

# On Abysmal “Consultation”

---

## Objection to the Proposed Jupiter Wind Farm

Dr Michael Crawford

February 26<sup>th</sup> 2017

EPYC is the poster child for how **not** to deal with a local community. The Department knows it, the wind industry knows it, local MPs know it, and the community knows it. All of them have been scathing about the supposed “consultation” by EPYC.

EPYC wants the Department to believe that consultation is measured by the kilogram and number of lines, rather than by honesty, openness and willingness to listen to the affected communities and actually respond to their interests and concerns. Apparently it hasn’t a clue as to the nature of consultation – or it is not interested in doing so.

EPYC has been setting a new benchmark in terms of terrible consultation. Unless this proposal is rejected on the grounds of failure to properly consult with the community, the Government will be inviting every developer to ride roughshod over local communities without the least attempt at proper consultation. That will destroy the Government’s policy that all projects should involve good consultation with local communities – and that will lead to widespread resistance to development.

***The proposal must be rejected as failing the Government’s policies for managing development and to protect those policies.***

## Overview

EPYC is the poster child for how **not** to deal with a local community.

EPYC wants the Department to believe that consultation is measured by the kilogram and number of lines, rather than by honesty, openness and willingness to listen to the affected communities and actually respond to their interests and concerns. It apparently hasn't a clue as to the nature of consultation.

That has been repeatedly demonstrated by the reaction of the community throughout this tawdry process – and indeed comments by the wind industry about what the industry sees as an embarrassment and an example of how not to behave.

## Consultation

According to the EIS, consultation was conducted in accordance with a “strategy” prepared by ERM. Based on the results, either the strategy was a lousy one or the implementation was appalling, or both.

To quote from a research-based book I co-authored almost two decades ago<sup>1</sup>:

“Consulting people enables information flow and participation in shaping the change before final decisions are made. It means getting into the act before it happens and when it happens. It implies opportunity to make some contribution to developing the new directions for the firm and thus to pathfinding action. . . .

Consultation is essentially two way, whereas communication is sometimes, perhaps often, only one way.”

While written in the context of managing corporate change, and based on an extensive study of change in 243 private and public sector organisations in Australia and New Zealand, the essence of consultation is the same whether it is within an organisation, or between individuals, or between organisations and communities.

True consultation involves listening to the other parties, considering the information and points they raise and then taking account of them in any subsequent decisions. If you are not prepared to absorb the comments from other parties, or you are not prepared to try to adjust your intended action in the light of those comments, then you are engaged in mock consultation not genuine consultation.

True consultation requires being open and honest about your intent, your thinking and what may be the outcomes of your proposed action, including any uncertainties involved. If you are not prepared to do that then your actions are not consultation.

## Feedback to the Department

The NSW Planning Department has a long list of complaints about EPYC made by members of the local community alleging false or misleading communication, failure to provide information requested about the wind farm, and failure to pay attention to and respond to the concerns expressed by members of the local community.

---

<sup>1</sup> Dennis Turner and Michael Crawford, *Change Power: Capabilities that Drive Corporate Renewal*, Business & Professional Publishing, 1998, p. 118.

In February 2014, Pru Goward, MP at a public meeting,<sup>2</sup>:

“confirmed that the NSW Department of Planning wrote a letter to EPYC in regards to the issues raised by the residents about the lack of community consultation.”

In early June 2014, the Secretary of the Department of Planning and Environment wrote to EPYC stating<sup>3</sup>:

“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.”

Despite that, after an EPYC “Information Day” held on June 14<sup>th</sup>, a meeting of more than 70 members of the local community in July 2014, unanimously passed the following motion:

“Residents Against Jupiter Wind Turbines and the community are greatly disturbed by the lack of real information provided to the community at EPYC’s “exhibition day” on June 14th and its “tick the box” nature as a form of consultation that was not two-way, real consultation.”

More details are enclosed in the attached letter, which noted:

“While there were many detailed criticisms made, the common feature is that the conduct of the day was not consultation. Not only did it fail to inform on the matters most important to those attending, but it was conducted in a way that prevented consistent and shared communication with residents attending and there was no evidence of EPYC’s representatives taking note of the concerns raised by residents.”

Thus, despite the letter from Secretary McNally, EPYC still engaged in mock consultation. This is further illustrated by the Department’s response when EPYC first lodged an EIS.

### **First EIS rejection by DPE**

In October 2015, the Department of Planning rejected the first EIS submitted by EPYC. The **first reason** given for the rejection by the Department of Planning in its letter to EPYC, said:

*“Inadequate consultation with affected non-host landowners”*

At the public meeting held by the Department on December 7<sup>th</sup>, 2016, attendees complained about continuing terrible consultation by EPYC. When asked what had changed from its previous letter the Department could offer no explanation other than it thought it better to exhibit the EIS so uncertainty could be removed.

---

<sup>2</sup> “Tarago in Windstorm”, *Goulburn Post*, 14 February 2014, <http://www.goulburnpost.com.au/story/2088764/tarago-in-windstorm/>

<sup>3</sup> Letter available on DPE Major Projects website for Jupiter.

So the Department and the developer are unable to point to anything that would indicate actual quality consultation by EPYC other than that the company:

- held a number of uninformative meetings;
- issued a number of pamphlets which provided almost no information of value to members of the community;
- arranged some meetings with residents where it made vague statements, flashed questionable photomontages at the residents and often refused to leave that material for careful consideration by the residents involved; and
- provided dilatory responses to phone calls and emails from residents, which commonly left the residents angered by the failure to actually address their real concerns.

These activities, are listed in the EIS as though they constituted actual communication and consultation rather than a ham-fisted attempt to tick a few boxes for the Department.

### **Community Consultative Committee**

Following strong pressure from the local community, the Department of Planning and Environment established a Jupiter Community Consultative Committee (CCC) in accordance with the 2011 Draft Wind Farm Guidelines. The Department sought nominations for representatives from the local community, obtained a large number and appointed 7 community representatives.

Those representatives have had an ongoing struggle to extract information from EPYC for the community. The Department can confirm that from the independent chairman whom the Department appointed to the CCC.

Even simple things like a request for the identities of the consultant organisations working on each part of the project were resisted. Though they may have been hired by ERM (the prime contractor), even an incompetent organisation would normally know who it was paying for. Certainly an organisation eager to consult with the local community and be seen to be engaging with the community would have readily provided that information and much more when asked to do so.

Community Consultative Committees are meant to be a vehicle to consult with the local community through its appointed representatives. In the experience of local representatives and observers at those meetings, for EPYC it has been an opportunity to tick-the-box on consultation while stonewalling against providing information and attacking concerns and information brought to the CCC by community reps, as when those reps correctly pointed out that over 250 dwellings would be within 5 kms of the wind farm.

A mature organisation, wanting to engage with the community, would have welcomed the information and advice of concerns and tried to work with representatives and the broader community on how the problems might be removed. In our experience, that has not been EPYC's way.

## Condemnation by Wind Industry

Charlie Prell is a host for the proposed Crookwell 2 wind farm and an organiser for the Australian Wind Alliance (i.e. the body that represents wind farms and people who support wind farms). Mr Prell often appears at PAC hearings arguing a case in favour of the wind farm involved – so his status as an advocate for the industry is beyond question.

On Oct 29<sup>th</sup>, 2015 Mr Prell was interviewed by Louise Maher on the ABC about the rejection of the first Jupiter EIS. The following interchange occurred:

**CP (Charlie Prell):** I do support renewable energy and I do support wind farms but that support's not unconditional.

The proposals need to be developed in a manner that is acceptable to the communities involved. I don't think this project has been developed in that manner.

So as the Department says the consultation hasn't been adequate and the practices of the wind farm developer have been unfortunately lacking.

**LM (Louise Maher):** How were they lacking?

**CP:** They needed to consult the whole community, not just the proposed hosts of the turbines.

**LM:** So there were no community meetings?

**CP:** There were plenty of community meetings but by consult I mean they should try and get an ownership model for this wind farm which incorporates the whole community not just the hosts of the turbines.

Recently the Goulburn Post reported (Dec 13<sup>th</sup>, 2016) an interview with Mr Prell after the second EIS was publicly released. The report said:

*The fourth-generation farmer, who has been a vocal supporter of renewable energy in regional towns, said a lot of the opposition began with EPYC, the Australian-Spanish company that plans to build the wind farm.*

*"The communication has been abysmal," Mr Prell said. "They didn't outline benefits. The division has been exacerbated due to the lack of information from EPYC. They will face a lot of problems getting an approval. It's a lost cause."*

So a wind industry spokesperson says consultation has been abysmal. Locals say it has been abysmal. The Department previously said it was inadequate but has now apparently decided that abysmal is the best EPYC is capable of – so the Department has allowed the EIS to proceed.

## John Barilaro's Criticism

In February 2016, the Australian Wind Alliance published details of a meeting with John Barilaro, MP, a minister in the NSW Government. The meeting had been to advocate wind farms generally and particularly the Rye Park Wind Farm.

The article reported that<sup>4</sup>:

“The Minister was keen to stress the importance of early and effective community engagement for new wind farm projects and that where this isn’t done properly, community division follows. He was scathing about the poor engagement around the Jupiter Wind Farm project which was recently rejected by the state’s Planning Department. This is something we totally concurred with and were pleased to see the department keep the bar high for new wind projects. It is completely reasonable that local communities know they will be properly consulted and informed at all stages of a development project.”

So, the Australian Wind Alliance, which is a very pro wind farms group, reported that Minister Barilaro was “*scathing (emphasis added)* about the poor engagement around the Jupiter Wind Farm project”. The AWA also reported that *they concurred with the rejection of the Jupiter EIS* and recognised the abysmal consultation.

## Conclusion

The Department has extensive files on the abysmal “consultation” by EPYC. It has warned the company on several occasions and despite that the company has failed to respond in a meaningful way – though it has had its consultants churn out more uninformative and unresponsive documents and pad the EIS with them.

Local MPs have criticised the company’s behaviour. Parts of the wind industry had strongly criticised it since they, rightly, see EPYC as bringing their industry into disrepute. Those industry representatives have called for high standards in terms of consultation and that the Department should accept nothing less.

The community is irate about the failed consultation, MPs and the industry are critical of it, the Department knows of it and, despite the Department’s warnings, knows it has not come close to adequate.

EPYC has been setting a new benchmark in terms of terrible consultation. Unless this proposal is rejected on the grounds of failure to properly consult with the community, the Government will be inviting every developer to ride roughshod over local communities without the least attempt at proper consultation. That will destroy the Government’s policy that all projects should involve good consultation with local communities – and that will lead to widespread resistance to development.

The proposal must be rejected as failing the Government’s policies for managing development and to protect those policies.

---

<sup>4</sup> Andrew Bray, “Members give Minister the heads up on support for wind”, Australian Wind Alliance, February 24, 2016, [http://www.windalliance.org.au/members\\_give\\_minister\\_the\\_heads\\_up\\_on\\_support\\_for\\_wind](http://www.windalliance.org.au/members_give_minister_the_heads_up_on_support_for_wind)

# RESIDENTS AGAINST JUPITER WIND TURBINES

Secretary  
Department of Planning & Environment  
GPO Box 39  
Sydney NSW 2001

July 6<sup>th</sup> 2014

Dear Ms McNally

## **Residents Dissatisfaction with EPYC and the Department**

At a recent meeting attended by more than 70 members of Residents Against Jupiter Wind Turbines, the following resolutions were passed *unanimously*:

*That Residents Against Jupiter Wind Turbines and the community are greatly disturbed by the lack of real information provided to the community at EPYC's "exhibition day" on June 14th and its "tick the box" nature as a form of consultation that was not two-way, real consultation.*

*That Residents Against Jupiter Wind Turbines express extreme disappointment with the non-response of the Department of Planning to local residents' expressed concerns and with its failure to adopt clear publicly announced criteria to be used in assessing EPYC's proposal.*

## **EPYC's Non Consultative "Exhibition" Day**

You have received many individual complaints about EPYC's exhibition day held on June 14<sup>th</sup>. In case they have been mislaid, you can find a summary at <http://juprda.com.au/article/epyc%E2%80%99s-%E2%80%9Cconsultation%E2%80%9D>, consolidated from copies members cc'd to us.

While there were many detailed criticisms made, the common feature is that the conduct of the day was not consultation. Not only did it fail to inform on the matters most important to those attending, but it was conducted in a way that prevented consistent and shared communication with residents attending and there was no evidence of EPYC's representatives taking note of the concerns raised by residents.

Residents would like to know your reaction to the day and to the subsequent response from residents. Specifically, will the department count this as an occasion of "consultation" by EPYC or will the department mark it down as another mock-consultation activity by EPYC.

This is not a rhetorical question. We are seeking an actual answer to this question from you and your department. As you are aware, the EARs issued to EPYC state that "A comprehensive, detailed and genuine community consultation and engagement process must be undertaken".

## **RESIDENTS AGAINST JUPITER WIND TURBINES**

The residents want to know, and have a right to know, how the department is going to judge whether that requirement has actually been met. Will your judgement be based on the feedback you receive from the people who are supposed to be consulted, or will it be determined by whatever verbiage EPYC includes in its EIS about what it says was effective consultation and engagement?

We would be grateful for a straight answer to this question.

### **Dissatisfaction with the Department's Performance**

That leads into the second of the matters raised above, the resolution dealing with the department's failure to respond to the community and its members and its failure to provide clear, public criteria against which the EPYC proposal will be evaluated. Again, the resolution was carried unanimously by the more than 70 members at the meeting.

Communications from individual residents and from Residents Against Jupiter Wind Turbines as a community group frequently go without any response or receive only a cursory, and long delayed, response that provides no substantive answer to the question or issue raised by those writing to the department.

You should understand there is as much anger here about the department, and increasingly the minister, as there is about EPYC. No one really expects EPYC to do anything but what is in its own interest – if the department allows it to get away with that behaviour. And so far everything we see in relation to the department is that it is intent on letting EPYC run riot over the Wind Farm guidelines and over the interests of the community.

EPYC does not have a fiduciary responsibility in relation to the community. You and your department do. And at present your department appears to have zero interest in living up to its responsibilities.

That is exemplified by your department's consistent failure to answer our question as to what will be the critical criteria used to determine whether EPYC's application will be approved.

We know the EARs have a list of 70 or 80 different things EPYC is supposed to do. However, most of that is "tick-the-box" stuff and no one is able to make rational decisions involving 70 or 80 criteria.

Ultimately, unless you are simply seeking the freedom to ex-post justify a pre-ordained decision to approve, there will be a small number of criteria that really count, and the community wants to know what they are.

If you are willing to specify those criteria to the community, that will be a significant step in rebuilding your department's credibility with the community. Should you be unwilling to tell us, that will reinforce the widespread perception that the department is not an honest broker in this matter but conducting a rigged assessment process heavily biased towards giving the developer the approval it wants.



## RESIDENTS AGAINST JUPITER WIND TURBINES

Yours sincerely

Dr Michael Crawford  
for Residents Against Jupiter Wind Turbines  
PO Box 125, Bungendore NSW 2621

[mcrawford@corex.com.au](mailto:mcrawford@corex.com.au) or  
[contact@juprda.com.au](mailto:contact@juprda.com.au)  
0408 673 506

**Copies to:**

The Hon. Pru Goward, MP  
John Barilaro, MP  
Palerang Councillors

Angus Taylor, MP  
Dr Peter Hendy, MP  
Goulburn-Mulwaree Councillors

Karen Jones, Director Infrastructure Projects