17/06/19

I object to the approval of the Modification 1 (CRWF) which is currently before the IPC for assessment and determination. The objections and the reasons for this are presented below: In reaching a decision for this Modification application, I understand that you, the appointed Commissioners, will carry out the following:

(a) Adhere to the IPC Code of Conduct (CoC);
(b) Decide whether the Modification is legally able to be assessed;
(c) Determine what information is relevant and applicable to be included in the Modification assessment;
(d) Ensure all parties to this process are afforded equal time and opportunity in the interests of fairness to present their case;
(e) The IPC is accountable for its decision and justification for the decision reached.

I briefly discuss the above points before presenting the arguments for my objections .

(a) **Code of Conduct (CoC):**

Decisions based on merit (CoC 3.3, 3.4, 4.2) are a major consideration for the IPC to apply in decision making. For this project, merit assessment is critical due to other interrelated matters involved with this modification application. Financial impacts (including potential losses) are not to be considered (COC 3.1) in the decision making. Unfortunately the PAC (2016) in its determination for the CRWF project made this as a major determinant in reaching its decision to approve. Since this community is now much more aware of the requirements of the CoC for the IPC, we will not allow a similar consideration to go unchallenged. As a consequence of the PAC not applying its CoC Guidelines to reach its decision, this community is now in the current situation with this CRWF project and its multiple problems.

You, the Commissioners, will also be exposed to allegations made against the applicant as well as the entity of the DPE with regard to instances of possible offences and maladministration. It will be your responsibility to report to the appropriate authorities any concerns you have. should you determine sufficient evidential material to do so (CoC 10).

(b) Legality of the Modification Application:

Is this modification permissible or legally able to be assessed? The answer is Yes. Unfortunately, the modification 'piggybacks' onto the PAC (2016) approval. That approval may well have been influenced by information which has subsequently been shown to be substantially different to that assessed by the PAC.

(c) Relevant Information:

The modification is meant to be assessed on information applicable to that modification and not to consider prior assessed information (such as in the PAC determination). In effect, this would restrict only two issues to be considered

1. An administrative change from 77 to 37 turbines;
2. An additional road upgrade program for Aarons Pass Road including an increase in vegetative clearing.

Community members have expressed their concerns that other attendant issues (increased blade length, water extraction, transport rerouting) should have been included in any modification put forward by the applicant. The DPE opposes this viewpoint.

I argue that these additional viewpoints form an integral part of the modification, and, as such, are directly linked to the modification. Consequently, I believe they must form part of the process for determining this application on merit. Failure to do so can only be viewed as biased towards the applicant as the consequences of these changes (blade length, water, transport re-routing) 'disappear' into the void and become lost, preventing any investigation into the considerable and extensive negative effects resulting from their exclusion.

Blade Length:
The proponent has stated that the main reason for the additional clearing on APR is only because the blades will be unable to be transported along this road to the site. Logically, it is the <u>increase</u> in blade length which has prevented the remaining upgrade of APR which had to conform to the PAC (2016) consent conditions.

By logical extension all other issues concerned with this increase, (visual, noise, increased 'kill zone' for bird / bat strike particularly for the EPBC Swift Parrot and the Regent Honeyeater), are now brought into play to be part of this assessment. More detailed information is provided in other submissions and tendered documents.

Water Extraction:
Water is an essential component of the modification since the road upgrade is totally dependent upon it (road base compaction, dust suppression). Both the DPE and CWP appear to vigorously oppose its inclusion in the modification assessment. I argue strongly that it <u>must</u> be considered since it was assessed by the PAC and the DPE on the basis of a 20 mega litre requirement, and now c 130 mega litre has been secured through the usual 'back door' conditions inserted into the Consent. I will leave further reference to this to be dealt with by other submissions and tendered documents.

(d) <u>All Parties Afforded Equal Time:</u>

The Commissioners will no doubt recall that at the public meeting in Pyramul (11/06/19), a number of speakers including myself called on the IPC to afford us the opportunity for a small number of representatives to be granted a meeting with the IPC in the same vein as the developer, and the Department, on the grounds of fairness (a requirement of your CoC 3.4). Minus such a meeting, the IPC Commissioners can only gain a biased, one-sided point of view from the applicant and the DPE and have no access to input based on long term local

knowledge. Not to consider this is to potentially exhibit extreme bias yourselves and to break the principal of 'fairness' quoted in the COC. I respectfully ask that you, the commissioners, give this your most careful consideration.

(e) <u>IPC Accountability:</u>

Unfortunately, this is not a simple modification application to deal with. It is extremely complex and controversial, extending back in time. Even (former) Minister Frydenberg, (the information obtained from FOI retrieved documents), appended a personal comment to the Commonwealth Approval expressing the difficulty in dealing with the CRWF project for his decision making.

You commissioners may well face the same misfortune at the end of your assessment and, being obliged to make a decision at the end of it all, you will be considered to be accountable for that decision and the justification you need to provide for reaching that decision.

My objection to this modification is, per se, related to my objection to the CRWF project which I accept as a legally determined project. It is, however, regrettable that the determining PAC Commissioners in 2016 did not, I believe, adhere to their CoC Guidelines as would be expected and consequently have enabled these controversial issues associated with this project to further expand, culminating in the forced necessity of CWP having to make a modification application.

I will present my arguments in the form of attached correspondence to the DPE (Secretary et al, Planning Ministers), I will provide little discussion concerning this correspondence as it is self-evident and would likely duplicate and possibly confuse a full understanding of the complexities involved. I have not attached DPE or Ministerial replies as they would be accessible to you from the appropriate DPE source. Unfortunately, I found that such replies, (generally few and delayed), to be dismissive in nature and tone, partial to their writers' viewpoints and seemingly unwilling to provide objective responses. The attachments will be appended in order of date to provide a sequence so that the narrative is easier and more logical to follow. Should the attachments be uploaded on the IPC website out of order, the sequence can be followed by the dates at which that correspondence was sent.

The concerns and issues raised in the attached correspondence is to be understood to possibly be present in other objecting submissions including others that I have forwarded. I propose to highlight two of the issues brought to the attention of the DPE (including Ministers):(A). Administrative Condition (Schedule2), and (B). False or Misleading Information (FoM) provided to the PAC (2016).

A. **Administrative Condition (Schedule 2) –** *obligation to minimise harm to the environment.*

This condition is specific in its requirement: “the applicant shall implement all reasonable and feasible measures to prevent and / or minimise any material harm to the environment that may result from the construction, operation or decommissioning of the windfarm”.

It is assumed that the Commissioners have visited the section of the APR ‘upgrade’ on the completion of their attendance at the public meeting at Pyramul. They would have viewed the clearing carried out by the developer despite regrowth slowly reforming. Although prior evidence of the condition of the pre-clearing vegetation is limited, there is sufficient photographic evidence (Downer, Google Earth) to establish that the work performed would, with little doubt, have contravened Condition 1. It would be extremely difficult for anyone to find otherwise. The developer’s actions can only be viewed as a complete disregard and total disdain for environmental protocols, rendering this developer unworthy of projects dealing with environmental safeguards.

Subsequent recent herbicide poisoning of the regrowth (during the last 9 months) beggers belief that any organisation acting in this manner, (whether it be Government or private), could be trusted with environmental guardianship.

This developer has broken his trust with the local community’s environment and with the community itself. Actions such as this should sit heavily with the Commissioners in their decision making. At the same time the DPE needs to be firmly questioned with regard to their handling of this matter, particularly as they continue to refuse to explain to the community the justification of compliance / noncompliance and especially the concern the community has in not being provided with verifiable data confirming their decision. Failure to continue to do so provides no confidence in public administration administered by the Planning Department..

Because of the considerable number of changes made to the project since the PAC determination (2016), I raised my concerns with the Department that it was highly likely that CWP was failing to adhere to the Terms of Consent (Schedule 2, Condition 2 (a), (b), namely: “The Applicant shall carry out the development, a) generally in accordance with the EA, and b) in accordance with the condition of this consent”.

The response from the DPE to me has been continuous in ‘fobbing me off’, in effect using the implied justification: ‘We say so, so there, now go away, and don’t come back’. The proponent frequently uses the same ‘get out of gaol’ phrase (“generally in accordance ….”) at your meeting with him (Mr Mounsey, pages 6 & 7).

I believe it is an issue that you, the Commissioners, need to clarify carefully with the Department as it must surely affect the value of your determining whether or not the changes that had been implemented since the PAC determination are in fact ‘legal’ and not breaking Conditions 2(a) and (b). I submit the following in table form to compare the ‘then’ (PAC 2016) and ‘now’ (Modification).

TURBINES	**Pre PAC (EA PPR)**	**Post PAC (Mod)**	**Comment**
Number	77	37	c. 50% decrease
Height	160 m	160 m	Same

Blade Length	40 – 63 m	67 m	6% increase
Blade Area	12460 m^2	14090 m^2	13% increase, bird/bat kill zone + flicker / glint increase
Output	1.5MW-3.4MW	3.6MW (all)	c. 50% av. Increase, LFN increase

WATER	**Pre PAC (EA PPR)**	**Post PAC (Mod)**	**Comment**
Extraction	20 ML	C. 130 ML	X 6 the assessed amount

TRANSPORT	**Pre PAC (EA PPR)**	**Post PAC (Mod)**	**Comment**
Route	Northern - Mudgee	Southern – Blue Mnts, GWH	Different traffic impact, heavy freight / night transport.

APR Upgrade	**Pre PAC (EA PPR)**	**Post PAC (Mod)**	**Comment**
Clearance Area	1.56 Ha	6.59 Ha	Over X 6, additional EPBC impacts

The above tables highlight the differences which may exist when 'benchmarked' against the 'generally in accordance with the EA'. Note that at the both meetings between IPC and CWP along with the meeting between IPC and the DPE, both Mr Mounsey and Mr Young seemed to have completely relied on that condition being worded 'generally in accordance with the *consent* ' and not on the 'EA condition' (Auscript). The word "generally" is not part of condition 2(b).

The Commissioners need to demand the criteria and methodology that the DPE applies when determining if, or when, condition 2 (a) and (b) may be broken. If the methodology is not provided to satisfy the IPC, the interpretation of condition 2 a) and (b) remain in limbo. If that occurs, I fail to conceive, how you. the Commissioners, can reach a merit based determination.

B. False or Misleading Information (FoM) provided to the PAC (2016)

The following involves possible FoM information knowingly provided to the DPE, PAC and Commonwealth Department of Environment and Energy (DOEE). The application (EA and PPR) for assessment for CRWF presented amongst other matters, the information that 8 out of the 77 turbines were assessed as having high visual impacts, involving 6 nearby residences. From the PAC report pages 6, 7, the following is obtained:

a) "The DPE determined the impact to be so significant that CWP should remove all or some of the 8 turbines if they could not reach a suitable agreement with those affected residents. In the event that an agreement was not met, the turbines should not be built. The DPE concluded that 'while (it) is not in the position to determine how many turbines are necessary to make the project economically viable, it is reasonable to assume the removal of 12 or more turbines of the more productive turbines, would

materially affect the overall economics of the project and result in the project not proceeding."
The applicant also advised 'whilst it has put forward a 60 turbine option, it is not possible for them to simply delete 17 turbines from the 77 turbine layout and retain a viable project'.

"The Applicant'ss two layout options have been designed having regard to site selection and turbine capacity." The PAC agreed with the DPE that 'the removal of a significant number of turbines to mitigate the high visual impact would most likely place the project at risk, and in this case, is **not** a viable option' (my emphasis).

The PAC permitted CWP to retain all 8 'offending' turbines, permitting the 77 layout to be built. To compensate for the retention of all 77 turbines, the PAC conditioned that CWP had to offer acquisition rights to the 6 residents. It is assumed that Mr Mounsey, (CWP), had presented at that time, true and accurate information to the DPE, PAC and ultimately DOEE. The CRWF application also contained a controlled action under the EPBC Act, and the PAC approved project with its Consent conditions was forwarded to the Commonwealth for DOEE determination.

In late January 2017, I learned that DOEE was assessing the project on the basis of 37 turbines of different output to that assessed by the PAC but with the same project output total of 135 MW (and still the same height 160 m). I contacted the DPE enquiring if they had any information of this possible change from 77 to 37. The email response from the DPE (documented) indicated no alternation had been applied for nor granted by the DPE. The (then) Minister Frydenberg approved the project with 37 turbines with added DOEE conditions including:

- Only 37 turbines could ever be constructed on the site;
- The 8 'offending' turbines + a further 12 (20 in total) could not be constructed;
- The 37 turbines could only be located on the remaining 57 turbine sites.

I sought information under the FOI Act and received (2017) a number of requested documents, others being refused and some redacted. Among the documents it was revealed that:

- Mr Mounsey presented a plan for 38/39 turbines to Minister Frydenberg on 15/12/16 at Bathurst;
- Mr Mounsey offered to reduce this number further (five days later), if this would hasten Commonwealth Approval;
- Mr Mounsey emailed on 24/02/17 that he acknowledged that only 37 could be constructed, adding that a transmission line restriction of 132 KV would cause capacity limitations.

So there we have it. For the PAC, Mr Mounsey had to have all 77 turbines for the project's financial viability; they were site selected (due to individual turbine output which ranged from 1.5 MW to 3.4 MW) and the topography to utilise 'best' wind at that particular location, yet a little over 6 months later, and not apparently informing the DPE (as at about February 2017), he still seems to have an economically viable project, reduced to 37, with 20 (including the 8

turbines) not being built in that location and the 37 approved having to be built on the remaining 57 original locations.

One has to ask what happened to the '8' turbines he had to have, the essential positioning of variable output turbines since the 37 were now all of identical output (3.6 MW) and able to be positioned on any of those remaining 57locations.

In light of the details above, it would have to be considered extremely likely that Mr Mounsey had knowingly presented FoM information to the DPE and PAC regarding CRWF's inability for project financial viability if the PAC did not accede to his 'pleas' to retain all 77 turbines, and subsequently to the DOEE if this information was not disclosed to them.

Should it be determined that Mr Mounsey did provide FoM information to the DPE and PAC, he would be subject to the EPA Act and the Crimes Act (1900) with regard to FoM information offences, and carrying penalties. Additionally, Commonwealth legislation may also well have been 'triggered', particularly as public funding (CEFC loan funding and REC payments) may also be involved.

Although not directly linked to this modification, there exists the possibility of potential legal complications being involved. This information has been offered to the Commissioners so they can seek advice, if necessary, in their decision making.

The evidence that you have received to date from this community would surely indicate that the CRWF assessment process raises serious unanswered questions regarding information presented by the developer, CWP and some of consultants engaged by them, together with the high probability of maladministration of members of the DPE. It also raises serious concerns of the assessment conducted by the PAC in 2016 in reaching their determination.

In consideration of these, as well as from other submissions, one must address the following:

1. Has FoM information been presented to gain approval (EA and Mod)?
2. Is that information material or trivial?
3. Could and how much of such information may have influenced the PAC and consequently, Federal EPBC decisions and likely to continue to influence this IPC modification?
4. Has bias been shown to CWP by the DPE and consequently to the detriment of the public?
5. Has maladministration occurred by members of the DPE?

I believe that you, the Commissioners, will find that at the completion of analysing all information, together with the PAC consent conditions invariably 'tied to it', your decision to approve or not to approve this application only offers the following optional pathways:

1 To approve the modification as sought by the developer CWP with conditions permitted to ensure blade transportation safety;

2 (A) - To approve the modification as defined in PAC (2016, Schedule 3, section 29-35), but with clearly 'spelt out' requirements to maintain the 'spirit' of each referenced part of the Downer Report and set conditions for nil disturbance work within (say) 100 metres of each side of the acacia meiantha and pomaderis species to ensure maximum species survival and to deny any further tree removal by the developer since CWP has already excessively exceeded the number envisaged in the Downer Report. This still allows consent as per PAC 2016 but with tighter conditions; and
(B) – Since water (road reconstruction for APR, dust suppression) are involved critically in this modification but ignored by CWP and DPE for the IPC decision making, conditions which impose restrictions on daily extraction quantities from local bore sources , coupled with nil local bore extraction until after this district is declared drought free.

3 Recommend a moratorium immediately be placed on finalising a determination and that you present to the IPC Chair the following; (a) that you, the Commissioners, need to have resolved for you what appears to be serious allegations with regard to the manner in which the assessment of the CRWF has been conducted to date: (b) that you recommend to the IPC Chair that the Chair communicate with the Premier to discuss these confronting irregularities in this modification application and its relationship with the PAC(2016) determination and that the IPC Chair also request the Premier to give strong consideration to holding an enquiry (public, parliamentary, judicial).

I believe that you, the Commissioners, have no option other than to accept 3(a) and 3(b) above. To choose Point 1 permits a continuation of these problems to occur, thereby enabling any 'rogue' developer to 'game the system' and continue to erode the integrity of the reputation of public administration. Point 2(a) and 2(b) may highly inconvenience CWP, but the same problems will still continue and remain embedded within 'the system' if they are not addressed from this point onwards.

It is sad and regrettable that so much wasted energy and public monies has had to be devoted on this CRWF project and that public disillusionment has had to occur. For those few families who have had their lives altered and impacted, particularly in critical times over the years in dealing with a drought which continues to sap physical strength, family relationships and finances. Nearly all of this research, investigation and preparation to expose these problems has been carried out in the time that a normal family would have as leisure time, often 'biting' into sleep and causing health issues (stress, tiredness, irritability). We did not ask for any of this. It has been imposed on us but our standards and upbringing cannot and will not permit us to walk away without making every attempt to rectify this injustice.

Commissioners, you have to decide if you are prepared to reward bad behaviour.

Yours Sincerely,

Owain Rowland-Jones

Owain Rowland-Jones
[redacted]

Ms C. McNally
Secretary of Department of Planning and Environment
23 Bridge Street
Sydney NSW 2000

Dear Ms McNally,

As you would be aware the Crudine Ridge Wind Farm was granted PAC approval in May 2016, with Conditions, including a maximum of 77 turbines and project output of 135MW.

The TERMS OF CONSENT issued by the PAC include:

2. THE APPLICANT SHALL CARRY OUT THE DEVELOPMENT

(a) GENERALLY IN ACCORDANCE WITH THE EA; AND

(b) IN ACCORDANCE WITH THE CONDITIONS OF THIS CONSENT.

The term "generally" allows for some degree of flexibility, (say) up to +/- 20-25% either way. Anything digressing from this range e.g. +/- 50% or more would certainly be unlikely to meet the criteria and definition of "generally".

You are no doubt aware that the CWRF has become a project which is now materially changed and materially different to that approved by the PAC. As a result of EPBC Act(1995) considerations, Commonwealth determination was to be handed down by the Minister of the Department for Environment and Energy (J. Frydenberg), which occurred in April 2017. The determination did not permit the construction of more than 37 turbines, together with additional Conditions.

The project approved by the PAC was dependent on a mix of individual turbine outputs ranging from 1.5-3.4 MW, with a mid range average of about 2.4MW, (approximating the Siemens SWT2.3-101, the project prediction model). The CRWF project of 37 turbines is now to be constructed using turbines of identical output (3.6MW each). Even if the applicant had put forward a project of 37 x 2.3 MW (although less than the projected 135MW total), it would likely be considered to be "generally in accordance with the EA" with regard to noise modelling. In its current form, as a result of Minister Frydenberg's conditions, the project now contains:

- 37 turbines (out of 77); a reduction by 52%
- 20 locations upon which no turbine may ever be constructed
- The removal of the 8 "troublesome" high visually impacting turbines (identified by the PAC and now part of the 20) and which the Applicant indicated to the PAC were critical for the project's viability

- The inability to effectively 'wind harvest' approx. 30% of the turbine electricity generation site (as a result of non-construction of the 20 prohibited turbines ----- considered as

  'best wind' area).

- A project noise model which is likely to be significantly altered due to the original 'mix' being completely replaced by all turbines of higher noise output level, additionally altered by extensive turbine layout placement.

With reference to the Terms of Consent (above) Part 2 (a), I find it extremely difficult, as I believe it would be of the "ordinary person in the street", to accept that the CRWF in its current form meets the requirement of "generally and in accordance", particularly when considered with reference to the paragraph above.

Would you please respond to the following?

(1) Since the project in its current form would have to be considered as highly suspect in meeting the PAC Terms of Consent (Item 2 (a) "generally in accordance with the EA") as referenced in bullet points above, does the DPE consider that the applicant remains in compliance with the Terms of Consent, namely 2 (a)?

(2) If the DPE considers that it remains so, can you please provide material evidence that it is with non-subjective reasons to that effect?

(3) Has the Applicant notified the DPE that the wind generation structure of the project had materially altered and that the information he provided to the PAC to ensure the likelihood of the project viably proceeding (and which the PAC "granted" within their Conditions) no longer was applicable and, as a consequence, no longer relevant?

(4) Has the applicant sought a modification application to reflect this materially altered project?

(5) If the CRWF is no longer considered compliant for the Terms of Consent (2(a)), what action does the DPE propose to carry out?

Following on from the above, the issue of noise modelling needs to be addressed, as a result of the 'revamping 'of this project by the developer, against that considered and determined by the DPE and PAC.

The EA determined noise predictions for a 77-turbine layout using Siemens SWT 2.3-101 turbines i.e. 2.3 MW turbines (77 x 2.3 MW = 177MW which is in excess of 135MW). A "mix" with variable turbine outputs 1.5-3.4MW (PAC report) was to be chosen to accord with a 135MW total.

If the project were to use 37 x 2.3MW it would likely to be considered “generally in accordance with the EA”, as mentioned previously. However, now having these 37 turbines, each more than 50% increased in output (3.6 MW cf 2.3MW) than was proposed in the EA and used in the noise modelling, would be highly unlikely for this altered project to be considered as “generally in accordance with the EA”. Also with those ‘50% plus’ more powerful turbines to be located in more concentrated parts of the site (north/south clusters, separated by the 20 “never to be constructed upon” distance), it would have to be a reasonable expectation that the noise patterns will be substantially different from what was calculated in the EA and approved by PAC.

Although the Commonwealth Environment Minister “signed off” on 37 turbines each of 3.6MW, the Commonwealth cannot override NSW state planning involving NSW planning laws (noise, visual, road use etc). Consequently, it is essential that a re-determination should occur to ensure that the Applicant’s intended construction of 37 turbines, all equally of 3.6MW, does not breach NSW Planning noise guidelines.

Would you please respond to the following?

Has the applicant submitted a modification request with respect to noise? (It is noted Capital 2 WF was approved initially with 3.0MW turbines. The Capital 2 developer sought an increase to allow 3.5MW turbines and submitted a request (Mod 1, determined 4/7/2013). This represents a 17% increase, clearly a lot less than at CRWF (55% potential increase).)

(i) If no noise modification request has been made, will the DPE request the applicant to apply for a modification to increase noise output?

(ii) If not sought by the DPE, does this imply that, despite materially increasing power output to a significantly higher level, a developer has approval to decrease turbine numbers (permitted) but increase power output as much as they choose e.g. 25 x 5.4MW (say) = 135MW, instead of 37 x 3.6MW = 135MW, and not require a reassessment?

Additionally, would you please inform me when the Applicant made it known to the DPE that the project had been restructured to a maximum of 37 turbines.

Yours Sincerely,

Owain Rowland-Jones

3-07-2018

The Secretary, 02-08-2018
The Department of Planning and Environment,
GPO Box 39,
Sydney, NSW. 2001

Dear Ms McNally,

You will, no doubt, recall a meeting held in Sydney at your office (15-07-2016) with Mss Hundy, Lane, Saywell and myself, with respect to the Crudine Ridge Windfarm project, at which we raised numerous concerns and issues, including the interaction of the Noise Officer of your Department, Mr J Parnell, with the independent peer review, commissioned by the DPE and carried out by Renzo Tonin and Associates. At that meeting you indicated that the Department would commission an independent report on that interaction. This was carried out by Maddocks Lawyers and the results of this brief investigation were communicated to Ms P Hundy.

Within the constraints of the Maddocks' scope of work, they determined that Mr Parnell's interaction did not give rise to any influence on or changes to the Renzo Tonin independent review but expressed concerns that Mr Parnell's actions could give rise to a member of the public gaining the perception that the Department could influence Mr Tonin's final report. In accordance with Maddocks' recommendation that whatever necessary training is needed, the decision was taken that it should be put in place to limit such interactions in the future. Your letter (3/8/16) to Ms Hundy confirmed that you have in fact put such training in place for Departmental officers as per Maddocks' recommendation.

At the meeting in Sydney you would have been well aware of our concerns and issues, together with our lack of confidence in the manner the that DPE and PAC had handled many of our concerns with this project. Such lack of confidence in the public administration of aspects of the CRWF project is still ongoing with the Department and also with the developer. In an attempt to address this lack of confidence, could you please respond to the following with regard to the training programme you have implemented:

1. When did the training programme commence?
2. What is the nature of the training programme (in general terms)?
3. Is the programme ongoing?
4. What monitoring of the programme has been/is being carried out to ensure compliance with the programme?
5. Has Mr Parnell been given additional or varied training/monitoring?
6. Will Mr Parnell be the Departmental Noise Officer for future noise programmes with regard to the CRWF?

I ask these last two questions as I have already raised issues with you regarding noise concerns which may result from the now proposed turbine output changes when compared to noise levels assessed and approved by the PAC.

Your early response to my request would be greatly appreciated.

Yours sincerely,

Owain Rowland-Jones

cc : Ms P. Hundy
Ms S. Lane
Ms I. Saywell

Owain Rowland-Jones
[redacted]

Ms C. McNally
Secretary of Department of Planning and Environment
23 Bridge Street
Sydney NSW 2000

6th August 2018

Dear MS McNally,

Further to my email letter to you (3rd July 2018), in which I raised the issue as to whether the current CRWF project was 'generally in accordance with the EA' as specified in Consent Conditions (2), I bring the following to your attention which can only be seen to reinforce that this project appears to further deviate from the project as presented, assessed and determined by the PAC in May 2016.

With respect to transport routes, the following variations now exist:

- Blade transportation along the Great Western Highway (via Mount Victoria) is now in place. RMS information during the DPE / PAC assessment period indicated that this route was not feasible. RMS has subsequently altered their viewpoint (at least one year later than the PAC approval date) and granted consent, as covered by 'unless the road authority determines otherwise'. However, none of this appears to have been provided to the PAC who may have placed a restriction on this road section as a permitted traffic route for oversized vehicles. This can only be seen as diluting the role of the PAC. This change also weakens the condition of 'generally in accordance with the EA'.

- Aarons Pass Road (APR) has been contentious from the beginning. CWP's initial traffic consultant, Samsa, stated that APR was not feasible for use by oversized vehicles. Six months later, with a complete 'about face', Samsa indicated that this traffic route is now quite suitable. CWP then engaged Downer / Rex (experienced national engineering / transport service providers) to provide for the CRWF PPR a far more detailed plan of works for APR. The DPE and PAC appear to have relied upon this report to judge suitability and scale of impact for this transport road section. Feedback from different sources now

indicates the scale of work will be many times greater than that presented and envisaged by the DPE and PAC. Compare this to the developers concepts of the scale of work as in the PAC Report; "the Applicant pointed out '*where some trees need to be removed along the road; where some roads may require gravel (or similar) to be laid to the edges and culverts*'. The reality is that APR requires a total rebuild over its 20km length for which Mid Western Regional Council appear to have rejected the contract work for this, and that the MWRC road engineers and work staff do not have the necessary skills, expertise and resources to deal with a task of this magnitude.

I now raise with you the issue of water as required for this project. The EA indicates 20ML of water (concrete, road construction, and dust suppression) would be needed (this being for the original 106 turbine option). My submission (with calculations) to the EA (2013) indicated a quantity of at least 100ML was more likely (including long term dust suppression of 50km of roads and tracks). The DPE in their Recommendation present a figure of 20.6ML (I find the decimal place hilarious). Was this to say that 'we, the DPE have done our homework and agree with the proponent?'. The PAC in its Conditions can only manage to put forward the rather limp wristed statement : *The Applicant shall ensure that it has sufficient water for the development, and if necessary, adjust the scale of the development to match its available water supply.* A statement such as this is difficult to reconcile with even poor planning procedures, particularly with the figures 'trotted out' by the proponent and the DPE.

I bring to your attention that at the April 2018 CCC meeting, the proponent presented a handout which, amongst other items, listed a requirement of 65ML of water needing to be sourced for the project. This does not exactly have much bearing or similarity to the EA or the DPE's 'precise to the nth degree' 20.6ML and now,of course, relates to a 37 turbine project.

On July 2018, I forwarded an email to Mr B McAvoy (Project Director, CRWF and attached) expressing deep concerns regarding water extraction now proposed. As you would be well aware, 99% of NSW is currently in severe drought, including this project region. There is no such thing as 'drought proofing' without water. It was only at the last CCC meeting (four weeks ago) that it was revealed that water for this project was intended to be sourced from close-by local bores. To allow water extraction for this project in the present critical drought circumstances can only be considered unconscionable by those who carry it out and those who permit it.

I believe that I have more than demonstrated that the scope of works now set in place for the construction phase of this project to commence, is materially quite different to that described in the EA and which was presented to and examined by the PAC before reaching their determination.

I am quite sure you would appreciate that as a result of these issues I have brought to your attention it is not possible for the public to have confidence in your Department's

transparency with regard at least to this project. Much of what I have presented to you (and previously) can only be viewed as a bias on your Department's part to approve this project and accept little or no accountability on the part of the decision makers. As you will recall, Maddocks Lawyers 'warned' against 'perception by the public', recommending training within the Department to be put in place to help overcome any possible mis-perception by the public.

Would you please respond to the following:

1. Were any of these 'late changes' (transport route, road construction work, water issues, etc) raised as considerations pre PAC decision-making and during the PAC consideration time?

2. If not, were they subsequently brought to the PAC's notice for any input?

3. Why does the DPE permit the proponent to present the so much of 'lowest common denominator' to be approved, since it is so unrealistic, thereby allowing the PAC to be emasculated and bypassed, and then presented with the 'real deal' at a later point in time?

4. Will the DPE liaise with the EPA with regard to this most pressing issue of underground water extraction in the current drought circumstances facing rural communities and the inherit risks posed to local underground water supplies considering the current drought circumstances? Unless a cast iron guarantee can be provided, (and not the type of spurious misinformation which has been presented for much to date), that there will be no impact (current or future) on local underground water supplies, then a moratorium to extract underground water needs to be put in place until such time this drought is declared as over.

5 I would appreciate a copy of the working paper that the Department used for their calculation of 20.6ML. Could you please provide a copy?

Yours Sincerely,
Owain Rowland-Jones

The Acting Secretary,

Department of Planning and Environment,

Sydney, NSW. 2000

22/08/18

Dear Dr Develin,

On 02-08-2018 I wrote to the Secretary with a request for information regarding the training program which Maddocks Lawyers had recommended for DPE Staff. Secretary McNally confirmed in writing (to Ms P Hundy) that this training program had been implemented within the Department..

In the letter written to the Secretary, I referred to previous correspondence forwarded to her (03-07-2018) in which I expressed concerns with regard to CRWF meeting compliance with Consent (Schedule 2, Condition 2a), this being the result of the developer CWP altering all individual turbine outputs to 3.6MW (compared to the assessed 1.5-3.4 MW range). Based on the proponent's presented 77 turbine project, this potentially represents at least a 50% increased output per turbine.

At the most recent CCC Meeting (10/07/18), the developer informed members that the blades of the model now selected will be 68.5m, an increase of 5.5m (9% length, 20% swept area) compared to the maximum of the EA blade range of 40 – 63 metres assessed by the DPE and PAC.

This, of course, now adds a further dimension to my (and other affected neighbours') concerns regarding noise likely to be generated from this materially different project. As indicated previously, the Crudine Ridge Wind Farm can no longer be considered 'materially similar' to the submitted, assessed and determined project. At that last CCC Meeting, a request to the developer to carry out a remodelling of noise prior to construction was again rejected by the developer.

In my letter to the Secretary, I requested specific information regarding the training program that had been implemented, including specific questions regarding Mr Parnell, the Department's noise officer. I am aware that in a recent court hearing Mr Parnell (with regard to the Secretary's "Maddocks'" recommendation) gave evidence under oath that is contrary to the statement forwarded to Ms Hundy by the Secretary. This reinforces my belief that these are valid requests for me to have sought answers to, as I have had numerous concerns regarding the Department's dealings with various matters.

I bring to your attention, the following:
The DPE Recommendation Report (Noise and Health) states "The assessment concluded that the project would comfortably comply with the applicable noise criteria. This conclusion was confirmed by both the NSW Environment Protection Agency and the Department's Independent Noise Expert". The EPA was asked by Mr Parnell to provide testing and analysis to assist in confirming the adequacy (and hopefully) accuracy of the Department's conclusion on noise outcomes. Recently (15/08/18) I received an email response from the EPA (Bathurst) stating that two properties around the project site were noise logged by the EPA for background noise but that the raw data was never analysed and is now archived. I am sure you can well realise from the above why the public's perception of confidence in Public Administration is "stretched". You can well appreciate our concerns, particularly with a developer who already has failed to comply with Consent Conditions.

In addition to the questions forwarded to the Secretary in the letters referenced earlier, could you please respond to this additional request?

1. Does the Department intend for the developer to carry out noise remodelling as a result of this quite materially different turbine project (turbine numbers, site layout, increased power output, increased blade length, increased swept area)? If not, why not?

2. If (1) above is implemented, will the results be made available to all residents listed in the Consent Conditions? If not, why not?

3. In view of this materially changed project and further altered as a result of recent information regarding increased blade length (by a further 5.5 m), does the DPE intend for the developer to seek a Modification, particularly when it is evidenced that a number of other wind developers have sought modifications (either voluntarily or requested) for what would appear to be far less material changes to their submitted and assessed information? If not, why not? Has, in fact, the developer informed the Department of this increased blade length, and if so, when?

4. In view of the questions I have raised, I find it extremely difficult not to observe that some special relationship seems to exist between the Department and CWP which can only be perceived as "privileged" This reinforces the Maddocks' viewpoint that training needed to be implemented within the Department to ensure public confidence in all matters handled by public administration. Could you please explain what the Department intends to do to overcome this situation?

Your response to the previous questions and those within this letter are requested to be provided as promptly as possible. It is now over 7 weeks since I first contacted the Secretary with these concerns.

Yours Sincerely,

Owain Rowland-Jones

The Acting Secretary,
Department of Planning and Environment.
Sydney, NSW. 2000

19/09/2018

Dear Dr Develin,

As you would be aware, I wrote to the Secretary on 03/07/2018 bringing to her attention the likelihood of the CRWF Project deviating from the Consent and Conditions which resulted from the PAC's approval of this project in May 2016. Subsequent to that letter, I have forwarded further correspondence to her and to you (due to the Secretary being on leave). This correspondence raised further issues regarding the Consent as well as an enquiry regarding the training program implemented by the Secretary as per the recommendations by Maddocks Lawyers. To date, I have yet to receive any response to all of this correspondence (now spanning 2 ½ months), other than an acknowledgement of receipt of this correspondence.

The issues that I have raised have multiple effects on all parties involved including the small local community surrounding this project. I am aware that Mrs P Hundy has also written to you with similar and further issues regarding this project. Consequently, I will not revisit these concerns at this point as they are detailed in my correspondence to the Department.

However, the issues bedevilling the CRWF extend far deeper than non-compliance and whether or not CRWF is adhering to the Consent and Conditions as set out by the PAC. I do not know if you are fully aware of the extent of the damage along APR that has been carried out by CWP prior to their being requested by the Department's Compliance Section to cease further roadside clearing. My urgent email warning to the Secretary (13/08/2018) in which I referred to 'tree slaughter' was not emotive; it was accurate. The actions of CWP and its contractor Zenviron can only be considered as environmental vandalism at the highest level and easily categorised as constituting illegal logging. This is no minor infringement of non-compliance, but can only be seen as deliberate and planned as evidenced by the massive extent of roadside trees to have been paint marked for removal along the entire 20km of APR to the site entry.

The question now arises as to what the Department intends to do about this. The full extent of the law must be applied to the Applicant (CWP), any contractor involved, and to all individuals who authorised this massive environmental damage. There exists sufficient legislation to ensure that maximum penalties are able to be applied at corporate and individual levels. Failure by the Department to do so can only reinforce my questioning the perceived 'special relationship' between CWP and the Department as indicated in my letter to you (22/08/2018). Ensuring that such penalty action is carried out by the Department can only send a clear message to this developer (and to all others, irrespective of the nature of the development) that 'getting things right' from the beginning is essential. Anything less

than this totally demolishes all credibility of the DPE as an open, transparent and unbiased assessor of planned projects.

As I have indicated to the Secretary and to you in my correspondence since (03/07/2018), the CRWF is, in reality, no longer recognisable as the project approved in May 2016 by the PAC who themselves would surely have difficulty in recognising what they assessed and approved. This developer has made changes by 'the back door' to suit himself to obtain the outcome that he wants. For this project, the issue really is no longer whether modifications for all these changes (APR, blade length, noise, visual impact, water requirements, altered environmental impacts, transport route, etc.) should be sought, but rather that the developer, CWP, needs to show cause why this project should proceed, given the above criteria, together with the massive environmental damage already carried out. This developer has, in effect, forfeited his 'social licence' to operate in the State of NSW. CWP's stated social and environmental awareness and responsibilities transcend into mockery and hypocrisy when viewed in the light of their modus operandi and in particular, their environmental bastardry.

That the Department should find it difficult to deal with these numerous issues is of its own (and CWP's) making. Unfortunately these issues that I and others have raised and brought to your attention are not going to go away until they have been dealt with in a fully open, transparent, honest and determined manner. The developer, CWP, may 'squeal' that he has already expended (and continues to do so) a great deal of money. That is the developer's problem not the Department's. CWP should have properly assessed the risk of not holding to the Consent and Conditions as set out. The mechanism for a developer to make significant alterations to an approved project is in place. The developer has the choice to seek to modify the project, to remain within the constraints of the approval or to walk away from the project. It is now the Department's responsibility to force the issue, for surely it is part of its role and responsibility. None of this, though, should prevent the Department from bringing CWP and its contractors to account for the deliberately planned environmental damage that they have already wrought.

Your sincerely,

Owain Rowland-Jones

Gmail

Owain Rowland-Jones [redacted]

Crudine Ridge Wind Farm - Project Modification Request

Andrew & Penny Hundy [redacted]

Dear Ms Higgins,

Please forward the following information to the Secretary of the NSW Department of Planning and Environment, Ms McNally.

Regards,
Penny Hundy

Dear Ms McNally,

Further to the non-compliance investigation which is currently underway within your Department in relation to the Crudine Ridge Wind Farm, I would like to bring to your attention a number of additional areas where CWP have documented their intention not to comply with the current approved Consent Conditions. I believe these areas warrant the requirement for a project modification as they constitute significant changes when compared to the data assessed by the Planning Assessment Commission for approval in May 2016.

1. Aarons Pass Road:
Excessive clearing of vegetation along the access road (Aarons Pass Road). If CWP intend to continue clearing the remaining 17km of this road in the same manner which they have already cleared the initial 3km, important issues will be raised at both State and Federal levels. A number of endangered flora species listed on both the TSC Act and the EPBC Act have been documented to be included in the dense roadside vegetation along the Aarons Pass Road.

2. Blade Length:
The original project assessment was based on blade lengths from 40 - 63meters. It was this specified blade length which determined the impact on not only the roadside vegetation for road upgrade, but it also determined the 'swept area' which the impact to avifauna was based on.

After final approval was given, CWP advised members of the CCC that the turbine model which would be used for the project had a blade length of 68.5m. This increase in blade length aids in explaining why CWP now requires upgrades to Aarons Pass Road which are completely unrelatable to those depicted in Appendix 6 of the Consent Conditions.

The increased blade length needs to be included in the project modification as the impact to avifauna must be reassessed as a result of this change. The swept area previously used for impact assessment was 12,468 Sq M, based on the worst case scenario of 63 metre radius. The current swept area is now 14,742 Sq M, exceeding the upper limit used for the project assessment.

Another important point to make is this increased blade length with a constant height means not only will the swept area be greater (and thus kill more avifauna), but with a fixed turbine height the blades will now come much closer to the ground than that considered for the EIS, which greatly increases the avifauna at risk.

3. Visual Impact:
The photomontages used to assess the visual impact of this project were very misleading and of poor quality. The purpose of the photomontage was to show the worst case scenario, ie the impact of turbines with blade lengths of 63 metres. I highly doubt this assessment was accurate as blade lengths in the photomontages are highly likely to measure much less than 63 metres.

In addition to this, blade lengths have since been confirmed to be much longer than the 'worst case scenario' figure of 63 metres used. An additional 5.5 metres in blade length is 11 metres in the turbine diameter. This is a significant increase which requires impact reassessment.

4. Turbine Capacity / Output:
The original project assessment was based on a project layout using a combination of 1.5MW to 3.4MW turbines. Once again, since the final approval, CWP have advised members of the CCC that the project will now be made up 37 turbines, all of 3.6MW capacity.

The noise assessment completed for this project was based on Siemens SWT-2.3-101 (ie 2.3MW turbines with 101 metre rotor diameter (50 metre blades)). Therefore, the potential noise impact estimate made in that case is now completely irrelevant to having two clusters of 3.6MW turbines with 68.5 metre blades.

Since noise is a major impact of wind farms, it is important for the increase in individual turbine output to also be included in the project modification to allow for proper reassessment of the noise impact. As it stands, a significant question mark currently hangs over the noise monitoring completed for this project due to Sonus using incorrect equipment during monitoring along with improper interactions between the noise section of the Department and CWP / Sonus.

5. Water:
In the EIS, CWP estimated water requirements for the construction of the Crudine Ridge Wind Farm would be 20ML (including road building / upgrades, dust suppression, concrete bases etc). In the Department's Recommendation Report, this figure was revised to 20.6ML to construct the 77 turbine project.

After final project approval was granted for 37 of those 77 turbine locations, CWP advised members of the CCC they had gained a water licence for 64ML **per year** (construction estimated to take 18-24mths). Therefore, despite a decrease in turbines numbers, the figure now quoted by CWP for constructing the project has increased from 20ML to possibly 128ML. CWP have also advised this massive water quantity will be sourced from two local bores. Nearby farmers rely heavily on underground water supply which is likely to be significantly affected by the amount of water CWP plan on using.

This issue is significant, especially given the current drought conditions. Scarcity of both feed and water for livestock are very real issues for primary producers. There must be greater communication between the Department of Planning and the water permit issuing authority, WaterNSW. This major issue is currently being followed up and must also be included in a project modification.

Since this project is now clearly in great contrast to the project which the original Consent Conditions were based upon, I would expect a modification which is inclusive of **all** areas where inconsistencies exist would be required. In the absence of a modification, it would be expected for CWP to continue construction of the Crudine Ridge Wind Farm strictly in accordance with the current Consent Conditions. In reality, this would include erecting turbines with a blade length which can be safely transported along Aarons Pass Road which is upgraded in accordance with the Downer Rex report only (Appendix 6 Consent Conditions).

I thank you for your time and look forward to your response.

Regards,
Penny Hundy
[redacted]

Gmail

Owain Rowland-Jones [redacted]

Crudine Ridge Wind Farm

[redacted] 4 AM

Dear Ms Higgins,

Please forward this email to the current Acting Secretary.

Regards,
Penny Hundy

Dear Acting Secretary,

I am very concerned with the lack of urgency this matter has been given by the Department. It is now 6 weeks since a non-compliance investigation was initiated on the work carried out by the developer of the Crudine Ridge Wind Farm.

I am perplexed at the level of activity which exists on the project site itself, still to this day. It appears the developer is very confident with getting away with their actions thus far and their ability to avoid going through the proper process of a modification.

I am concerned CWP have the belief that if they continue investing millions into this project, it will make it harder for the Department to enact proper development procedures and risk the future of this project. These are not the rules which CWP or the Department are to abide by. Any investment made by CWP into the Crudine Ridge Wind Farm are clearly at their own risk, especially when their actions are not complying with the project approval.

CWP's actions must be held strictly to the Consent Conditions with no special treatment given. This is what the general public would not only expect, but demand.

The general public, despite being in favour of this project or not, would be absolutely shocked and disgusted at the level of environmental vandalism already committed by this supposedly 'green' initiative. The public would assume there would be 55 trees along with the trees located on three corners of the road would be removed from the roadside vegetation, as per the Consent Conditions. The before and after photos of the 3km stretch of road already cleared by CWP is very damning.

Given the amount of time since the non-compliance investigation was launched, I am puzzled as to why an official non-compliance penalty has not been issued to this developer along with a corresponding media release from the Department.

Regards,
Penny Hundy

Monday 13th August 2018

URGENT ATTENTION REQUIRED

Dear Ms Mc Nally,

I bring to your urgent attention the strong possibility that compliance with the TERMS OF CONSENT (2 (a), Schedule 2) is about to be breached in a massive tree slaughter for the Crudine Ridge Windfarm, commencing from today (13/08/18). Several messages have been left today on the answering machines of Compliance staff Paul Rutherford and Phillipa Duncan regarding this imminent threat of non compliance.

The scale of works to be carried out along the 20 km access road, Aarons Pass Rd (APR), appears to be in total contrast to the Report provided to the PAC by Downer Rex (PAC App 6). The report by Downer Rex (nationally recognised engineering/transport service providers) presented a detailed overview plan of road work requirements, including anticipated tree removal (55 plus 'some trees').

An on-road conversation (Sat. 11 Aug 2018) with a subcontracting surveyor (paint-marking for tree removal) who was working along APR informed me that "thousands of trees" along the entire 20 km route are to be removed, together with a "total rebuild" of the road. The EA description, whilst not specific regarding tree numbers, suggesting no more than one hundred, pales into insignificance when compared to the reality of what is about to occur. The DPE has been warned and extensively put on notice about this most likely situation since 2013 and right up to the present.

The developer, CWP Renewables, has recently stated that road 'plans' submitted to the DPE and PAC for assessment and determination were *"**concept plans**"* (CCC Minutes, 26 Apr 2018, M.Branson (CWP), and "*supersedes the original **concept plans** prepared during the Environmental Assessment" (CWP* Brochure, *Road Upgrades, Apr 2018).*

The following questions regarding this matter require immediate and urgent attention as the scale of this change which is imminent, clearly appears to be materially different to that presented in the EA, and as a consequence, is contrary to the Consent Condition 2(a).

1. Is the Department aware of what is about to occur regarding the actual extent of this intended tree clearing program?

2. Has CWP fully informed the Department of the scale of this vastly, materially altered work program for APR?

3. Has the Department sanctioned its approval for this materially altered road work?

4. If the Department has not sanctioned this altered work program, what does it intend to do before these trees are permanently removed (which is commencing today, 13/08/18)?

5. Were the DPE and the PAC aware that they had only been presented a *concept plan* by the developer to assess and make decisions with regard to this aspect of the CRWF project? More importantly, it is a denial of fairness to the public not to be provided access to meaningful and reasonably genuine information.

I raised CRWF compliance issues with you six weeks ago (06/07/18, and subsequently), but to date have had no response, other than an acknowledgement of receipt of those emails. Due to the extreme urgency of this matter, i.e. the irreversible outcome which is about to occur, I am unfortunately, and reluctantly, compelled to take more decisive action. Consequently, I have copied in the following parties, including senior Planning officers.

- NSW Premier
- NSW Leader of the Nationals
- NSW Minister for Planning
- Member for Dubbo
- Member for Bathurst

It is to be hoped that this matter is dealt with expeditiously and that the correct outcomes, particularly environmental, are achieved. In the event that no action is rapidly taken, I reluctantly feel there to be no other option but to contact various media outlets and advise them of this situation.

Yours Faithfully,

Owain Rowland-Jones

15th August 2018

Dear Ms O'Reilly,

Thank you for your email (14/08/18) regarding the matter of concern I have raised with respect to compliance issues (Aarons Pass Road, CRWF).

You would be aware that I am in contact with Ms Penny Hundy regarding this matter. She has appraised me of your phone conversation with her yesterday (Tuesday morning), and it was your hope to have a compliance officer onsite by the end of this week.

Ms Hundy and I would appreciate the opportunity to meet with the selected staff member as we believe it will assist in understanding the position we have taken in raising this matter as an urgent compliance issue.

Mobile phone contact for me is poor due to our location, although email service is reasonable. If you feel that such face to face contact with your officer at this point is beneficial, please do not hesitate to contact either Ms Hundy or myself so that we may make and provide any necessary arrangements.

Please accept our sincere thanks for your understanding of our concerns and the prompt manner in which you are attending to it.

Yours Sincerely,

Owain Rowland-Jones

10

Gmail

Owain Rowland-Jones [redacted]

URGENT COMPLIANCE INVESTIGATION REQUIRED

[redacted] PM

Dear Mr Rutherford and Ms Duncan,

My name is Penny Hundy and I live in close proximity to the approved Crudine Ridge Wind Farm, between Mudgee and Bathurst NSW.

I made several attempts this afternoon to contact you by phone (both landline and mobile) without success. I have left messages on your voice mail. My enquiry is one of an urgent nature.

This morning, I drove along Aarons Pass Road, the main access road for the turbines. As you will be aware, this road (20km) has high density, mature tree vegetation, including listed EEC timber along much of its length.

I was completely shocked to find a massive number of trees marked with pink paint. The contractor confirmed the paint indicated the marked trees were to be removed. Further up the road where Aarons Pass Road meets the Castlereagh Highway, tree removing contractors were setup with machinery in preparation to begin taking down the marked trees. This contractor confirmed they were starting this afternoon, 13/08/13.

I draw your attention to Appendix 6 of the attached Consent Condition for this project. The upgrades specified in this document do not even remotely reflect what is actually occurring on the site. In Appendix 6, approximately 53 trees are listed for removal with three groups of trees on specified corners also listed to be removed. The number of trees marked with pink would be possibly be over 1,000.

It is paramount a Compliance Officer from the Department is on site ASAP. As it stands at the moment, the overwhelming majority of trees marked are still standing, however this will not be the situation within the coming days.

Sadly, this developer (CWP Renewables) has a history of non-compliance when it comes to project construction. Please refer to the below link:

https://www.planning.nsw.gov.au/News/2016/Department-fines-Boco-Rock-Windfarm-for-disturbing-Aboriginal-heritage-sites

It appears the developer prefers to seek approval based on a low impact scenario which clearly will not reflect actual practice. Unfortunately, when actual practice is in great contrast to what was originally submitted and approved, the only consequence is a relatively small fine ($3000 for Boco Rock non-compliance).

A very dangerous message is sent from the Department to the developer when consequences are not severe for non-compliance. It almost teaches the developer to submit an Environmental Assessment which is completely understated and inaccurate resulting in gaining an approval rather than disclosing true impacts at the approval stage and risk having the project declined.

I would appreciate immediate action by the Department in relation to this non-compliance issue which I have brought to your attention.

Regards,
Penny Hundy
[redacted]

Crudine Ridge Wind Farm - Conditions of Consent.pdf
2132K

The Hon. R. Stokes,
Minister for Planning and Public Spaces
Level 16, 52 Martin Place,
Sydney, NSW. 2000

06 - 06 - 2019

Dear Minister Stokes,

There is strong evidence that your Department has made a materially false statement in an assessment it has provided to the IPC. The matter relates to Mod 1 for the Crudine Ridge Wind Farm and to the amount of what can only be considered as unauthorised clearing, with regard to the Consent conditions designated by the PAC in their determination (May, 2016), and which the developer carried out along the first 3 to 3.5 km of Aarons Pass Road (APR).

According to your Department, the developer cleared approximately 0.32 ha before the developer elected to cease work after discussions with the Department, resulting from representations by members of the local community about the extent of clearing then occurring. Based on the claim that only 0.32 ha was cleared your Department declined to prosecute the developer for non compliance of Consent conditions for what had been done. Your Department has repeated the claim of 0.32 ha as an essential element of fact to the IPC which is about to consider a request by the developer for expanded clearing authority.

Your Department has provided no evidence to support its claim of the size of clearing and no transparent calculation to derive their figure; this, in spite of numerous requests, that it does so. Likewise the developer has not provided any justifiable information. At the last CCC Meeting (03-05-2019) the CWP project director and the GEZ construction manager were asked how the estimate for the cleared area carried out on APR up to the point of work ceasing, (the DPE's 0.32 ha), was determined. The response was that they were unaware of who carried this out and the methodology used. This information still remains unavailable to community members. Consequently neither your Department nor the developer has been willing to provide a transparent statement of how the DPE's 0.32 ha was determined, despite that figure being critical in terms of your Department's actions and its advice to the IPC. Common experience indicates that whenever anyone is reluctant about the derivation of their claimed facts they are advancing, a very high level of scepticism is created in the community.

I have walked the 3.2kms that has been cleared by the developer and have measured the clearing along all of that section carried out by the developer. Measurements were conducted every 200 metres to obtain an average roadside verge distance and area. A visual assessment was made for each 200 metre strip (each side), to determine what proportion of each road section had been cleared by the developer. My assessment took into consideration regrowth since work ceased nine months ago. The area cleared by the developer is calculated to be 2 ha +/- 15%. This is at least six times what your Department claims and sixteen times what the developer appears to be claiming. The details of my calculations are shown at the end of this letter. It also raises serious doubts about the accuracy of your Department's claims about the extent of further clearing along Aarons Pass

Road, approval of which is now being sought from the IPC based on advice and recommendations to the IPC.

Since it is an Offence under the Environmental Planning & Assessment Act to provide materially false or misleading information to a consent authority, it is assumed that you will immediately direct your Department to provide you with their documentation (which they would surely be able to immediately provide to you) as to how they measured and calculated their claimed 0.32 ha, together with the evidence to show that they have checked it physically "on the ground" and that it is correct. That information, if you receive it, should be made publicly available before any IPC public meeting.

Should your officials be unable to provide evidence of the probity of what they have submitted as the area cleared, I believe you have no option but to immediately withdraw the Department's assessment containing false and misleading information and ensure that that detail, and any other false or misleading statements, are corrected before resubmitting to the IPC. It would be generally understood that a person would be considered complicit in the provision of materially false information to a consent authority if that person failed to investigate and take all necessary action.

Yours sincerely,
Owain Rowland-Jones

APPENDIX

	North (Mudgee) side	South (Bathurst) side
Length	3.2 km	3.2 km
Average verge width	7.2 m	8.1 m
Area (each verge side)	2.3 ha	2.6 ha
Area cleared (each verge)	1.4 ha	0.6 ha
Percentage cleared	60%	24%

TOTAL cleared (both sides) 2.0 ha

Notes
1. All measurements (verges, road width) taken with a 30 metre tape
2. Each strip length 200 m (vehicle odometer)
3. Each strip visually assessed to derive a percentage of cleared work, including regrowth
4. Estimated strip clearances range from 0 – 100 %
5. Google Earth used for supplementary checking
6. Work data/calculation sheets available