that UFWA did not support MN private submissions as a leader of the local Landscape Guardians group, noted climate sceptic, having the imprimatur of attending select meetings with the Chairman from our Committee.</p> <p>MN: Questioned relevance of relationship of view on climate change with fire fighting?</p> <p>TM: Said that MN intended to invent green tape hurdles to stop the advancement of the project.</p> <p>Chair: Requested draft submissions by the first of October, and requested a list of consultative committees in New South Wales.</p> <p>MB: Suggested requesting of CMD.</p>	<p>Action: TM contact CMD to request info on number of CCCs in NSW</p>
<p>Agenda Item 5: Correspondence</p> <p>Chair: No correspondence.</p>	<p>Action:</p>
<p>Agenda Item 6: Company report, with questions</p> <p>SQ: (Referring to Project Report and Response to Submissions Report for the Crookwell 3 wind farm proposal) This report addresses some design changes – removal of one turbine, relocation of access tracks, and deciding on the temporary batching plants, and the supplementary ecological report that was prepared post-exhibition based on the submissions of the agencies and the community. The various agencies are still asking for more information.</p> <p>The department also requested more ecological surveys to capture the winter season, which the consultants carried out. And they also made some enquiries about the significance of the heritage finds, if any. And lastly, because of the Gullen Range wind farm traffic in use through the second Goulburn exit, Goulburn Council recommended and requested that we use the same roads as them because all of those intersections – I think it was four intersections off the Hume Highway. They have been slightly tapered to accommodate the oversize vehicles, which has been modified now for the Gullen Range project.</p> <p>Once the department deems that the revised version of this is adequate, it'll go on their website and our website. Then they'll start writing their assessment and recommendations based on the final version of that.</p> <p>Chair: Requested an indicative timeframe.</p> <p>SQ: There's no statutory requirement for the department and I understand</p>	<p>Action:</p>

they're low on resources, so there's a queue of infrastructure projects.

TM: During the week we engaged our consultant from NGH to assist us with the Crookwell 2, Crookwell 3 response to submissions we've received from the community, as part of the public exhibition process. So she began making those calls in the last week. I believe she's half way through the list of people that we gave her to call. We figured six months was an appropriate time in which we needed to go back to the community and give them some feedback on their feedback to us. So we'll be doing that by telephone initially, and then once the department has given us an adequacy check on our responses, those specific responses will be given to individual community members. We then notify each of those people and give them the address where they can look up this report on the web once it's been deemed adequate by the department.

MB: Queried if VPA and CCC was dealing with one wind farm or two? Are we dealing with Crookwell 3 only, or Crookwell 2 and 3?

Chair: My understanding is Crookwell 2.

TM: Just to answer one of those questions first, the council requested that we put 2 and 3 in the same VPA. Also, it didn't make sense for us to have a Crookwell 2 CCC and a Crookwell 3 CCC and have the same people sitting and talking about different things when they are in the same region and they have the same impacts.

MB: Questioned why UFWA seem to have been trying to minimise the impact of Crookwell 3 turbines upon people like Jenny but couldn't be just as flexible and helpful in relocating some of those Crookwell 2 turbines?

SQ: Stated he can't do it without modification. The Crookwell 3 is different because I can redesign through this process. We've redesigned and decided things to reduce theoretical impact. But with Crookwell 2 it's approved. If I move a turbine to reduce the perceived impact, I have to modify it. Modification is a very lengthy process, particularly for the sake of their property Rainmore, because it's quite a unique circumstance. The problem is that I don't control the process. I just follow the process, and it is a very long process. That is definitely something that I've thought about, especially for those turbines there. It's something that is so much easier said than done. But again, under the current draft planning policy document, the draft guidelines, the Planning Act, nobody wants to make a decision on anything. It's really awkward to propose something, let alone try to get a result out of it. It's very difficult. I've definitely thought about it. It's a really awkward process. I haven't given up on it but it's just something that you cannot expect an answer in a short time.

Agenda Item 7: General Business

MB: At last meeting, CC tabled a paper saying that Dr Sarah Laurie was being investigated by the NHMRC for unethical practices in human health research. Here is a statement by the NHMRC that they were never investigating Dr Laurie. That's

Actions:

the press release.

Chair: Do we want that as an extra to the minutes? Put motion that this be attached to the minutes of this meeting? Moved, second. Discussion. Those in favour, aye? Against? Carried.

MB: TM commented about a good report that came out by the Victorian Department of Health. Presented a paper here by Professor Alex Salt and a paper here by Professor Hanson, who are both of world status. They say it was an awful report.

TM: Said he was sure I can find an alternative view responding to Alex Salt's view. I'll bring that to the next meeting.

MB: A healthy dialogue is very good.

Chair: Put the motion. Those in favour, aye? Against? Carried. Attach to the minutes, please.

MN: Offered point of clarification that TM mentioned last meeting that wind farming is an agricultural activity, and that this is not a view shared by the taxation department. So any wind farm can't be offset against farm income.

Action: Annex
NHMRC statement
to Minutes

Action: Annex
Salt/Hanson paper
to Minutes

Agenda Item 8: Next meeting

TM: Said meeting should follow progress with VPA with Council and receipt of all feedback from Department on response to submissions.

Chair: Declared April next appropriate date for meeting.

MEETING CLOSED

Action:

Next meeting
scheduled for April
2014, details TBA