

**‘The Department wants to ensure there is genuine consultation with the community.’**

**7/12/16**

Consultation is an important element of a development of the nature of a wind farm. No government would deliberately allow a development to occur in a neighbourhood where consultation was inadequate, due to the divisive impact on the community and the electoral damage on the incumbent government. Recognising these imperatives in the case of the Jupiter wind farm, the Department of Planning and Environment (DoPE), initially rejected the developer’s (EPYC) first Environmental Impact Statement (EIS), for several reasons but the key ground was on consultation:

‘1. Inadequate consultation with affected non-host landowners, particularly in relation to the development of potential mitigation measures 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’ (D. Kitto to I. Eid, Jupiter Project Manager, 16/10/15).

Plus:

‘2. Inadequate landscape and visual impact assessment:

... there is little evidence of any meaningful consultation with the affected landowners ...’

I am one of the 59 non-host residences located within 2 kilometres of the project’s turbines (I don’t know what an ‘approved non-host residence’ is), so I’m particularly interested in the consultation process, having been exposed to EPYC officers on many occasions.

While EPYC didn’t manage to get over the bar with their first EIS, there’s still outstanding concerns about their consultation since, despite the Department letting it through the second time around. For instance Department officers stated ‘EPYC undertook best endeavours to consult the community but the Department recognises that people are dissatisfied with the nature and extent of that consultation’ (Minutes from public meeting 7/12/16 Tarago). Even a wind turbine host at the 7/12/16 meeting publicly stated he ‘Believes the developers have handled the consultation and communication of the benefits of the wind farms poorly’. And Charlie Prell, fourth-generation farmer, a vocal supporter of renewable energy in regional towns, is reported in a recent Goulburn Post article as saying 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.” (Goulburn Post 13/12/16).

The Department’s position on this seems to be untenable because despite letting it through the second time, its officers are publicly stating that EPYC’s consultation is still a problem.

The question now however, is twofold:

- Has EPYC improved its consultation as reflected in the lived experience of the community?
- How has the so-called improved consultation been illustrated in the revised EIS? 'Ultimately government agencies are required to run a fair and balanced system based on evidence' (Minutes from public meeting 7/12/16 Tarago). Where is the evidence?

### **My experience of consultation**

A quick Google search reveals consultation is generally viewed as a two-way exchange that involves sharing information ie community participation. I would add it should involve respect.

In this submission, I shall attempt to explain the impact of EPYC officials on me, via specific so-called consultation opportunities. I shall then explore the account of those opportunities as reflected in the EIS.

My experience of EPYC's consultation is that it has not felt real or meaningful. Instead, consultation with EPYC officers has felt adversarial and tricky. Indeed I have felt alienated, as though I have no rights to my life as I know it, as EPYC officers are determined to impose their uninvited wind turbines onto me. When they came to my property (with permission), to discuss 'benefit sharing', we were given a cursory look at the photomontage taken from near our place, before it was removed, on the grounds that we would see it at the EIS stage. How real is that approach? A genuine approach would be to sit with us as we take in the various aspects of the photomontage and answer our questions. A genuine attempt to help us understand would involve leaving the photomontage with us with a promise of further discussion once we'd absorbed the implications. However, not only was the photo prematurely removed, but we could barely make out the images of the wind turbines, so faded and small were they. I felt angry and cheated. Before the end of the meeting EPYC officers agreed to provide us with answers to questions we had. One of those requests was a copy of the 'benefit sharing' contract. Those questions have never been answered. The draft 'benefit sharing' contract was never forthcoming.

By time the EIS was exhibited there was a photomontage taken near our place and it was provided in the downloaded EIS in low resolution format, which was as inadequate as the one EPYC officers had briefly shown us. The photomontage was not compliant with the standards subsequently set in the EIS. So not only did EPYC officers show us the photomontage for a brief moment, it wasn't compliant with the standards set in the EIS ie printed on A0 or A1 paper. Why didn't the EPYC officers tell us the photomontage was not compliant? It was not till we saw the EIS we realised none of the photomontages we had viewed were compliant, not those we briefly glanced at with EPYC officers. Not those contained in the EIS. As a result, the Department provided us with a memory stick containing the photomontages but it too was uncompliant, as we don't own an A0 printer. Accordingly, we requested a full size photomontage from the Department who passed on the request to EPYC. Predictably, EPYC has not provided us with a full size photomontage within the exhibition period and the Department lets them get away with this. How can this be seen as two-way consultation?

### **Divide and conquer**

My impression of EPYC's approach has been to exclude some people from parts of the discussion. It's as though they never want the whole community to hear the one message and form a community view.

In 2014, EPYC officers approached us for a one-on-one meeting. We felt safer in a group, so we suggested we organise a street meeting. EPYC strongly resisted our suggestions that there be a street meeting for Barnet Drive, and it has never been held. We understand that a street meeting was held in Roseview, but that only occurred because Roseview residents organised themselves and did not let EPYC know ahead of the meeting.

At a recent meeting in Tarago, again with small groups, an EPYC officer was discussing the benefits Tarago residents might like from EPYC. Previous meetings were similar insofar as EPYC has never spoken to a whole public meeting, instead, preferring to meet with individual residents. I have mentioned this to EPYC officers, that many of us would prefer to hear the one message en masse, but they have not taken on that suggestion.

In the EIS they show a list of 15 emails they've exchanged with us. Some were about the street meeting and this was never resolved. And the lack of resolution has never been reported. Instead, they list the emails and count them as consultation. Some were about privacy concerns which also was not resolved. Without resolution how can this be consultation? Without due diligence that involves surveying the community, how can the Department depend on these numbers?

### **Departmental due diligence**

The current EIS is written in a way that might convince the uninitiated that EPYC had improved their consultation approach. It contains lists of emails, phone calls, information sessions, meetings et al, and this is designed to be convincing to the Department and other readers but in fact is misleading. 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?' a Departmental officer 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** [emphasis added] undertaken by EPYC.'

I guess it's convenient for a third party such as DoPE to read EPYC's account of consultation and simply believe it was effective, just because an activity has been documented as occurring. But how do DoPE officers assure themselves the activity occurred at all? An example of this sort of dilemma is reflected in the recent GIPAA revelation that the NSW Rural Fire Service (RFS) has no record of a meeting between EPYC/ERM and RFS officers, despite the EIS relying on the date of this meeting (teleconference 5/2/15), as being their record of consultation about fire risk. My charitable side thinks the communication could have been informal, but how reliable can such information be? What does it include and

leave out? Further, is the safety of those within the proposed project area and surrounds, so trivial that an *informal* and unminuted enquiry about **FIRE RISK** was sufficient? Appalling.

And what of the quality of the exchange? When EPYC lists X emails and Y phone calls, perhaps DoPE is impressed that the company is improving its consultation. However, a list is just that. It shows no content. Without content it lacks meaning. It is a one-sided record as it does not include how those who were consulted, responded. If the public is to trust the consultation process, DoPE must do its due diligence. It must build in a formal community feedback mechanism. At this stage, there does not seem to be any formal due diligence by the Department verifying the nature of the alleged consultation. EPYC failed at public consultation for the first EIS. They haven't done any better for the second. And the Department hasn't worked to assure themselves about the quality or effectiveness of these activities. As previously noted, the Department is happy with 'a list of activities'.

### **The CCC: the bear pit**

I wonder whether the CCC is seen as a community feedback mechanism? In our case, the CCC is characterised by an atmosphere of belligerence and obfuscation. It is not a place to have intelligent discussion or come to compromises, despite the valiant efforts of the Chair. In the EIS at Annex C is a list of CCC minutes and logs of questions and answers. What is not mentioned there is just how hard the CCC representatives have had to fight to get answers of substance out of EPYC officials. Despite the dysfunction of the CCC, EPYC still claims this is a successful part of their community consultation. As an observer, I've attended every CCC meeting but one, so I've witnessed at first hand, just how difficult it has been for community reps.

### **Engagement with Council**

In the EIS, it mentions that 'forging a positive relationship with the Council early in the process was important.' 6.2.1

As recently as February 2017, the Queanbeyan-Palerang Regional Council publicly stated its opposition to the Jupiter Wind Farm. Clearly EPYC's consultation failed. It was unable to convince Council that the rural residential setting was an appropriate site for a wind farm. EPYC has failed to conduct adequate consultation and the Department has failed to call them to account.

### **Recommendation**

The Department has failed to ensure EPYC has consulted with the community in a two-way, meaningful exchange. If 'the Department wants to ensure there is genuine consultation with the community', the Department must address these questions:

- How does the Department assess the adequacy of a developer's community consultation process?
- What standards and indicators are used to measure success or failure of consultation?
- How will the Department consult with residents to establish the true level of community engagement that was established during EPYC's consultations?

I close, with Carson & Gelber's statement:

'Done well, community consultation can feel real, committed, integrated and influential' (2001). From my point of view, EPYC officers' commitment is to exclusion, obfuscation and, at times intimidation – not the hallmarks of community consultation.

The PAC must reject EPYC's EIS on the basis of inadequate consultation.

**References:**

Minutes of DoPE meeting of 7/12/16

[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)