



**Report on the Community Consultation Committee Process
Flyers Creek Wind Farm – Blayney NSW**

**Report prepared by Committee Chair
Grahame Collier**

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Introduction and Purpose

This purpose of this document is to provide a report on the progress made by the Flyers Creek Wind Farm Community Consultation Committee (CCC), since its inception in December 2012.

Infigen Energy established the CCC in line with the structure outlined in the NSW Government's draft *NSW Planning Guidelines Wind Farms – A resource for communities, applicants and consent authorities* - in particular Section 2.2 and Appendix C. These Guidelines were released as a draft for comment, by the NSW Department of Planning and Infrastructure in December 2011. They remain draft Guidelines only.

Infigen moved to establish the Committee, by calling for applications for membership and appointing an independent Chair. According to the draft Guidelines: *'The chairperson will be appointed by the Director General of the Department of Planning and Infrastructure, following such consultation as the Director General may consider appropriate.'* In reality though, when Infigen approached the Department to approve the nominated Chair and members of the Committee, the response was: *'The Department has no objection to the appointment of Mr Grahame Collier as the Committee Chair. However, pending the finalisation of the draft wind farm guidelines, please be advised that the Department does not currently have a role in appointing the independent chair, or community representatives. Members should be chosen consistent with the criteria within section 2.2 of the draft guidelines.'*

It needs to be noted that appointment of members, the role and actions of the Chair and the conduct of all meetings, are in accordance with the draft Guidelines.

Further it is noted that the Guidelines remain in draft form and this has hampered the processes of the CCC to some extent and had an impact on communication with the community. For example, the Guidelines in their draft form do not set definitive benchmarks for noise, visual amenity and health impacts, as well as many other issues, because they remain in draft form. The draft guidelines do not identify clearly the assessment processes for development, for example the role of the Planning Assessment Committee, because they were written prior to the end of 2011 and policy/assessment mechanisms have changed since then; and they do not provide certainty about the consultation processes to be used.

The release of finalised Guidelines would assist communities to understand and respond to Wind Farm proposals, and this is certainly the case for the proposed Flyers Creek wind farm south of Orange.

Key Background Information

The Flyers Creek Wind farm proposal was first proposed formally to the then Department of Planning on the 15th December 2008. In the 12 months prior to that time, Infigen had been consulting with landholders, relevant agencies and others about the proposed development. Chapter 6 of the Flyers

Creek Environmental Assessment document provides significant detail about these consultation processes.

It is of note that the project had been conducted for five years prior to the establishment of the CCC and that many people in the community were well aware of its existence. Media had been generated, information provided and meetings held. Council conducted a large public meeting, in December 2011, to gain advice from its community as the basis for the Council submission to the Department about the proposal.

The Planning Assessment Committee (PAC) is currently undertaking the assessment of the proposal and its public hearing was held in Blayney on the 11th and 12th of February 2014. The assessment process is informed by the Planning Assessment Report which was released by the Department of Planning and Infrastructure on the day after the November 25th CCC meeting and can be accessed at: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2644

About the Community Consultation Committee

The Flyers Creek Wind Farm Community Consultation Committee was established following a recruitment process, undertaken in line with the Guidelines in late 2012. The first meeting of the CCC was held on 6th December 2012. In all the Committee has met on four occasions. It was due to meet for a fifth time on the 12th February 2014 but this meeting had to be postponed because of the lack of a quorum. Meeting frequency has been in line with the recommendations in the draft Guidelines.

Membership of the CCC at time of the first meeting was:

- Mr. Leon Rodwell (Blayney Shire Council)
- Dr. Colleen Watts (Neighbour)
- Mr. Kim Masters (Host landowner)
- Mr. Jonathan Upson (Proponent–Infigen Energy)
- Mr. Ian White (Neighbour)
- Mr. Kevin Scott (Neighbour)
- Mr. Simon Wright (Orange resident)

While at each meeting a quorum was present, there has not been a meeting where all members have attended. In the period immediately prior to Christmas 2013, both Mr Ian White and Mr Kevin Scott resigned from the Committee due to pressure of work. Mr Scott was working overseas for much of the time and had not been able to attend any meetings. Mr White had been able to attend part of one meeting only. In addition, on the 9th of February Dr Watts also tendered her resignation. In her resignation letter she indicated that she sees that the Committee: *'is failing in its intended purpose.'* She stated her opposition to the construction of the proposed wind farm and indicated that she believed that *'the way in which the current committee is structured and runs merely to comply with Infigen's enforceable conditions of consent.'* It is noted that Dr Watts has attended two of the four meetings held and apologised for the other two. She did not raise her dissatisfaction in the way the CCC was running at the meetings of the CCC that she attended.

At the time of drafting this report, replacement member/s are being sought by Infigen Energy. This process has not been completed, but it is noted that it has been difficult to get volunteers to come forward, even at the time of the establishment of the CCC. This is a matter of significant concern. The proponent has placed ads in the local paper, sent emails to the opposition group and asked current committee members to suggest other member of the community who might be interested. It might be assumed that lack of engagement was because of the length of time elapsed since the project was first proposed. This would seem an inaccurate view if it is judged against the fact that 50 speakers appeared before the PAC [11th and 12th February 2014] to give their views on the project. Clearly there is community interest in the project.

A more realistic assessment might be that for the community, the time for consultation is passed in terms of whether there will be a project. It has been a long time in the process and people know about the proposal and have formed their views upon it. If the project is approved however, the whole situation changes and there will be an increased need for effective consultation. As a first step in this process, it is noted that the draft Planning Agreement between the proponent and Council is currently on public exhibition with a closing date for comment of the 14th of March 2014. It is essential that the CCC continues to operate and is constituted in a way that ensures effective consultation through the construction phase.

With regard to the conduct of CCC meetings, the following extract from the minutes of the first CCC meeting indicates how the meeting has been conducted. This process continues to be used with this committee.

The Chair provided a brief overview of the CCC's purpose as outlined in the draft NSW Wind Farm Guidelines (NWFG) Appendix C. He asked the committee whether they would like the meetings to be more of an open discussion or more like a formal meeting. After some discussion, the consensus was to operate in between these two formats. Some formalities like proposing and seconding of motions would not be required; however, it was decided that resolutions and actions should be voted on and recorded in the minutes.

It was decided by consensus that a quorum would be four of the seven CCC members (the Chair is not counted as a member in this regard).

The Chair stated that the proponent would draft the meeting minutes, and send them to the Chair for review, who would then send them onto the Committee members for their comment out of session. The draft of the meeting minutes would then be finalised and approved at the next CCC meeting. In accordance with the draft NWFG, a copy of the minutes would then be posted on the proponent's website and would be otherwise publicly available.

The Chair stated that committee members could suggest agenda items before the draft agenda was sent around to the committee 2-3 weeks prior to the next meeting or immediately after receiving the draft agenda. These would be incorporated

The Chair stated that observers were welcome at the CCC meetings, and the five observers were welcomed to the meeting. The Chair stated that in line with the Guidelines, the observers were to just observe unless called on by the Chair, or by a committee member [acting through the Chair] to comment on a particular matter.

Despite the issues raised above, this Committee has worked smoothly and there has been informed communication between all members. Certainly there are differences in the views that are expressed,

but the communication has been respectful and there has been little need for the Chair to intervene to manage dysfunctional communication. To illustrate this, it should be noted that observers have been given the opportunity to provide input, ask questions and make comments at all Flyers Creek CCC meetings. In the main they have done this thoughtfully and stayed on the topic and hence added to the deliberations. Being able to involve observers is desirable, and in this instance it has been made possible because of the way in which the CCC has functioned and the way in which observers have conducted themselves. From the Chair's point of view this points to a functioning process.

As per the Guidelines the proponent has minuted the meetings and this process has worked well. The opportunity for members to comment on the minutes prior to the next meeting and for amendments to be made out of session, has worked well and has been appreciated by members. The minutes are formally endorsed at the next meeting without the need for long discussions about content. All members also have opportunity to comment on the proposed agenda for the next meeting out of session. Few have done so, but the opportunity exists at the start of each meeting to confirm/add to the agenda.

Outputs from the Community Consultation Committee Process

Noting that the CCC was established late in the life of the project, and that membership issues are troubling, there have been some outputs from the discussions.

Output 1. The CCC has provided an opportunity for open discussion and information flow about the proposal and its progress. Because of the involvement of observers in the meeting, this has extended beyond CCC members. This has allowed for an extensive range of views to be put forward.

Output 2. The CCC has provided a venue for communication between Council and its ratepayers about this project. For example: this has meant that there has been some discussion about the draft Planning Agreement during development and that it is now on exhibition.

Output 3. Broader consultation mechanisms have resulted from the conversations at the CCC. For example: the development of a Wind Farm Project update newsletter. Although in her resignation letter Dr Watts states that: *the newsletter was simply used as a promotional and self congratulatory advertisement for Infigen Energy* this view has not been expressed in a CCC meeting.

Output 4. There has been some opportunity for CCC members and observers to obtain information about related activities. For example: the establishment of the Central NSW Renewable Energy Co-operative (CENREC) which was officially formed in October 2012.

Output 5. A CCC has been established where full and frank discussion could occur about a challenging local issue in a managed and trusting environment.

The Way Forward – Learning from the Process

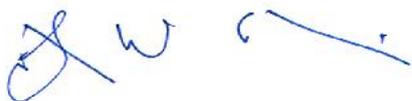
As indicated above, a challenge for the Flyers Creek consultation process is that the proposal has been on the table for a long period of time without any apparent action occurring. Despite whether people are for, or against, the project there must be some level of community disenchantment with consultation about a project that is still an abstract concept and has not been approved. This has been the case for over six years and understandably there is a limit to the things that can be consulted about while the project is at this stage.

Given that the PAC hearing has occurred and a decision is imminent, it is anticipated that this situation will change in the next month or so. A decision not to approve the proposal will close down the CCC. A decision to approve the project [with or without conditions] will enhance the need for a significant consultation and communication process related to what exactly has been approved, timing of construction, the Voluntary Planning Agreement, community benefits projects etc. The CCC has discussed these matters in the abstract and apart from the vexed question of membership, it is in a position to move quickly to provide strong advice to the proponent should the project be approved.

In the event that the project is approved, the CCC will continue to meet three monthly at least, through the construction phase of the project. In the event of this scenario occurring, important areas that the Committee will focus upon into the future include:

- Seeking, identifying and introducing new members to the Committee
- Bringing the contents of the VPA to the attention of the community.
- Keeping the community informed about progress and directions for the project.
- Drawing perspectives about the construction phase from the community and presenting these to Infigen as ongoing advice.
- Providing advice about the protocols and management related to the public relations and communications aspects of the project.
- Identifying and detailing possible community benefit ideas/projects for consideration.
- Commenting on possible processes to be used to assess and determine community benefit projects.
- Encouraging the proponent to enhance consultation mechanisms at high need periods, for example, immediately prior to the commencement of construction of the project.
- Reporting to the community about progress, challenges and benefits of the project.

It is noted that a full committee membership is imperative. Once this is established, offering a newly invigorated committee some training about consultation processes would be highly desirable.



Grahame Collier
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