

Chapter 7 – Community Consultation

Where I finally pluck up the courage, 35 days into the exhibition period, to read the Stakeholder and Community Consultation Strategy (SCCS) section of the Jupiter EIS.

For close on five years, I have read every document I could find that EPYC has made publicly available and attended every CCC meeting and both Community Information sessions. I have an opinion on Epyc and its community consultation strategy and it is not very complimentary.

The original author of the SCCS was Lakshmanan Madhu, a landscape architect formerly with ERM. In his extensive self-written CV, there is no claimed expertise in community consultation.¹

To an outsider reading the SCCS, they would have to conclude that Epyc has done a marvelous job of communication with the Jupiter community.

Emails here, informative newsletters there, a CI session or two, “one on ones”, lots of meetings of their CCC, piles of money for the asking, or mitigation if you prefer. A frig magnet for Christmas and another one a year later (both of which were probably counted as successful examples of community consultation).

You would believe that there is little opposition to the project, just a few people unduly concerned with visual impact and noise and some with a misguided belief that the value of their property has been impacted. You would infer that, apart from a tiny vocal minority, the local community supports this much needed project. You would deduce that the Department of Planning is also onside, always ready to give a bit of advice.

What went wrong? How did the Jupiter wind farm become the wind industry’s “lost cause”?²

Some of us were lost after receiving the initial “Information Pack” in March 2012 containing a letter that no company would be proud of as its introduction into a “market”. Read it.³ Tell us all you know about the other Epyc wind projects in NSW and Victoria. Name, amongst Epyc’s 4 employees (including the CEO), those that belong to:

“Our team of local and international engineers, wind experts and management” who
“have extensive experience in Wind Farm development in Australia and overseas”

Epyc (and their consultants), to this day, do not understand the demographic of an area of rural residential character. It is rich and varied. The residents are active, persistent, well read, capable, practical, with extensive and varied commercial experience and protective of their community and their assets. Collectively, they have far more people resources with great skills to devote to this project than Epyc, its consultants and the Department combined.

Their attitudes to wind farms varies from “outright support” (excluding hosts who would say that wouldn’t they) to “in the right place” to “undecided” to “total opposition”. Over the last three years, Epyc has managed to polarize these attitudes, especially by converting the “undecided” to the opposition camp. A small number of today’s most active opponents had formed a negative opinion about Climate Change and the proposed solutions long before the Information Pack arrived, so to be confronted with Epyc’s letter (and supporting “Fact Sheets” which were anything but) instantly rallied the cause. Epyc assumed the 100 or so who did not respond as being “supportive”. How wrong could they have been.

¹ LinkedIn

² Goulburn Post online, Dec 13, 2016

³ First document. Annex C.Consultation Material

The Stakeholder and Community Consultation Strategy was originally prepared by ERM in 2014. The original strategy could well have been OK. We'll never know as they won't publish it. ERM got it wrong from the start in the SCCS, defining the non-associated community in the Stakeholders table as:

“landholders within 2 km of a proposed turbine in accordance with the NSW Draft Planning Guidelines for Wind Farms, December 2011”.⁴

As the department well knows from site visits, some of the most severely affected properties are not included in this definition. Another section of the community alienated.

The issue, however, was in the execution of the SCCS which was delegated to Epyc.

I hate to say it, but the people charged with this task do not have the personal and commercial skills. They project a combination of aggressiveness, protectiveness, inflexibility, refusal, unfriendliness and condescension (and in one case, dead silence).

No amount of poor quality and uninformative newsletters, information sessions and discussion can be equated with consultation.

Unfortunately, the Department seems to me more impressed with quantity rather than quality. At the Department's December 7, 2016 meeting at Tarago, in answer to this question:

“How did the Department determine consultation undertaken by EPYC was adequate?”

they answered:

“The Department advises all developers to undertake consultation. Proponents cover all ends of the spectrum and how each one carries it out differs. The Department required EPYC to improve consultation and we received a list of activities undertaken by EPYC.”⁵

Many of those documented activities are there to read in the EIS, with two notable exceptions.

Missing from the whole EIS is the letter from Acting Secretary McNally to Dr Mohajerani, dated June 3, 2014⁶ which listed a number of deficiencies, all related to ineffective or absent consultation, prefaced thus:

“The Department has received a large number of complaints about the lack of information provided about the proposal. Therefore, I strongly encourage you to consult widely with the community at the earliest possible date and ensure that you inform the community about the project and associated impacts.”

The second document was the letter supporting the rejection of the initial EIS from David Kitto to Mr Eid, the Jupiter Project Manager, dated 16/10/15 (unpublished), which gave as its number one rejection reason:

“1. Inadequate consultation with affected non-host landowners, particularly in relation to the development of potential mitigation measure to address predicted exceedences of relevant criteria or significant impacts. This is particularly important given the fact that there are 59 non-host residences and 4 approved non-host residences located within 2 kilometres of the project's turbines”

⁴ Table 5.1, Page 1. SCCS

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[https://majorprojects.affinitylive.com/public/a1aa2b119149e798e4ea19c1faf3ca27/Community%20Information%20Session%20-%20Summary%20of%20Issues%20\(7%20December%202016\).pdf](https://majorprojects.affinitylive.com/public/a1aa2b119149e798e4ea19c1faf3ca27/Community%20Information%20Session%20-%20Summary%20of%20Issues%20(7%20December%202016).pdf)

⁶

https://majorprojects.affinitylive.com/public/b904cc105f0f0148a9de24926375a088/Additional%20Requirements_%2003June14.pdf

Nothing seemed to have changed in the intervening 16 months, and nothing, in the way of genuine communication has changed in the 13 months between the second letter and the EIS exhibition.

The nearest we get to an admission the letter of rejection exists is this paragraph, creatively interpreting what Mr Kitto actually said above, from the SCCS:

“In October 2015, DP&E requested that additional consultation be undertaken with neighbouring non-involved landholders of associated dwellings that have been identified in the LCVIA (refer Annex F of the EIS) as likely to experience significant visual impacts associated with the Project (those rated as Moderate/High or High).”⁷

What are “neighbouring non-involved landholders of associated dwellings”? Who proof reads this rubbish (and table 3.5 whilst we are on the topic)? You get the impression that the Stakeholder and Community Consultation Strategy doesn’t get read very often.

The uninformed reader would be impressed by the detail and clarity of the documentation relating to the Community Consultative Committee (CCC). After all, it was always Epyc’s responsibility to set up the CCC.

Unfortunately, Epyc can take no credit for that. It is entirely due to the efforts of the local community that we have a CCC ably led by an independent chair with a membership representative of the local community, independently minuted, unique in NSW wind farm CCC annals.

Before (and since), Epyc had to be dragged, kicking and screaming, to the table.

EPYC told us in the Preliminary Environment Assessment that the CCC would be established in the “1st -2nd quarter 2014”.

Acting Secretary McNally in her letter of June 3, 2014, also said:

“Finally, communities where wind farms are proposed have a legitimate interest in the assessment process and the Department strongly encourages the early establishment of the Community Consultative Committee (CCC) with genuine community representation”

Epyc, in genuine consultation with the community could have had it up and going in 3 months if they had listened to that clear guidance.

The CCC finally had its first meeting on August 5, 2015, 14 months later.

An example of the delays is creatively alluded to in the SCCS:

“Subsequent to this announcement and direction from DP&E, invitations for expressions of interest to participate in the CCC were published in the Tarago Times, Bungendore Mirror, the District Bulletin and the Braidwood Times under the guidance of DP&E in November 2014. In mid-December 2014, reminders were published in Braidwood Times and Bungendore Mirror.”

Reminders had to be published as the email address of the Department contact (widely known by all) was misspelt. You can choose whether Epyc, responsible for the accuracy of its advertisements was either incompetent or deliberately stalling. I’ll accept either explanation.

As an observer at all 8 CCC meetings, I heard Epyc, on many occasions, relying on a stock answer similar to “Full details will be contained in the EIS” to reasonable questions.

In Appendix A, I give an example. This example, though minor tells you a lot about Epyc and its employees and its contemptuous attitude to the community, especially the CCC, and its similar attitude

⁷ Page 27, SCCS

to the planning process. I'll let you make up your mind whether Dr Mohajerani's answer was entirely truthful.

Should the Department require further examples of the failure of the community consultation with the Jupiter community, you only have to ask. A lot of it, though, has already been documented and is on record with the Department. There are further examples in this very SCCS.

The proof of a winning consultation strategy is its measure of success.

I ask the Department to determine as examples:

How many non-associated residents have signed the Benefit Sharing Contract?

How many non-associated residents have signed the alternative Mitigation Agreement?

How many residents (apart from turbine hosts) agreed to host the electricity easement from Jupiter South to the sub-station?

From the EIS, the implied answers are zero, zero and zero.

The DA should be rejected on the issue of derisory community consultation alone. The rejection should include a Departmental opinion that further consultation would be pointless.

Appendix A – An example of community consultation.

Background.

Epyc Pty Ltd told us in their Preliminary Environment Assessment dated December 2013 that the Community Consultative Committee would be established in the “1st -2nd quarter 2014”

The first CCC meeting convened on August 5, 2015, well over a year late.

When the Jupiter CCC finally had its first meeting, the community at last had an opportunity to question the proponent about the project in some detail. A number of written questions submitted by the community were ducked and some still remain unsatisfactorily answered, but let us look at one that I submitted through my CCC representatives:

“Apart from ERM which consultants have been contracted for the EIS, for which sections and what are their credentials?”

I had a pretty fair idea of the answer and was seeking confirmation. It was easier in this case because of the commonality of consultants with the Biala EIS.

A confirmed answer would enable us to examine the prior body of work of each consultant, thus saving us time in the limited period available for community review of the EIS.

A developer interested in sincere community consultation would answer what is really a simple question, the answer to which would become obvious in the EIS (at that stage only a few months away from submission).

Epyc’s first attempt, through Dr Mohajerani, at an answer was:

“ERM (Environmental Resources Management, the Jupiter lead consultant) engaged their own subcontractors for various works. All the details will be made available in the final reports as part of the EIS.”

Epyc is implying that they are not aware of which consultants ERM had subcontracted and even if they become aware the community will have to await the public display of the EIS. Of course this answer was unacceptable.

Further from the minutes of the CCC meeting on August 20, 2015:

“Concerns were raised that the question had not been answered. EPYC were asked why they didn’t ask ERM who the subcontractors were. EPYC queried the value of the information. Community members indicated that knowing the background and expertise of consultants will help them prepare to respond to the EIS. EPYC took this on notice. Concerns were expressed that EPYC didn’t know the specified personnel. EPYC responded that they deal with ERM and not the subcontractors. ERM choose experienced subcontractors in order to protect their reputation. Renewable energy is also a very specialised field. The Chair indicated that the EIS would name all the organisations involved and most likely the lead consultant. Members asked EPYC for this information. This was taken on notice.”

Can you believe that series of answers?

Can you imagine any company or government department that is paying the bills, either directly or through their lead consultant, not having a say in the process and not knowing the ultimate beneficiaries?

At the next CCC meeting on September 8, 2015, the minutes show:

“Epyc are waiting on the consultants to respond to the request for information about sub-consultants. Will follow up again and circulate out of session.”

As if it was difficult. Pick up the phone if you don't know the answer. The list was never circulated out of session.

Dr Mohajerani had multiple opportunities to realise the absurdity of her initial answer but kept digging.

The consultant list was finally handed out in Meeting 4 on October 14, 2015, some days after the EIS was submitted to the Department, Epyc not knowing of course that the EIS would be rejected, otherwise we wouldn't have been given it.

Was it complete? We didn't know at that stage.

The list of “technical components” certainly wasn't.

We were not told who was going to take responsibility for the photomontages.

We were not told who was going to take responsibility for the section on property devaluation and more so the socio-economic components.

We were not told who was going to take responsibility for the turbine locations.

Working from the Biala wind farm EIS, a supplementary question was submitted

“Who did the photomontages for the Jupiter EIS? Was Fulcrum 3D involved and in what capacity?”

Epyc confirmed that the Fulcrum 3D was involved in the photomontages at CCC meeting 5.

So the list given to the CCC initially was incomplete and misleading.

This is a typical example of Epyc refusing to provide reasonable information to the community, in this case to the CCC.

Their whole aim has been to withhold information until the last possible moment or not provide it at all.

Let us spend a minute examining the veracity of the original answer.

I went to the Biala wind farm open days and asked the questions of the consultants, so we knew that DNV GL and Cloustons were involved in the Jupiter EIS. You don't ask them straight out. You ask something like. “What is your best guess on which of the Biala and Jupiter EISs will be submitted to the Department first?” They give a guarded answer which tells you that they are involved in both.

The remainder of Epyc's 3 employees were present when Dr Mohajerani gave the initial response. Neither commented or helped out. The nicest deduction is that neither Mr Eid nor Mr Goreski were aware of the names of other consulting firms and had never met their employees. Ibrahim Eid is the Jupiter Project Manager!

Dr Mohajerani and her fellow employees seem to be telling you that she has never read the individual consultants reports which were subsequently included in the EIS where the author's company is highly visible on the first page, if not on all pages.

Dr Mohajerani and her fellow employees seem to be telling you they have never been to a meeting with and never been the recipient of a presentation from any of the sub-consultants and no ERM meeting or presentation ever mentioned them.

Dr Mohajerani seems to be telling you that she never saw or, as a senior Epyc employee, never approved for payment any invoice detailing the individual payments to each consultant.

Dr Mohajerani seems to be telling you that ERM never discussed the appointment, terms, quotations etc before committing her financial backers to hundreds of thousands of dollars.

Somebody in Epyc knew. The annual reports list the expenditure, in effect, by consultant speciality. From the 2015 annual report:

Consultants Fees Biodiversity Studies	209,101 57	111,465 00
Consultants Fees – Biodiversity Variations	29,130 51	0 00
Consultants Fees – Geotechnical Studies	17,150 00	0 00
Consultants Fees – EIS Compilation for DA	32,977 00	0 00
Consultants Fees – Noise Studies	66,372 58	0 00
Consultants Fees – Heritage Studies	31,938 51	0 00
Consultants Fees – Community Consultations	49,964 92	0 00
Consultants Fees – Aviation Studies	18,287 66	0 00
Consultants Fees – EPBC	1,582 50	0 00
Consultants Fees – Media Communications	21,733 27	0 00
Consultants Fees – Visual Impact Studies	38,243 08	0 00
Consultants Fees – Hydrology Studies	13,500 00	0 00
Consultants Fees – Decommissioning Studies	1,654 25	0 00
Consultants Fees – Traffic Studies	14,172 50	0 00
Consultants Fees – Bush Fire Studies	11,500 50	0 00
Consultants Fees – EMI/EMF	35,670 53	0 00
Consultants Fees – EIS Other	13,375 55	0 00
Consultants Fees – EIS Variations	23,101 73	0 00
Consultants Fees – Power & Wind	13,020 00	38,492 38

We are asked to believe that all three Epyc employees knew nothing about the detail behind these payments.

Dr Mohajerani seems to be telling you that no correspondence exists between Epyc or its employees and any of the consultants used other than ERM. Not one email.

And that Epyc employees were never copied on an email from the sub-consultants to ERM.

Dr Mohajerani seems to be telling you that the management of DNVGL and Cloustons and the others were happy with this strange arrangement.

Should Dr Mohajerani attempt to justify any of the above it will reinforce the case.

The Department was totally correct in singling out community consultation as one of the many flaws in the first version of the EIS. Epyc employees do not have the capability of effectively communicating so there has been and can be no recovery. Say that, otherwise you will get the inevitable question from Freehills: “what does my client have to do....?”. You’ve heard it before.