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O/N H-1037505

**INDEPENDENT PLANNING COMMISSION**

**PUBLIC MEETING**

**RE: CRUDINE RIDGE WIND FARM MOD 1**

**PANEL:**

**PETER DUNCAN  
PETER COCHRANE**

**ASSISTING PANEL:**

**ALANA JELFS  
DAVID KOPPERS**

**LOCATION:**

**PYRAMUL HALL  
1340 PYRAMUL ROAD  
PYRAMUL, NEW SOUTH WALES**

**DATE:**

**9.28 AM, TUESDAY, 11 JUNE 2019**

MR P. DUNCAN: Good morning, everybody. We might get started. We're a couple of minutes early, but I assume – I've got an opening statement to make, so I assume if I do that, by the time we get going we will be at the right time. Good morning, as I said. And before we begin, I would like to acknowledge the traditional  
5 custodians of the land on which we meet. I would also like to pay my respects to their elders past and present and to the elders from other communities who may be here today. Welcome to this public meeting on the proposed modification from CWP Renewables, the applicant, who is seeking to modify the existing approval for the Crudine Ridge Wind Farm, to reduce the maximum number of wind turbines  
10 from 77 to 37, to align the development consent with the Commonwealth approval under the Environmental Protection and Biodiversity Conservation Act, and to revise the road design for Aarons Pass Road and associated increase in vegetation clearing by approximately 5.05 hectares.

15 My name is Peter Duncan. I'm the chair of this Independent Planning Commission New South Wales panel today, which has been appointed to determine the proposal. Joining me is my fellow commissioner Peter Cochrane, and Alana Jelfs and David Koppers from the Commission Secretariat. Before I continue, I should state all appointed commissioners must make an annual declaration of interest, identifying  
20 potential conflicts in their appointed role. For the record, we are unaware of any conflicts in relation to our determination of this proposed modification. You can find additional information on the way we manage potential conflicts on the commission's website. In the interests of openness and transparency, today's meeting is being recorded and a full transcript will be produced and provided and  
25 made available on our website.

The meeting gives us the opportunity to hear your views on the assessment report prepared by the Department of Planning and Environment, before we determine the development application. The Independent Planning Commission of New South  
30 Wales was established by the New South Wales Government in March 2018 as an independent statutory body operating separately to the Department of Planning and Environment. The commission plays an important role in strengthening transparency and independence in the decision-making process for state-significant development and land-use planning in New South Wales. The key functions of the commission  
35 include to determine state-significant development applications, conduct public hearings for development applications and other matters, provide independent expert advice on any other planning and development matter when they're requested by the Minister for Planning or the Planning Secretary.

40 The commission is an independent consent authority for state-significant development applications and provides an additional level of scrutiny where there are more than 25 public objections, reportable political donations, objections by the relevant local council. The commission is not involved in the department's assessment of this project, the preparation of the assessment report or any findings.  
45 The public meeting is just one part of the commission's process. We have already met with the department and the applicant on 5 June 2019 and we have offered to

meet with the Mid-Western Regional Council. The panel will also be conducting an inspection of Aarons Pass Road and then a general site tour today. Transcripts of these meetings or any meetings had will be made available on the commission's website.

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After today's meeting, we will convene with relevant stakeholders, if clarification or additional information on matters raised is required. Again, transcripts of all meetings will be provided on our website. Following today's meeting, we will endeavour to determine the modification application as soon as possible. However, there may be delays if we find the need for additional information. Before we hear from our registered speakers, I would like to lay some ground rules about expectations we have in taking part in today's meeting. And I refer you to our public meeting guidelines, which are also on the website and I think they're available from the secretariat, if you require them.

15

First, today's meeting is not a debate. Our panel will not take questions from the floor and no interjections are allowed. Our aim – our primary aim – is to provide maximum opportunity for people to speak and to be heard by the panel. A public meeting is an ordeal for many people, public speaking as well. Though you might not agree with everything you hear today, each speaker has the right to be treated with respect and to be heard in silence. Today's focus is public consultation. Our panel is here to listen, not to comment. We may ask questions for clarification, but this is usually unnecessary. It will be most beneficial, however, if you have a presentation, focus it on the issues that most concern you.

25

It is important that everyone registered to speak receives a fair share of time. And speakers have already requested their allocated timeframes. I will enforce the timekeeping rules as chair. I reserve the right, however, to allow additional time for the provision of further technical matters. A warning bell will sound one minute before the speaker's allotted time is up and again when it runs out, so please try to stick to these limits if you can. Though we strive to stick to our schedule today, speakers sometimes do not show or decide not to speak. We've already had somebody that's unavailable today and we will make account of that. However, if you know someone who is registered to speak today but will not be attending, could you please let Alana or David know. If you have a copy of your presentation, it would be appreciated if you would provide a copy to the secretariat after you speak.

35

Please note that any information you give us, however, will be made public, so it's your choice. The commission's privacy statement governs our approach to your information. If you would like a copy of our privacy statement, you can obtain that one from the secretariat or again from our website. Firstly, I would also like – well, finally, I would also like to ask everybody to turn your mobile phones off, if you can, so that the speakers can have some clear space. When we do ask speakers to come forward, if you could come here, you're welcome to sit or stand, but speak to the microphone, so that we can record it for the transcript. And if you could speak clearly, because we don't have any amplification. But at that I would like the first speaker to come forward and that's Grant Gjessing. Thanks, Grant.

45

MR G. GJESSING: Good morning, commissioners, ladies and gentlemen. My name is Grant Gjessing. I own a company called Strait Up Cranes & Rigging. I'm the managing director of it. It has been operating in Mudgee since 2009. We support and employ local workers. There is currently 13 staff on my pay roll. We support local sporting events, local charities, very involved in the community, an active member of the RFS and other things locally. The wind farms, I feel, are a great benefit for our community that gives us diversification. And in my business, from our usual things of working in the coal mines with the cranes, it has been very handy. It's regular work, from what I can tell.

There will be constant work afterwards, when it comes to servicing them and maintaining the wind turbines as well. When Crudine Ridge Wind Farm was asked to cease, we were invoicing 33,000 a month. We did forecast and budget in on the continuation of the wind project. With that, we had a forecast of between 60 and \$90,000 a month for us as income coming from the project. We went and purchased an \$880,000 crane, 130 tonner, to help service with the proposed work coming up. We bought the crane. We've managed to steer it in some other work. Beryl Solar Farm, thank God, came online. I've got good clients in Downers. We've sent it out there for quite a bit of work. And I've been trying to get it into the mines as much as possible, to cover the repayments and associated costs with running that large crane.

We expanded our staff by at least another two. We had to get a specific crane operator for that crane, who knew it, from Sydney. He moved up here and came on board, as well as another rigger that was qualified in operating and assisting the crane movements and truck driver. We've struggled a little bit, but managed to do enough to keep it going. Myself and my shareholders would definitely like to see the wind farm go ahead. From what I understand, the main holdup is five hectares of clearing. I'm sure that we can figure out something there to get the road up and running, make it safe for us locals, help the community and get this job up and running. Thank you for your time.

MR DUNCAN: Thank you, Grant. Could I now ask Peter Robb to come forward, please.

MR P. ROBB: Morning, my name is Peter Robb. I live at 1276 Aarons Pass Road. It's approximately 10 kilometres in from the Castlereagh Highway. I'm probably the first permanent resident in that 10 kilometres. I know I'm not supposed to ask you questions, but did you come in through Aarons Pass this morning?

MR DUNCAN: We're going out that way. We're doing the inspection after this.

MR ROBB: Okay. Just so you know where I'm speaking about, that's all.

MR DUNCAN: Thank you.

MR ROBB: A few years ago, there was some major roadworks out on the entrance of Aarons Pass Road, where they actually moved the road and cleared a lot of trees

through there, where there was no protest, to my knowledge. There was a mountain of mulch on the other side of the road there. And because of that, I can't understand why five hectares of trees are so important to the widening of this road. When you go out, you will notice a lot of it is a shared lane, which means there's a tyre track in the middle of the road. So if there's oncoming traffic, you have to move off into the gutter, which in a lot of places is dangerous. As you will notice when you go out, you go past a shearing shed, where the wind turbine side is. As you go up that windy hill, in some places there the gutter would be a metre deep. If you drove a car into that with oncoming traffic, it would do major damage.

Also with the trees on the road, some of them are within a metre of the edge of the road, which is a visibility problem, especially for animals. We've hit goats, wild pigs and numerous kangaroos. My sister has hit two kangaroos just this week and my neighbour did major damage to his car on the Friday on the Aarons Pass Road. Also if the road was widened, there's a lot of recreational people coming up through this road. They go down to Windeyer, the caravan park. They travel through to Hill End. There's a lot of motorbike sort of action around here, a lot of horse trailers, that type of thing, a lot of caravans. And it's just – on long weekends it's just dangerous to be on the road on a weekend. And it would also bring added business to places like Windeyer, which is another small village which could really do with a bit of extra money out this way.

A lot of the road – as you will notice, if you look at aerial shots – is just a single lines of trees that follow the road, which does act like a wildlife corridor, which I've heard it described as before, which is not a great thing to have a wildlife corridor running parallel with a road, which is why we have so many kangaroo strikes. And I have seen one koala – in the 38 years that I've used the road – dead in the middle of the road, which has obviously been hit by a car. I haven't spotted one – I know they're in the area, but I haven't spotted one on the road in that time. Another point I would like to make is some of the families that own the larger properties where the wind turbines are, they're making some money out of it, which is a great thing. It might save them from being subdivided in the future, which will bring more traffic through, and maybe in the future would bring electricity, because there's no electricity along the stretch – the 22 kilometres of Aarons Pass Road.

If they brought electricity through, put the poles through, they will just bring a bulldozer through and clear it. They won't care. And I'm sure they won't have to go before a commission to do that. And sort of to end up, I just don't understand why so many non-locals are so worried about five hectares of trees along that road, when on my property, if I've got hundreds of hectares of trees on there, which will remain there as long as I own the property, but if I wanted to clear some of my fence lines, I could clear 10 times that amount and it's legal to clear – down through fence lines, that is. So I just don't understand why some people from 200 kilometres away are complaining about my road and the safety of my road. And that's pretty much it.

MR DUNCAN: Thank you, Peter.

MR ROBB: Thank you.

MR DUNCAN: Thanks. Could I now ask Vinesa Walker to come forward, please.

5 MS V. WALKER: Thank you for taking the time to hear my submission in support  
of the Crudine Ridge Wind Farm Modification 1. I am Vanessa Walker and I have  
been part of this community my entire life. I am the sixth generation of my family  
born and bred in this region. Furthermore, I'm the managing director and co-owner  
10 of A1 Earthworx Mining and Civil. A1 have been operating in the Mudgee region  
for over 35 years and have been contracted to complete work all over New South  
Wales.

In 1980, the business was founded by my parents, Pat and Vicky Pilley, and was  
known as Pat Pilley Earthmoving. Our business was actually started on the farms  
15 within these hills: my father in his old dozer building dams, farm tracks and,  
ironically, clearing land. A1 Earthworx was engaged by GEZ late last year to assist  
with the construction of the Crudine Ridge Wind Farm through the hire of heavy  
plant and equipment. For the project the scale of the Crudine Ridge Wind Farm, we  
engaged an additional 15 local employees full time and committed to purchasing a  
20 number of machines in excess of \$1.5 million to cater for the increased long-term  
demands of the project. In addition, we have spent a considerable sum in obtaining  
staff medicals and testing, attending inductions and upgrading of equipment in  
compliance with site requirements. We have also engaged the services of a number  
of other local subcontractors in support of our activities to ensure compliance  
25 requirements are met in a timely and seamless manner.

We understand that our circumstances will be common amongst contractors on the  
site, with a number of other local businesses investing heavily to provide support for  
the project who, no doubt, will be placed in difficult positions through no fault of  
30 their own. I could present to you for hours on the economic benefits that this project  
will have on the local community as well as the greater region. However, given that  
this project has already been approved, you already know that.

Whilst I was preparing my submission and calculating exactly how the sudden halt of  
35 work has impacted our business, I was reviewing my notes from the previous  
community meeting held here at the end of last year, and I recalled that the  
presenters were adamant that the project was approved and it was purely the  
modification that was being reviewed. With that being said, I found it very difficult  
to prepare a submission that is so obviously required for the safety of all road users.  
40

So instead of telling you things that are not relevant to the current modification or  
you already know, I'd like to tell you some of the feedback that we have received.  
At the beginning of April this year, A1 Earthworx was engaged by GEZ to perform  
maintenance grading work on Aarons Pass Road. I thought I would share some of  
45 the feedback that we received when we completed the works, through social media  
comments as well as emails sent directly to our business. Would you like me to read  
out the name of the people who sent the messages to us or leave them?

MR DUNCAN: Well, if you wish, or maybe give us the names. Maybe that's the way to proceed.

MS WALKER: Okay. Yes. I can provide them separately. Okay:

5

*Definitely needs the upgrade. Looking forward to it. I must say, the work that has been done makes driving safer, because the trees so close to the road and old stringybark and so many rotten or termitey; wouldn't want one dropping on your as you go past.*

10

*Crudine Ridge Wind Farm, hope it passes and surprised no one has died on that road. This proposal is a win for everyone. Aarons Pass Road has never been more than a windy, narrow track through the bush. Upgrade it and everyone wins.*

15

*Congratulations to the wind farm and their contractors for the absolutely brilliant job they did on Aarons Pass Road. It is the best it has ever been. Mid-Western Council take note.*

20

*Couldn't agree more. Fantastic job done.*

*Crudine Ridge Wind Farm made the road so much safer. Shame people cannot see the true benefits.*

25

*To the manager of AI. You have recently had a crew working on Aarons Pass Road. I would like you to pass on our thanks for a great job. The road has not looked this good for years. They had the extra challenge of dry, dusty conditions. We have not had rain out here for nearly six weeks. If they are working out this way again, they are welcome to leave their machines inside the property. They know the spot. Once again, thanks for a great job.*

30

The upgrades proposed on Aarons Pass Road will benefit the safety of everyone not only during the construction stages, but for many years to come, and we strongly encourage all parties in the planning and execution process to support the approval of this modification. Thank you.

35

MR DUNCAN: Thank you, Vinesa. Can I now ask Karen Duggan to come forward, please.

40

MS K. DUGGAN: Thank you, Mr Chairman. Firstly, to deal with issues of conflict of interest. None of my properties: Avondale, Indigo or Dunvegan are currently or were previously scheduled to host wind turbines, so I have no conflicts to declare. I speak in support of the Crudine Ridge Wind Farm and the proposed improvements to the Aarons Pass Road. My reasons for this support are as follows. First, to deal with the Crudine Ridge Wind Farm. One, visual amenity: the possible problem of loss of visual amenity has been addressed by the progressive reduction in the number of

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wind turbines from 110 to 77 then to 37, a two-thirds decrease from the initial proposal. This has dealt with the problem of visual amenity.

5 Employment: the wind farm will provide direct employment in both the construction and maintenance phases. In addition, the income provided to landholders who host wind turbines will then allow them to employ other local residents to undertaking fencing, weed spraying, animal handling, ploughing, crop-sewing, etcetera, on their properties instead of undertaking the work themselves. In both instances, there is a ripple effect to the local towns and villages, increasing patronage at shops, cafes, 10 restaurants and hotels, which in turn act to increase employment in the larger district and improve the economy. And there are further ripple effects that come from that employment.

15 Health impacts: as a medical practitioner, I'm cognisant of the research into the health effects of wind towers. Both international and Australian research indicate that lack of pecuniary enhancement rather than proximity to the wind tower appears as major determinant for the development of symptoms. In summary, there appear to be no genuine health impacts. Climate change: I have been to Alaska and witnessed the loss of the permanent snow-capping on the Brooks Range which lies above the 20 Arctic Circle.

I have travelled to South Georgia and Antarctica and seen first-hand the retreat of the glaciers on South Georgia and the breaking up of the Antarctic ice shelf, both 25 consequences of global climate change and global warming. Locally, we have just experienced among the hottest summers and hottest autumns on record as well as experiencing the worst drought in 50 years with local cities, Dubbo and Orange, moving to water restrictions while towns further west, such as Walgett, have run out of water.

30 Science is telling us that we have until 2030 to alter our trajectory and significantly reduce carbon emissions to avert irretrievable damage to our planet. Therefore, it is time for Australia to behave as the adult in the room, significantly reduce our carbon footprint so that we can exert moral authority over the larger polluters. Projects such as Crudine Wind Farm are part of the solution, particularly if they connect to storage, 35 such as batteries, pumped hydro or superheated water, and provide the capacity to replace baseload and dispatchable power from carbon-dependent sources.

I turn now to the improvements to the Aarons Pass Road. One, the road condition has been adequately described and you are, I understand, going out there. The road 40 is narrow, winding and poor visibility due to vegetation growth. It's even within a metre of the road. After storms, the road is frequently obstructed by fallen trees or large branches. The road surface has been recently graded, but is usually pot-holed with loose gravel build-up on bends, and requires maintenance more frequently than that carried out by Mid-Western Regional Council. In short, it is hazardous and 45 desperately overdue for upgrade.

Two, vegetation clearance: the proposed clearance is necessary to provide adequate visibility of oncoming vehicles. The five kilometre section closest to the Castlereagh Highway, which has been cleared, allows decent visibility and safety. This is in stark contrast to the succeeding to 12 kilometres of the road, where an oncoming vehicle's dust is frequently not visible until it is less than 200 metres in front. There are numerous examples of greater vegetation clearance by landholders around fence lines than that proposed by CWP Renewables on the road. One example is four to five kilometres from this hall between Pyramul and Windeyer. The fence line clearances have all been undertaken without environmental assessment or provision of offsets. Provision of offsets by CWP mitigates the road clearances.

Endangered species: many of the species identified are not endangered and are present in significant numbers on private land. I have significant amounts of yellow and red box on Avondale and Indigo, but for the identified endangered species propagation and conservation is clearly indicated. I would be happy to have such species in appropriate areas and provide stock protection as indicated to assist with propagation and conservation.

Benefits: an upgraded road improves travel time for local residents to work in Rylstone, Kandos or Ilford. An additional benefit would be the increased opportunity for tourism and climate-independent income, such as farm-stays for landholders with additional dwellings. In summary, there are numerous benefits arising from the wind farm and the upgraded Aarons Pass Road, with few disadvantages, most of which have already been addressed. Thank you.

MR DUNCAN: Thank you, Karen. Could I now as Chontelle Rowland-Jones to come forward, please.

MS C. ROWLAND-JONES: Good morning. CWP ripped the guts out of what remained of this once peaceful and pleasant community and now they seek to rip the guts out of Aarons Pass Road. This modification seeks to destroy thousands of trees and annihilate a relatively untouched and unique eco system. The approval of this project will spell an environmental and ecological disaster. Allowing this is a complete contradiction to what this project is supposedly trying to achieve. How can such environmental devastation with little regard to existing flora and fauna possibly be called green. How is the complete removal of thousands of trees in order to transport materials to site considered a step towards sustainability.

CWP have said themselves, and you will find many locals stating the same argument, we support the project for the fact that the road will be immensely improved. Clearly council are on board as it saves them having to deal with it. But let's not forget that excessive clearing that CWPC goes well beyond what is required to improve standard road safety. And I would like to point out, if the locals were so concerned with road safety, where are the previous complaints to council in the work request forms? Why did they not start a petition to generate interest regarding the dangerous nature of the road that they all speak so passionately about now. You will, in fact,

find residents of APR spoke here at the very first PAC meeting, completely against the project.

5 Funny how things change when a little money is thrown around. There are 10 residents that will be affected by this modification along APR and nine of them now have agreements with CWP. Is it no wonder that their submissions were for the approval? Just like so many others who agreed to the project, they stand to benefit financially. Just another fine example of the backbone of this entire project; greed. CWP make a complete mockery of the general in accordance with provision. That 10 clause, or particular wording, should never have been introduced. CWP seem to think it literally gives them free reign as it's far from definitive.

CWP clearly intend to as they please, and if and when they get pulled up, simply say, 15 "We thought we were generally in accordance with". What an absolute joke. It's a complete insult to all involved, in particular, the department. In order to seek initial approval, CWP consultants clearly water down the tree removal aspect and reported an estimated 55 trees would need to be removed for the turbines to navigate the 20 kilometre section of road. Pity it was an utter and complete lie in order to gain approval. CWP clearly had every intention of removing what they wanted, when 20 they wanted, and if they happened to be pulled up on it they would just happily cop a fine.

This is made abundantly clear by the utter annihilation of hundreds of trees in the first three and a half kilometres once clearing commenced. At a guess, they removed 25 those allocated 55 trees in the first hour. Oops, sorry, compliance officer, I thought I was acting generally in accordance with. What's an extra 250 trees on top of the 55 they were actually approved for. Pity there's another 17 ks and thousands of trees to go. It's a complete farce. And because of that very clause which they've happily used a safety net, they've gone ahead and secured finance, contracts and 30 stakeholders, but now have the hide to express the grave concern at the possibility of substantial financial losses if the project is not approved by the IPC.

We will be financially ruined if you don't approve this project is an unacceptable pitch, yet you will hear it here today several times. This project is meant to be about 35 the environment, yet all you will hear – all we hear is money. It's not our problem CWP jumped the gun and got so cocky, that they put themselves in this financial position. They should have proceeded in the correct manner and not assumed that generally in accordance, nor the department, were going to allow them to continually break the rules. It is completely negligent of CWP to put their hosts and contractors 40 in this precarious position and they must take full responsibility for the potential loss of income and face the consequences of attempting to cut corners, break the rules and not follow conditions of consent. It is completely unacceptable for the PAC to base their decision on the possible financial losses of those involved and I will take this moment to reiterate the following IPC code of conduct:

45

*3.1 Honesty, integrity and public interest. Members must not make decisions or actions motivated by financial benefit, including avoiding financial loss.*

Therefore, some of the arguments you hear today should be dismissed. I could go on about lies, misconceptions, discrepancies, covers up – cover ups, and non-compliance issues all day. But let's touch on an important issue that CWP have managed on more than one occasion to sweep under the carpet; koalas. Let's not  
5 forget koalas are currently listed as a threatened species under both state and federal legislation. Unfortunately, for the poor unsuspecting actual breathing living animal that, in fact, reside on the ridge and along the pass, CWP were unfortunately smart enough to lodge their paperwork two months before koalas were listed as vulnerable under the EPBC Act in April 2012, meaning there was previously a complete  
10 disregard to the fact that they actually exist where the work and extensive clearing is to commence.

However, I now question where koalas stand. Given that this new modification was lodged in 2018. Do we trust that Ms O'Dwyer is correct in saying a referral to the  
15 federal government is not required? I, in fact, think not and I believe this needs to be fully investigated. In documents provided previously, CWPs own ecologist found with a small area – within a small area, that they surveyed 18 pieces of evidence of koala activity, yet in an article published by The Australian last year, CWP project manager, Brendan McEvoy, said:

20 *In obtaining approval, assessments had shown the area was not koala habitat.*

Yet, Ms O'Dwyer references koalas several times in CWPs biodiversity development assessment report. Locals know that there are koalas in the region. Even one turbine  
25 host was overheard saying, "We can't have koalas becoming a problem. I may have to start culling." Road users know there are koalas with one Sydney weekender going as far as insisting the council install the koala signs at both ends of APR after a sighting. Both councils know there are koalas, with both Mid-Western Regional Council and Bathurst hosting koala conversation sessions early last year. They even  
30 went as far as providing the first 25 people to register for the event with 20 free koala feed trees to plant on their properties.

A bit contradictory, don't you think, to then allow a wind company to completely destroy a known habitat? Explain to me again how it's a green project when koalas  
35 are allowed to be killed, maimed and misplaced for the sake of 37 turbines, particularly given the recent headline news, "Koalas now functionally extinct", says Australian Koala Foundation. This made every mainstream news just a few weeks back with the foundation stating that koalas are hanging on for their very survival with the news that the marsupials don't have enough breeding adults to support  
40 another generation. Another article published by the ABC in 2017 reads:

*Arising koala sightings in the New South Wales Central Tablelands is leading to hopes the region could be instrumental in saving the species.*

45 There have been a spate of recent sightings in the region around Bathurst, extending to Cowra, Mudgee and Lithgow. The increase in sightings points to how high – a high elevation haven can help save them. CWP certainly aren't making an attempt to

save them. They are quite content to ignore them. Are you going to allow this to continue to happen, given the blatantly obvious danger our very national icon faces. Are you aware that two neighbouring properties to the project site were preselected for this year's New South Wales Office of Environment and Heritage Koala field survey. Applied Ecology were contracted by the New South Wales Office of Environment and Heritage to undertake koala field studies in the local area.

Koala field surveys were being conducted across priority areas of New South Wales as part of the New South Wales koala strategy. These are two that I know of. I've no doubt there are, in fact, more. So properties within direct vicinity of the project were chosen as areas of priority for a koala survey. How has this been overlooked? This is your opportunity to stop this untrustworthy and reckless company making a mockery of you, making a mockery of the rules and a making a mockery of the Department of Planning. Enough is enough. Before I finish, I would like to request that those directly affected by this project are given the same opportunity to have a private meeting with the IPC as CWP had last week. I believe that's only fair. Thank you.

MR DUNCAN: Thank you, Chontelle. Could I now ask Brenden Cole to come forward, please. Thank you very much.

MR B. COLE: Ladies and gentlemen, I want you to know that I fully support the upgrade of the Aarons Pass Road as proposed by CWP Renewables, and I also fully support the Crudine Ridge Wind Farm project. As a land owner who will get wind farm infrastructure on my property, I am already seeing the benefit of this and am now able to carry out farm improvements, work that is providing employment to the wider community. The Aarons Pass Road was never more than a winding narrow bush road. Rough surface and could be quite dangerous when there is oncoming traffic. I travelled that road a fair bit during the 1990s and early 2000s when I was a rural contractor, and near misses were a regular occurrence just because of the difficulty in passing oncoming traffic.

Rural Australia is covered by roads that need upgrading, and this is a great opportunity to get one done with a benefit to the local and wider community and at no cost to the local council. Locals in the area will have much-improved access from Pyramul to the Castlereagh Highway, and this could also benefit people from further away in passing through to and from Rylstone and Kandos, Lithgow and Mudgee and further. Any road that can be upgraded will benefit the users and improve safety. Much has been said about the threat to koalas because of the upgrade. When all is said and done, the proposal allows for the clearing of less than six hectares of Stringybark trees and less than one hectare of Box gum trees.

This amount of clearing would have no appreciable effect on the native animals in the area. Koalas are at a greater threat from disease in Australia than they ever will be from the upgrade of the Aarons Pass Road. Now, as well, offsets will be provided by CWP Renewables to compensate for what clearing is to be done. Offsets for the Crudine Ridge Wind Farm have already been provided by the purchase of part of the

Glen May property at Sallys Flat. Further offsets will be provided for the clearing on Aarons Pass Road. A lot of the clearing that's to be done is – takes the form of trimming and lopping branches. There are a great deal of overhead branches that can be trimmed to achieve the upgrade needed.

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Not only will this provide the wind farm with access, but it will be a great improvement for stock trucks, emergency services and general road users. The added benefit is that there will be less limbs and trees to blow over the road during windstorms. This was a common occurrence during storms earlier this year. The road upgrade needs to go ahead because of the length of the blades going to the wind farm. Originally, 62-metre blades were proposed, and now 67-metre blades will be used. They're far more efficient. They are more efficient, but they need more room to get there. Careful planning has been done for this proposal. Mapping has been done, and while the upgrade is taking place a walkthrough of the day's completed work will be done at the end of each day and again before the start of work each day.

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This road upgrade must be done to complete the Crudine Ridge Wind Farm. It is an investment in the future. Every road user forever will benefit from this project. Better access, safer travelling. The Aarons Pass Road has needed fixing for a long time. Let's not miss the opportunity. Gentlemen, I've made a PS on the end of my submission that I don't wish to speak publically on. I will leave that for you to look at.

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MR DUNCAN: Thank you.

MR COLE: Thank you.

MR DUNCAN: You've provided that submission to us. Thank you, Brenden. Could I now ask Tim Rowland-Jones to present.

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MR T. ROWLAND-JONES: Good morning, ladies and gentlemen. I'm here today to speak regarding my concerns towards CWP wind farm proposal. This project so far has clearly had a major impact on our community, our surrounding landscape and our rights to which we are entitled to as land owners. Clearly, the viability of this proposal in its current state has to be questioned. This should not be about money, people being out of pocket or any other forms of financial gains or losses. This is about whether or not, once weighed up and assessed, that this project is beneficial for the environment. I have many concerns regarding the proposal, the threat to a known koala colony. Just to note, I have seen koalas on my property.

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The dust from excessive vehicle movements along our road, which wasn't even supposed to be used for this project. The dangers of moving livestock along the road, for which at times is our only way of mustering some mobs of stock to and from yards and paddocks, and as a farmer I'm sure you can understand the importance and the reliability I have towards water and its availability to which I am entitled to. This has already been threatened thanks to CWP taking water from a neighbour's water bore. One of the contributing factors to my family buying our

farm many years ago was the fact that the property had an undergrown bore with reliable water for domestic and stock usage.

5 In 2002, '03 many of our surface dams on our farm went dry during the drought, leaving the bore to provide a reliable water source for many of our sheep and cattle, which it continued to do so until decent rains came. Our property has three houses, gardens and stock watering points that rely on our bore water. In late 2018 when work commenced on the wind farm project water was being extracted from a neighbour's bore. As neighbouring land owners, we were given no notification of this. CWP originally sought approval for only two megalitres of water from New South Wales Water for the duration of the project. Upon obtaining approval, CWP had realised a further 126 megalitres is required to complete the project out of the two bores available, one of these being next door to our family property.

15 If I were able for – if I were able to apply for a licence to extract quantities in the same vicinity as CWP, I would be required to meet separate WaterNSW criteria, and the application would be open for objection before approval. Why does it appear that CWP have not had to meet these same requirements? Why as a neighbouring property owner we were given no opportunity to object? I firmly believe the obtaining of a water licence by CWP needs to be further investigated. This gross miscalculation can only be seen as completely deceptive. Shortly after water was being extracted from our neighbour's bore, low and behold, our bore started to fail. The water table had dropped to a point where it was no longer reliable. This is the first time this had ever happened.

25 Not long after this the local bore from which CWP were obtaining water also began to fail. The bores put around this district many years ago were only meant to service domestic and stock watering purposes. The bore CWP have been using is one of these. Fortunately for us, the project was ordered to stop shortly after this, and the water table soon returned to normal, making our bore water once again reliable. Due to the ongoing drought conditions, I can only imagine what disaster situation we would be in now had CWP continued to try keeping extracting water from this particular bore. As farmers and land owners, we do have rights, one of them being the availability of water beneath our properties for the use of domestic and stock watering purposes, a right which will be stripped away if CWP are allowed to continue the industrial and commercial use of the water – local water supply.

40 If I applied for water extraction from my bore for the use of commercial purposes, well, I think we all know what the answer would be. I'm not against renewable energy and trying to find a cleaner greener alternative. However, at the expense of potentially ruining other critical industries, livelihoods and, not to mention, the environment, there has to be a question mark put at the top of this proposal. Without water there is no farm. Without farms there is no food or fibre.

45 MR DUNCAN: Thank you, Tim. Could I now ask Max Price to come forward, please.

MR M. PRICE: Maxwell Price, and I am in favour of an improvement to Aarons Pass Road but not clearing from boundary fence to boundary fence, which CWP started to do out at the beginning of Aarons Pass Road. Some think six metres is wide enough, but I – for a minimum, but I think that is not enough for safety on a road that is getting used much more these days. In doing the clearing of trees, I think it would be more effective to push the trees completely out and not cut them with a chainsaw. They will reshoot and not make the road any wider. CWP did the wrong thing in going ahead putting roads, etcetera, in the project side before doing the improvements to Aarons Pass Road. This caused them to be stopped from doing any further work.

In saying this, I'm not happy with them bringing long, heavy loads in on the Pyramul Sallys Flat Road when they were stopped, taking these heavy Pyramul Sallys Flat Road. I presume if they get approval to go ahead again they will do the same thing. Therefore, I think CWP should maintain all the roads they use in constructing the wind farm, not just Aarons Pass. While CWP was here doing the construction before they were using the Pyramul Sallys Flat Road, carting water from Pyramul to Sallys Flat construction site, which seemed very poor management. The government is spending huge amounts of money on wind farms and solar farm, but I think they would be better off building clean coal fired power stations with a much more reliable power supply.

Overseas countries are building huge numbers of coal fired power station, but Australia is too stupid to build one. Australia will never sold the world's pollution on its own. The greenies are taking Australia over with their protests, etcetera, not wanting any dams or coal fired power stations. When they have blackouts, and no water to drink they may think differently. CWP cannot be blamed for all the dust in the district. Those of us that have lived in the bush all our lives are used to the dust, and it is a hazard of living in the bush. Thank you.

MR DUNCAN: Thank you, Maxwell. Could I now ask Ralph Price to come forward, please.

MR R. PRICE: Good morning. There are issues of concern brought up in the modifications, and some of them not related to Aarons Pass Road upgrade. We would all like to see Aarons Pass in better – Aarons Pass Road in better condition with all water road tarred surface. But it is unnecessary to clear the whole road reserved, as CWP has done in the past. In approximately six minimum width – minimum width of the road set at six metres, with laybys at one kilometre for traffic blocked by CWP. No maximum width is specified. As a car parking space is 2.5 metres wide, a six metre road used for oversized traffic traveling in one direction seems adequate.

Traditionally, two way roads were ..... normally seven metres wide. A maximum of seven metres maximum width when used one way for one way road for CWP oversized traffic should be set for this road in order to preserve the endangered ecological community either side, CWP requires only 112 oversized traffic

5 movements on which they will sacrifice 22 kilometres of roadside woodlands, Crown road verges and stock routes, as often only area where habitat is preserved. The bio offsets. A credit might look good on paper, but it's a threatened species, animal, birds and flora are not already inhabiting those offsets, what will make you think they will thrive in the future?

10 As to reforestation of the pasture where woodlands are not continuous, and appreciation regrowth may take up to 50 years in this area, as high, dry and subject to extreme temperatures, unlike coastal areas. Unlike regular attenders, any stock ..... or relocated flora will die. It will be too late. And too bad for the koalas, the black cockatoos, the pink ..... and purple pears, etcetera. White Box, Yellow Box, Blakely Red Gum, Woodlands, it's only three per cent of its original range, which cannot afford to sacrifice any more. Do the area of clearing indicated that's already cleared. And what independent body will monitor CWPs clearing forest? Each turning circle  
15 clearance should be considered on a one off basis. 60 metres and 400 metres turning in – at – appears excessive. Not only road width but also the sweep of the wide loads across the verge may minimise to prevent endangered – endangered woodlands.

20 In table 4, 35 dBA is considered acceptable inside non-associated residents. This should read 25 dB. Acoustic reports on their abundant background noise levels were flawed even at the latest DEP report that had disclaimer that the equipment used did not monitor noise below 20 dB. At most levels at night, on farms, 15 – on farms are 15 dB, but it was not recorded. dB should be used, rather than dBA, which is only registered average range experience by human and not intra and ultra sound ranges  
25 which are nuisance noise reported from windfarms. What independent body will monitor CWP noise generation and what will be done about it?

30 It is not clear, if it becomes unbearable to live close to the CWP wind towers, exactly what the buyback offer is. If the buyback is only for the residence and curtilage it will not be enough. Farmers need to live on the farm, close to their animals, and not commute an hour from their farm, to run it responsible. If CWP is buying out associated residence, CWP – CWP need to buy the whole agribusiness, residence, pasture, shedding, and total land package. 16 water supplies to the windfarm .....  
35 depleted the water table and bores within the surrounding agriculture community. CWP must adjust the scale of the development by providing an all-weather tarred surface necessary for watering unsealed roads to combat dust generation, which would be reduced.

40 Especially in the current drought, which – which what independent body will monitor CWP water usage from local bores? Decommission of the wind turbines, clause 43 and 44, it is unclear who is responsible for removing decommissioned wind turbines. Is the CPW, the operator, or the landowner, and at whose expense? Is there an insurance policy in place to cover this and site rehabilitation. There was  
45 an old English nursery rhyme from about 1764 that is still relevant:

*They hung the man and flogged the woman. They steal the goose from off the common, but let the greater villain loose, then steal the common from the*

*goose. The law depends that we are alone. What will take things we do not own, but what leaves the lord and ladies fine. Who takes things that are yours and mine?*

5 Please do not blindly pass these modifications when we lose much of the amenities  
of our land and further generations' enjoyment of the threatened habitat and common  
land with adequate safeguards we impose. We will gain nothing from this  
development and we will have to live with your decision. Yes. Oversize and  
probably overweight loads travel up Sallys Flat Road and there was nothing done to  
10 the road. All the tracks were travelling along the road working on the windfarms and  
they never watered the road at all. Poor management, easy to see it's a CWP-run  
project. When told to leave the site, the - - -

15 MR DUNCAN: We need to wrap soon.

MR R. PRICE: Yes. Okay. When oversized loads – when they were told to leave,  
the oversized and probably overweight loads come back down Sallys Flat Road.  
Instead of wasting the taxpayer's money on renewables, put it into a new technology  
power station and have a reliable power source. Thank you.

20 MR DUNCAN: Thank you. I would now like to call on Owain Rowland-Jones,  
please.

MR O. ROWLAND-JONES: Good morning. My name is Owain Rowland-Jones. I  
25 represent the Crudine Region Environment Protection Group. After a professional  
life of 40 years in mathematics, I deal in logic, proof, analysis, leaving emotion  
aside. This modification for the Crudine Ridge Wind Farm has two parts: the  
reduction in turbine numbers and the Aarons Pass Road upgrade. The DP report  
maintains that issues relating to the original PAC approved project should not be  
30 given consideration. On the basis of this, the DPEs own referring to the benefits to  
the approved project, project viability, large financial benefits to local and extended  
community, 55,000 homes to be powered, greenhouse gas savings have, by logic,  
also to be dismissed from this IPC assessment. Consequently, only these two issues,  
that is turbine numbers and APR upgrade, can be considered as a total standalone  
35 issue. I will deal with APR only, that is Aarons Pass Road.

Up till now, things have been a bit gloomy. Let me please lighten it with a very short  
fairy story. Once upon a time, there was a poor, old, neglected road. It was long,  
steep in parts and winding for much of it. It ran on a high ridge with lots and lots and  
40 lots of trees all along the sides and a lot of it passed through old forest, where the  
traveller felt he was going through a tunnel. This road snaked around through a few  
places that almost nobody ever heard of and had stayed that way for almost 100  
years. Not many people lived along the road. And the local council rarely spent  
much time or money to give it a proper and decent light. One day a company, which  
45 belonged to an overseas investor, came along to the few people living around the  
road and to the council also and said they would do up the road to make it safe. A

number of these people living around the poor old road couldn't care less, but a few were concerned it would not be properly done.

5 The council agreed to the plan, because they wouldn't have to fix the road and they would save lots of money, and also because the company promised them lots of money every year for the next 25 years. The poor old road was happy now. He was better than all the other roads. I'm sorry. I've gone out of sequence. So plans were drawn up to cut down about 100 trees and do some other small things to hopefully make the road safe for everyone. However, a few people nearby were suspicious of  
10 this arrangement and most people on the council said "it's okay". Nothing much happened for a few years. The local people heard bits and pieces, but really didn't know much of what was going on behind the scenes. Then one day the developer turned up and stared cutting down many more trees than had been agreed upon. These trees and scrub and grass were all along the sides of the poor, old, tired road.

15 This wasn't in the original plan. A few people who loved the forest that the road passed through were upset, because the developer wasn't doing what was agreed upon. They complained, because they knew he might do the same for the remainder of the road. And the developer very reluctantly stopped after about a week. This is  
20 because he needed to think about what he might do next to continue his plan. Everyone, including those who were suspicious of the developer's real motive, agreed the poor old road needed to have work done on it, to make it really safe, but really it was always the council's responsibility to look after it. But they had stars in their eyes, thinking that they were getting something for nothing. They should have  
25 known hardly anyone gets something for nothing. At the same time, the developer was doing these things nearby that he wasn't supposed to be doing yet.

His workers kept travelling along the poor old road, making it even more tired and worn out. Someone found out about the developer doing the things he shouldn't  
30 have yet and he was forced to stop and pay a fine for being naughty, because his workers who drove along the road for months – they possibly made it less safe. The developer fixed the road up, leaving the rest of the trees beside the road and the forest parts it went through. Now it was safe, except for maybe a few trees and some corners. The poor old road was happy now. He was better than all the other roads in  
35 the district and they were jealous. They wished the council had made them feel better too. He was worried a bit, though, in case someone changed their mind and let the developer have this way. But he was really happy. He continued to talk to his friends that he had for a long time, the birds, the koalas, the lizards and, best of all, the trees.

40 All stories have got a moral and this has got two: (1) beware of Greeks bearing gifts; and (2) don't judge a book by what's written inside or its pretty cover. Commissioners, the story I've just related to you is no fairy story. It is a simplistic outline of the controversial and complex issues that you are facing in this  
45 determination. The lack of transparency, backdoor approvals and get out of jail cards that seem to be available for many developments certainly leave the possibility for exploitation. The PAC determination 216 used the report from ..... for transporting

of blades assessed up to 63 metres along Aarons Pass Road. The blades will now be four metres long, a fact disguised at every opportunity by the department. This report was detailed for the Aarons Pass Upgrade by description, photos, text and tabulation.

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It was definitive, work needing some fine tuning to be done at the appropriate time in concert with Mid-West Council. The developer, the Mid-West Council and the department must have been satisfied that it met their requirements for the overside transport and that was then embedded in the consent conditions. Aarons Pass Road has been left in a state of neglect for some years on the promise that someone else is going to deal with it and foot the bill. Complaints of potential safety concerns from the public were – depending on degree – totally valid. However, if Aarons Pass Road was considered unsafe prior to the recent upgrading, that is in April/May, just recently, then Mid-West Council was not ensuring its duty of care to all road users of it and should have closed it until it was brought into a minimum standard.

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Aarons Pass Road is no different to most of the unsealed roads in this district, in terms of bends, crests, water crossings. It has been attended to and would be considered in far better condition than most of the others at the moment, to the point that it has now become overkill and can only be purely and exclusively for this developer's benefit. Aarons Pass Road is just more isolated, due to its length and old-growth timber beside and around it. The issue of safety – except for some minor work – is no longer an issue. It is capable of handling heavy vehicles, possibly up to small double Bs, assuming prelimming and canopy pruning is done where necessary, and any other minor adjustments. The department claims the extra four metre blades are not an issue or the reason why this vastly increased work along the road is required. This being the case, why the large increase in tree and roadside vegetation clearance.

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Most people have little concept of area size, especially when it entails hectares. If Mid-West Council is that concerned about roadside trees and vegetation, are they wanting to carry out themselves something similar along Pyramul Road, Sallys Flat Road or the other outlying roads? I think not. In December 2016, about six months after the PAC approval, the developer took the unilateral decision to change the approved project and reduce the 77 turbines to around 38. This has resulted in different wind turbine generators and hence the blade size. This was a financial risk that he must surely have contemplated. The DP imply in their report that the project will not be viable financially if the modification is not approved. That is not the concern of a DPE, nor should it be for you, the IPC commissioners. That's purely the concern of a developer and no one else.

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This modification standing apart from the project in its own right has got no positives or negatives. There will be no additional workforce that's needed. There's no extra money that's going into the local economy. All this is already built in and accounted for in the PAC approval three years ago. However, the negatives certainly stack up: a huge amount of unnecessary vegetation clearing; the breakup of fauna and avian habitat and corridors; and what is generally overlooked, the uniqueness of this

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5 remaining almost forgotten part of the state. Whatever positives the developer may offer can only pale into insignificance and be far outweighed by the negatives. I listed earlier when any positives are solidly outweighed by the negatives that there can be no merit in approving applications such as this. I intend expanding this argument with documented reference material in my written submissions. Thank you.

10 MR DUNCAN: Thank you, Owain. Could I ask now Andrew Hundy to come forward, please.

15 MR A. HUNDY: Good morning to all. Throughout the process of consent for the Crudine Ridge Development, there have been many red flags for us, too many to mention here. It started with a 50 dBA night-time noise monitoring at our house when nobody was in residence. Then upon complaint to the DPE regarding this, an independent acoustician was engaged to retest our environment. When the report was being tabled, a DPE staff member requested to see it along with the developer prior to its final draft so both he and CWP could make changes to better suit the developer. When the PAC was informed of this collusion, it was not only swept under the carpet, it was buried under the floorboards with a shonky redisplay of reports on the PAC website with no forthcoming explanation to this day.

25 Aarons Pass Road had a clear and concise approval document to show precisely the timber that was to be cleared. CWP and their contractors ignored this document and proceeded with wholesale clearing on both sides of the road until stopped. I'm good enough to know that three kilometres on one side equals six kilometres on both sides and to achieve an area of 0.366 hectares that the DPE and CWP claim to have cleared would mean just 60 centimetres on both sides of the road has been cleared which makes a mockery of the system.

30 Upon questioning this error with the DPE, they continually ignored requests on how this figure was achieved and ultimately were told that no further discussion was – on this topic was to be had. Fantastic transparency. As with original dBA – 50 dBA noise report, the cleared area was calculated by a contractor employed by CWP. How is it possible that the DPE is happy to take CWPs and their employed consultant's word for the level of clearing and associated non-compliances? It would seem that the DPE makes no effort to evaluate non-compliances by developers unless they are pointed out by the public, and, even then, the DPE will take the word of the developer's own contracted employees when assessing said breaches. This system makes it extremely easy for CWP to arrive at their preferred outcome.

40 The Opal Tower at Homebush is potentially another example of a developer with no checks and balances in place doing whatever it wants. The vast majority of people who are in favour of this road upgrade and project are in favour due to one form or another of financial gain. I feel sorry for them in that point because CWP have effectively used them as their pawns. I would believe that very few, if any, have read the environmental assessment or the consent conditions involved with this project,

and it leads me to a submission of – to this modification from a Sallys Flat resident that could not even put their name to their view. They state:

5                   *Why are these people against it? They –*

wind farm opposers –

10                   *have done all they can to make it difficult for Crudine Ridge Wind Farm and  
the Aarons Pass upgrade while alienating themselves from this community.*

15                   To this, I say, “What community?” When I mentioned my health concerns with this  
project, I was told by an involved landholder that he would rather drive a Mercedes  
than ride a pushbike. When involved in this project, it – when people involved in  
this project made it abundantly clear that their financial gain was much, much more  
20                   important than the health and welfare of my family, I made a conscious decision to  
only engage with those people on a need-to basis. I have long lists of post – of both  
pre and post-Crudine Ridge Wind Farm actions where community members have  
acted in a manner contrary to that of a respectful caring community, with one  
individual attempting to intimidate my wife and I while passing in a vehicle. How  
25                   dare I try to protect my family at the expense of their bank accounts.

30                   The World Health Organisation, along with Branko Zajamsek at Flinders University  
in South Australia, have released studies on the effects of wind farm noise and  
vibration on brainwave activity and cardiovascular sleep. It is detrimental to a great  
25                   number of people who are subjected to it. When you take into account the mistruths  
and deception by CWP and the lack of transparency and the collusion displayed by  
the DPE, is it any wonder that I have little faith in any information produced from  
either and absolutely no faith in this government department making any effort to  
protect my family?

35                   CWP claims it made a mistake, out by over 400 per cent on the amount of vegetation  
clearing on Aarons Past Road. A mistake? What else are their valuations out on and  
by how much? Because the DPE isn’t about to question it. Someone should be  
holding developers like CWP to account; however, when money is involved and  
greed overwhelms the process and the guidelines. CWP has done this before, yet  
35                   their intention this time was to go as far as they could and then use that to – as  
pressure for the approval of the modification. So that a person who produced that  
submission or any others that question my motives, ask yourselves: is someone  
else’s financial gain more important than the welfare of your family?

40                   MR DUNCAN: Thank you, Andrew. The next speaker. I’ve got Owain. You’re  
speaking now on your own behalf; is that correct? Previously, it was the  
Environmental Protection Group.

45                   MR O. ROWLAND-JONES: Good morning again. My name is Owain Rowland-  
Jones, and I represent myself on this occasion. I wish to raise the issue of a 77  
turbine reduction down to 37. There are two possible points to consider to reject this

item, as it has been embedded in this application as a non-event designed to distract and intended for the developer to gain brownie points. (1) The then Federal Minister Frydenberg has already approved a 37-turbine project in April 2017 under the EPBC Act, conditioning that no more than 37 could ever be built on the site. This provides the certainty that Mr Mounsey talks about in his modification application. The issue of reduction is therefore unnecessary, and Mr Mounsey is being disingenuous using this as a distraction to the main major problem that he really faces, namely, Aarons Pass Road.

10 (2) Mr Mounsey unilaterally decided to alter the 77 to 37. No one else seems to have formed him to. This is evidenced at a meeting held in Bathurst in December 2016, at which he presented a plan to then Minister Frydenberg to alter the project down to 38, all with the same power output. This information was obtained under the Freedom of Information about September 2017 six months after the federal approval.

15 (3) I refer you to the PAC report 2016 on page 76.1, which indicates the developer's response to the possible removal of eight high visible impacting turbines which the department recommended to be removed. Mr Mounsey claimed that the eight had to remove – remain. Otherwise, the project would not be viable.

20 Both the DPE and the PAC agreed with this. The developer has, obviously, convinced the PAC that there were no options, and there appear to have been – and appears to have offered none. In effect, he had to have these eight and, therefore, all 77, or else the project would fall over. He has, obviously, convinced the PAC. They allowed him to retain these eight offending turbines, with acquisition rights given to the six residents affected. Even with the model now selected, that is, a GE 3.6 –

25 were not available then, but it appears it may have been – the developer could have overcome the removal of these eight, replacing them with some lower powered ones, say, at 1.5 in his project, with the higher power ones, say, the 3.4s, to ensure viability with still a total output of 135 megawatt. He could have made adjustments and kept

30 viability. He did not.

As a consequence, it can only be adduced that Mr Mounsey has provided false or misleading information before the PAC, yet six months later he offers a completely different plan to the Federal Environment Minister for his determination, a plan that eventually ends up having 40 turbines less, 20 locations, including the eight that he had to have, which can never have a turbine built on them and thereby creating two distinct clusters with an approximate seven kilometre gap between them and considered as his best wind resource location on the project site. Whether there is any viability with this I do not know, but there certainly is variability and lots of it.

40 So here we have a developer rewriting the rules to suit himself as he goes along but using false and misleading information to achieve his goals. Providing false and misleading information is an offence under the New South Wales EPA Act and the Crimes Act of 1900 and carries penalties. This matter and numerous others

45 involving false and misleading information have been referred to the DPE and up to ministerial level, including a letter to the former planning minister that he had an Augean stable within his department that needed cleaning out. A search using GIPA

has revealed no internal investigations appear to have ever been carried out to the allegations I've raised.

5 I believe you have a responsibility as commissioners to refer these issues to the appropriate authority, as failing to do so can only continue to degenerate the integrity of the New South Wales planning process. The bias shown by the department to this developer can only indicate an unhealthy relationship between the department and the developer or, at the very minimum, a work culture that simply wants to tick all the boxes to fast track project applications. Commissioners, there is much that is  
10 wrong in the manner in which this project has been handled by the developer and the department. As I said earlier, it has either been ignored or responded to dismissively.

There is little doubt that only a truly independent inquiry can establish the inconsistencies of this project. We hold all verifiable documentation to reinforce our  
15 claims. Just as you hold meetings with the developer and the department, we urge you in our own rights for fairness to be shown to us to hold a meeting with representatives of our community. At such a meeting we would be able to provide the evidence of our claims. To deny us this right, especially in the light of these allegations, is to deny us a fair hearing, thereby nullifying the IPC the opportunity to  
20 ensure every avenue in this modification is properly assessed, enabling you to achieve the correct decision.

Three years ago I stood in this hall. I completed by address to the PAC with a quotation of the Roman poet Juvenal written 2000 years ago, "But who will guard the guards?" I ask you: how many layers of guards does this community need to  
25 have? Thank you for your attention.

MR DUNCAN: Thank you, Owain. Now, Judith Roland-Jones was due to speak today and has – he's not available. She has asked if Penny Hundy can speak a little  
30 extra in her presentation. So Penny Hundy, please.

MS P. HUNDY: Good morning. My name is Penny Hundy, and I live with my husband and three children on our family property adjoining the project site. I will start by stating that we all expect this IPC committee to act in an unbiased and ethical  
35 manner. I say this as an important issue which I raised at the last Crudine Ridge Wind Farm PAC meeting in 2016 resulted in the PAC not addressing the issue but, rather, replacing a PDF document with a very shonky scanned document where one page was even scanned upside down to the PAC website in order to remove an issue rather than dealing with it appropriately. This issue raised later became the centre of  
40 the court case, where far greater ethical issues regarding the relationship between a DPE staff member and CWP was exposed.

I can provide further detail, should they be required. I therefore expect your actions when assessing this modification to be completely independent of both the DPE and  
45 CWP. I think it is important to remember that the key aspect of Crudine Ridge Wind Farm Mod 1 has nothing to do with making Aarons Pass Road safer. Clearly, Aarons Pass Road requires upgrading, as do many other unsealed rural roads. Obviously,

some tree removal is required for this to be achieved. However, there is a distinct contrast between the vegetation removal required to upgrade the road for safe local traffic use and that required to transport a 75-metre length truck and load.

5 The remainder of my speech was completely rewritten yesterday after I was made aware of a transcript from a meeting between CWP and the IPC from last week. There were too many inconsistencies to the truth presented to the IPC during that meeting that I felt the need to clarify these with members of the IPC. Mr Mounsey, page 6, line 25. Quote:

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*An area of approximately 3.6 hectares had been cleared over the course of the first three kilometres or thereabouts, and that started to raise the concerns of the community, and those concerns were brought to the attention of the Department of Planning and Environment's compliance team.*

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Firstly, we have been told 0.366 hectares had been cleared, not 3.6 hectares. I queried how this figure was calculated. Mr Young from the DPE instructed me that CWP had assessed the cleared area themselves. Astonished that the DPE would allow the developer, who had potentially breached clearing conditions, to calculate the cleared area, I asked why the DP compliance team had not surveyed the area independent of the developer. Mr Young responded that they don't have anyone within the department to do it. Are you serious?

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I have since asked the DPE to provide me with details on how this figure was calculated. I'm yet to receive these details. Not exactly demonstration of transparency. Please provide the calculations used in your response to this submission. Secondly, does it sit right with IPC committee members that it was the community who realised clearing was outside the conditions and not the developer? That the developer did not self-assess during the process.

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That they did not consult the consent conditions when clearing the vegetation. That they effectively got their foot in the door with the approval and then did what they liked, completely disregarding any constraints. If not prompted, would they have stopped before all 20 kilometres was cleared? I think we all know the answer to that. Mr Mounsey, page 6, line 35. Here Ed talks about, quote:

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*Interpretations around some of the language in the consent, such as generally in accordance with provisions versus fixed limits that are in the consent.*

40 End quote. Terms of consent condition 2 clearly states:

*The applicant shall carry out the development: (a) generally in accordance with the EA; and (b) in accordance with the condition of this consent.*

45 Condition 3 directly below clearly states:

*However, the condition of this consent shall prevail to the extent of any consistency.*

5 This is my first wind farm I have had dealings with and I can easily work out from  
the terms of consent that appendix 6 included in the consent condition trumps  
generally in accordance with. Apart from that, given a vegetation clearing limit of  
six trees for the first kilometres – three kilometres and clearing undertaken was  
approximately 297 trees, can this seriously pass the test of generally in accordance  
with? This may be my first wind farm, but it is certainly now CWP's first farm.  
10 Surely this company is familiar with reading consent conditions. Playing dumb is  
not acceptable. Mr Mounsey, page 6, line 40, quote:

15 *We had again, through our negotiations and dealings with Mid-Western  
Regional Council, agreed a scope of works whereby we could concurrently  
upgrade Aarons Pass Road and commence with construction activity on the  
wind farm site.*

20 End quote. This is in relation to the non-compliance CWP received for ignoring  
consent condition number 28. CWP are clearly not equipped to be in charge of  
building state significant projects. If they honestly think local government councils  
can override their obligation to state government conditions. What competence can  
the IPC have in CWP? Mr Mounsey, page 9, line 5, quote:

25 *The environmental impact statement at large, assessed an impact of 104  
hectares of impact for which we were offsetting, and there wasn't a clear  
allocation, if you like, of where the impacts would be. It was, again, we were  
operating under the general in accordance with provisions.*

30 End quote. Firstly, 104 hectares is actually 105 hectares and was for a 77 turbine  
project, which did not gain final approval. See page 5 of the assessment report. This  
figure does not apply to the 37 turbine project. This is, once again, misleading.  
Secondly, quote:

35 *Wasn't a clear allocation.*

End quote. Yes there was. It is in both the Downer report and appendix 6 of the  
consent conditions. A figure of 1.56 hectares was Aaron Pass Road upgrade  
allocation. This dishonesty, or stupidity, is astounding. Mr Mounsey, page 8, line  
35. In relation to stop work on Aarons Pass Road upgrading, Mr Mounsey quotes:

40 *Something which has led us to a pretty significant financial consequence to  
ourselves and I think the number of – numbers mentioned here of around 22  
million of cost and up to kind of 294 day delay.*

45 he investments, contracts, financial loss and delays can only be attributed to CWP  
disregarding the consent conditions of which the approval was based upon. A key  
point is no one, no individual, no government department is stopping CWP from

building the project in which approval was given. The issue is CWP is asking for more. Over 400 per cent more vegetation removal along Aarons Pass Road and more EPBC species to be impacted. It was incredible how regularly financial loss and the financial impact of not proceeding with the project would have on the company and investors was mentioned throughout the meeting. Almost trying to guilt the IPC into an approval. Financial loss is not an issue for the IPC committee to use in its assessment of this modification. As per the IPC code of conduct, section 3.1:

10 *Honesty, integrity, and public interest. Members must not make decisions or actions motivated by financial benefit, including avoiding financial loss.*

In my opinion, it was unethical for CWP to apply such pressure on the IPC. Please keep in mind much of CWPs financial outlay has occurred due to the level of construction already completed on-site, something they incurred in noncompliance for. CWPs financial pressures are an internal business issues, just as they are for any other business that needs to balance their books and operate at – operate within regulation constraints. I noticed an assessment tool called BDAR was mentioned throughout the meeting by the environmental representatives. Stating calculations such as BDAR and listing different conservation methods to clear the vegetation is all good and well, but what really matters at the end of the day is how much vegetation will be cleared. How many EPBC listed species will be compromised? I note that Ms Abbey stated, quote:

25 *So we've probably overstated the amount of the clearing, to an extent.*

Given 1.56 hectares which was originally approved for upgrading Aarons Pass Road, and with the MOD1 requesting a further 5.05 hectares for the entire 20 kilometre length of Aarons Pass Road, if clearing continues in the same manner as it did for the first three kilometres and the cleared area is surveyed independently and accurately I doubt this can be achieved. I also note during the meeting there were some discussions about permanent versus temporary vegetation removal. As Ms O'Dwyer stated on page 15, line 35:

35 *We don't know how much pruning an individual can tolerate and whether it's going to cause death in the future.*

This, coupled with the fact that the turbines are to be removed along the same road, results in all vegetation removal to be considered permanent. Mr Millar, page 15, line 30:

40 *The clearing which has been done so far – and we're back out on site eight months later – it's really suckering back up again now, as well.*

45 This is very misleading, as the suckering regrowth from the ..... has since been sprayed with herbicide and killed. This was not the picture painted to IPC last week. My final point from the meeting: when discussing the reasons why the clearing

requirements for Aarons Pass Road had increased Mr Mounsey, page 19, line 40, quote:

5 *And it's primarily because of the increase in blade length.*

Given this admission and the fact that this company, quote:

10 *View ourselves as holding ourselves to the highest possible standards of community engagement and, you know, compliance with planning and codes of conduct.*

Then why would CWP not act honestly and appropriately by applying to the DPE for a modification when the blade length was first increased? Why not go through the front door with honesty and integrity and volunteer to do the right thing instead of  
15 being caught out and forced? Considering CWPs chequered history in not following project consent conditions, can IPC really trust CWP to do the right thing in the future? Clearly, what they say they will do and what they actually do can be two very different things. There is far more material to cover in relation to this modification. Whilst I appreciate my right to continue lodging submissions –  
20 supplementary submissions up until next Tuesday, I do believe it would benefit IPC committee members enormously to meeting further with local residents. Thank you.

MR DUNCAN: Thank you, Penny. Now, could I ask the final speaker, Sue Lane, please, to come.

25 MS S. LANE: Good morning. My name is Sue Lane and I represent my father here today, Ed Hundy. We're a family that have lived here for 90 years. We're also a family that said no to CWP Renewables' money in 2012. We did not want to be involved in this project and we did not want to live next to it. I also run a Facebook  
30 called No Wind Farms Near Homes. I noted that Mr Mounsey stated that they have no negative comments on their Facebook page. I hope you do know that, as a manager of a Facebook page, you can delete and block people who have negative comments. So the fact that there's no negative comments there means nothing at all.

35 Please note, on their Facebook page, that the photos that they have recently put there are not of the cleared end. We – we reject this modification and this project in its entirety. We were told to take emotion out of this, whilst ..... I love this land I love my home, and CWP Renewables and the DPE have underestimated the passion we have for our home and the love of our land. They have underestimated the people  
40 they were putting this on top of. I am disappointed to see that there is only two of you here today. It gives me the impression, sir, that you are not going to take our concerns – give our concerns the just and lawful considerations that they are due.

45 Sir, we know what we have. Unlike last time, where we believed in the process, we believed that what we brought to the table would be investigated fully, but it turned out that the previous pack couldn't be bothered addressing any of the issues we had. So this time, sir, to ensure your independence and your due diligence I'm making

you aware that I've consulted with the barrister Bruce Burke, who is the barrister who was involved in the Jeff Parnell case, and he has significant insight into how the DPE operates with the company CWP Renewables. Mr Burke will be overseeing this assessment process for us. So, gentlemen, I suggest to you that you are  
5 exceptionally independent of the Department of Planning and Mike Young.

And this company is not transparent. You do not want your good name sullied in this process. We are outnumbered here, sir, and we are most certainly the underdogs, but we have done nothing wrong other than protect our homes, our health, and our  
10 way of life. We have held CWP Renewables to the consent conditions. Firstly ..... the modification of the drop in turbine numbers. This is a PR stunt for the local press. CWP Renewables got their 77 turbines from the state government in 2016, but final consent was given by the federal government in 2017, and CWP Renewables only got 37 turbines.

15 In fact, it wasn't the federal government that dropped them to 37, it was CWP Renewables who dropped the number because they got a fright. When I got Josh Frydenberg out to our property, they thought they were going to end up with nothing. So to all the host landowners who didn't get money for turbines, CWP Renewables  
20 threw you under the bus, and I have that information from documents we obtained from the Freedom of Information.

I would also like the host landholders to know that whilst fighting to get these off our home, these people didn't throw you under the bus, they asked for this area to be  
25 protected because of all the threatened and endangered and critically endangered species out there and they asked for money for you. They desperately didn't want to live next to it, but, unlike CWP Renewables, they didn't throw you under the bus. Your treatment of these people in the Department of Planning meeting in December last year was appalling. This modification for the drop in turbine number could have  
30 been done in an office in Sydney.

Sir, CWP Renewables is a company that lies. They are not transparent. And I will outline today their underhanded attempts to get this project across the line and make no mistake that DPE is right there with them. CWP Renewable's Mr McAvoy stated  
35 in The Australian newspaper in August last year, when we had a story about the tree clearing on Aarons Pass Road, he stated it wasn't a koala habitat. Their own ecologist found 18 pieces of evidence of koala activity in the small area that they surveyed, so it is a koala habitat and it's documented on the National Parks website. Mr McAvoy has trouble telling the truth to the press, and I have many examples of  
40 that.

Sallys Flat Road: in the CCC meetings, CWP Renewables' Mark Branson lied. They told us that they wouldn't use Sallys Flat Road. He stated, when directly asked whether they would be using that road, he said no. Well, sir, he lied, because it was  
45 their main thoroughfare: truck after truck, vehicle after vehicle. And let me assure you, sir, the dust was horrific. Out shed – our shearing shed is 100 metres back from Sallys Flat dirt road. We rang CWP Renewable's complaints line. We informed

5 them of the use of the road, multiple vehicles using it, and they were traveling at ridiculous speeds. I was working in the sheering shed at that time. The dust billowed in the doors. It was continuous. We were breathing it in. It was in our eyes. The grit in the teeth, and you could taste the dirt. Not the mention of it landing on our roofs and washing into the drinking water.

10 There was a host landowner who stood up in the Department of Planning meeting on the 12<sup>th</sup> of December last year and stated, “There were roadworks done on Crudine Road and we didn’t complain about the dust.” CWP Renewables are bullies. We make a complaint and then they tell host landowners and then that host landowner tries to intimidate us in the DPE meeting. Yes, we complained about the dust. It was all over our wool. Dad’s an asthmatic. He couldn’t breathe. He went up to the house to use his nebuliser. I went to check on him and there’s my 78 year old father dragging sheets and towels out of the linen cupboard to cover his wool, his income, 15 his livelihood. CWP Renewables didn’t give a damn about him and his income. They did nothing and continued to use Sallys Flat Road up until they got a noncompliance or the commencement of major works and work stopped.

20 Yes, we complained about the dust. And the man who stood up in that DPE meeting has conveniently forgotten that he doesn’t live on Crudine Road. He lives on a tarred, sealed road away from the construction site. CWP Renewables sent out a letter to the community telling them to voice loudly their wishes so that they call for an upgrade on this road. They ripped this community up and they sent them in to intimidate us. The pack mentality that was in this hall on the 12<sup>th</sup> of the 12<sup>th</sup> 2018 25 was a disgrace and it was witnessed by ABC Rural and the Mudgee Guardian. It is unforgiveable that CWP Renewables tries to intimidate us through their host landowners. I wrote to the Department of Planning Markus Ray regarding their behaviour and requested that host landowners be removed from the CCC due to their behaviour; that was granted.

30 Sir, one of the host landowners also bellowed out, “Bring down a D9”. For your information, sir, that’s a massive bulldozer. The only people standing up for the environment today is us. And the general public, sir, they will not accept this from a green energy; it stinks of hypocrisy. The Renewable Energy 2000 Act states the 35 conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making. CWP Renewables got their 37 turbines, but they got them on a lie. And I do wonder, sir, if they really – if they took what they really needed to do on this road – and that is to knock everything down to completely obliterate the fragile ecological system that is out there – would they have got their 40 approval in the first place?

45 I could not believe my ears when Mike Young from the DP stated that CWP Renewables had made a mistake. That statement alone clearly shows that DP is not impartial and they are most certainly holding the hand of CWP Renewables. This was no mistake. You don’t have a butcher and a baker moving an industrial turbine blade; you have an industrial turbine company moving an industrial turbine blade. This was no mistake. They had evert intention of knocking every tree down. They

were meant to take six trees within that three kilometres; they took 297. Google Earth does not lie. And if CWP Renewables doesn't like that number, well, they're more than welcome to come and clarify it with me.

5 The Downer report was the report that CWP Renewables supplied. When we rang the compliance officer, Chris Schultz arrived. When he got out of the car, in his hand he had the Downer report. It is a pretty pacific [sic] report, sir. It's got pictures and arrows. It is the consent conditions. I can read it, and I don't do it for a living. As we know, are we really to believe that CWP Renewables have no idea. Should they really be building wind farms if they are that incompetent. Every tree was marked with pink dots. Thousands of trees marked, thousands of trees to come down. Now, sir, after that compliance left, other marks suddenly appeared on the trees, Ps and Os and different symbols. For want of another term, how dodgy is this company. They were trying to cover it up. The Downer report was very pacific [sic]: they shouldn't have marked any trees. The problem is, sir, they couldn't use the Downer report.

They were just going to knock it down, turn around and pay the fine. Tell me, sir, where the hell is their modification for the increase in blade size. How can a company that does the suspect clearing get to tell the department that gives them the fine how much land they cleared. Seriously, no farmer could do that. We demand that this area has already been cleared – be assessed independently. People receiving money will all be – want about – sorry. People receiving this money will all be about upgrading the road to make them safe. Well, sir, I have no problem with this road being approved for local use. It should have been done years ago, but the whole different thing of getting a 75 metre truck down this road with a blade on it. Trust me, sir, when I say, they will obliterate this road. Does this not go against the whole ethos of green energy.

30 This road won't be tarred. It will still be a dirt road. And so all these people who want this upgrade, they were all happy with the Downer report of 56 trees and three corners. No one wrote and said there needed to be more taken off. And now they're saying they need every tree gone. Let's be honest, sir, they all should stand up and say, "Knock down those trees, I want my money. You signed this contract. You brought these trucks to our doorstep." And if you need every tree down on that road to be safe, I suggest you pack your bags and move to Oran Park, where there's not a tree to be seen. CWP Renewables has caused a loss of income for the construction workers here and I feel for them. The consent clearly states no major works until access road is done. Clearly, they were not meant to be contracted and essentially they should not have had a job to lose. CWP Renewables should be compensating those construction workers.

45 This company will say to you, "We've put so much money into this." Well, that's on them. Again, I can read the consent conditions. And they have all these people working for them. They are a massive company. They deal with consents all the time. And yet they can't read the consent for this project, are you – are they seriously asking you to believe that, or is Mr Mounsey blaming someone else. I put

it to you, sir, that they knew they couldn't get down that road, so they started major works to put pressure on you to give them the modification if they got caught. You can't give them this modification, sir, because essentially you're saying to every developer in New South Wales, "Come and lie to the IPC. Come and lie to the  
5 Federal Government. Get your foot in the door. And if you get caught" – make no mistake, sir, they got caught – "bring back a modification and we will get you across the line."

10 You must hold this company to account. Sir, the people who have held this company to the consent are the people who will live next to it. We do not trust this company. There was a submission to the DP that you would have read, sir, about us holding this company to the rules. It stated that we had ostracised ourselves from the community. You isolated us the moment you signed your contracts and the  
15 family want no part of that. This modification is wrong and I can tell you, sir, wrong is still wrong if you have 100 people paying for it, and right is still right if you only have one. You gave CWP Renewables a private meeting; I request one for us as well. Thank you for your time.

20 MR DUNCAN: Thank you, Sue. That was our final speaker. And thank you to all of you for your attendance today and the respect that you've provided to all the speakers in the process of the commission in our opportunity to hear your views. I should restate, as I said earlier, that the commission is an independent consent authority. It's not involved with DPE or its assessment. However, following today's  
25 meeting, we will endeavour to determine this modification as soon as possible. We will reserve the right to seek more information, if that's required. Again, thank you for your time and I will now formally close the meeting. Thank you.

30 **RECORDING CONCLUDED**

**[11.14 am]**