

11th June 2019

My Name is Owain Rowland-Jones. I represent the Crudine Ridge Environment Protection Group, representing the local community around this project.

This modification for the CRWF has two parts – the reduction in turbine numbers and the Aarons Pass Rd upgrade.

The DPE report maintains that issues relating to the original PAC approved project should not be given consideration. On the basis of this the DPE's own referring to benefits of the approved project – project viability, large financial benefits to the local and extended community, the 55,000 homes to be powered, the GHG savings have, by logic, also to be dismissed from this IPC assessment. Consequently, only these two issues (turbine numbers, APR upgrade) can be considered as a stand-alone issue. I will deal with the APR only.

Let me tell you a 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 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 had 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 life.

One day a company which 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. 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 this company promised them lots of money each year for the next 25 years. 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 this arrangement and most people and the council said "ok".

Nothing much happened for a few years. The local people heard bits and pieces but really didn't know too much of what was going on behind the scenes. Then one day the developer turned up and started cutting down many more trees that had been agreed upon. These trees and scrub and grass were along the sides of the poor, old tired road. 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 to the remainder of the road and the developer very reluctantly stopped after about one week. This was so he could 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 to 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 they were getting something for nothing. They should have known hardly anyone gets something for nothing. At the same time the developer was doing 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 the developer shouldn't be doing this other work yet and he was forced to stop and pay a fine for being naughty. Because his workers who drove along the road for months possibly made it less safe, the

developer fixed the road up, leaving alone 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 on some corners.

The poor old road was happy now. He was better than all the other roads in the district and they were jealous. They wished the council would make them feel better too. He was worried a bit though, in case someone changed their mind and let the developer have his way.

But he really was happy. He could continue to talk to his friends as he had for a long time – the birds, the koalas, the lizards and best of all, the trees.

All stories have a moral. This has two

- 1) Beware of Greeks bearing gifts
- 2) Don't judge a book by what is written inside or by its pretty cover

Commissioners, the story I just related is no fairy tale. It is a simplistic outline of the controversial and complex issues that are facing you in this determination. The lack of transparency, "back door" approvals and "get out of goal" cards that seem to be "available" for many developments certainly leave the possibility for exploitation.

The PAC determination (2016) used a report from Downer/Rex for transporting the blades assessed up to 63m along APR.

The blades will now be 4m longer, a fact disguised at every opportunity by the Department. This report was detailed for the APR upgrade by description, photos, text and tabulation. It was definitive with "fine tuning" to be done at the appropriate time in concert with MWRC. The developer DPE and MWRC must have been satisfied that it would meet the requirements for this O/S transport and was embedded in the consent conditions.

APR has been left in a state of neglect for some years on the promise someone else would deal with it and foot the bill. Complaints of potential safety concerns from the public were, depending on degree, valid. However, if APR was considered unsafe prior to the recent regrading (April/May 2019) then MWRC was not ensuring its duty of care to all APR users and should have closed it until brought to a minimum standard.

APR is no different to most of the unsealed roads in the district in terms of bends, crests, poor water crossings. It has been attended to now and would be considered in far better condition than most others at the moment. To do much more becomes "overkill" and can only be seen to be purely and exclusively for this developers benefit. APR 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 including smaller B Doubles (assuming tree limb/canopy pruning is done where necessary and some further minor adjustments)

The Department claims the extra 4m blade length is 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/roadside vegetation clearance? Most people have little concept of area size especially when it entails hectares. If MWRC is that concerned about roadside trees and vegetation are they wanting to carryout themselves something similar along Pyramul Rd, Sally's Flat Rd or all the other outlying rural roads? I think not. In Dec 2016 (about 6 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 WTG's and hence blade size. This was a financial risk he must surely have contemplated. The DPE imply in their report that the project will not be viable financially if the modification is not

approved. That is not concern of the DPE, nor should it be for you IPC commissioners. That is purely the concern of the developer and no one else.

This modification (standing apart from the project in its own right has no positives, only all negatives. There will be no additional work force needed, no extra money into the local economy etc. All this is already 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 remaining, almost forgotten part of the state. Whatever the 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 there can be no merit in approving an application such as this.

I intend expanding this argument with documented, referenced material in a written submission.

Thank you

My name is Owain Rowland-Jones, my permanent residence is at Pyramul and I live in the close vicinity of the CRWF and APR.

I wish to raise the issue of the 77-turbine reduction down to 37.

There are 2 possible points to consider rejecting 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 the 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 unnecessary, and Mr Mounsey is being disingenuous, using this as a distraction to the main major problem he faces, namely APR.

Mr Mounsey unilaterally appears to have decided to alter the 77 to 37. This is evidenced at a meeting held in Bathurst in Dec 2016, at which he presented a plan to the (then) Minister Frydenberg to alter the project to 38 turbines, all with the same power output. This information was obtained under Freedom of Information about Sept 2017, six months after Federal approval.

2. I refer you to the PAC report (2016, pg. 7, 6.1) which indicates the developer's response to the possible removal of 8 high visibly impacting turbines which the DPE recommended be removed. Mr Mounsey claimed the 8 had to remain otherwise the project would be unviable. Both the DPE and PAC agreed with this. The developer has obviously convinced the PAC that there were no options and appears to have offered none. In effect, he had to have these 8 (and therefore all 77) or else the project "falls over". He has obviously convinced the PAC. They allowed him to retain the 8 "offending" turbines, with acquisition rights given to the 6 residents. Even if the model now selected (GE 3.6) was not available then (and it appears it may have been) the developer could have overcome the removal of these 8, replacing some lower power ones (say 1.5 MW) with higher power ones (say 3.4MW) to ensure viability with a total of 135MW still in place.

As a consequence it can only be deduced Mr Mounsey provided False or Misleading (FoM) information before the PAC, yet 6 months later he offers a completely different plan to the Federal Environment Minister for his determination – a plan that eventually ends up having 40 less turbines, 20 locations (including the 8) which can never have turbines built there, creating two distinct clusters with an approx. 7km gap between them and considered his best wind resource location on the project site. Whether there is viability with this I do not know, but there certainly variability and lots of it.

So here we have a developer rewriting the rules to suit himself as he goes, using FOM information to achieve his goals. Providing FoM information is an offence under the NSW EPA Act and crimes Act (1900), carrying penalties.

This matter and numerous others involving FoM information have been referred to the DPE up to Ministerial level, including a letter to the former Planning Minister that he had an Aegean stable within his Department that needed cleaning out. A search using GIPA revealed no internal investigations appear to have been carried out. I believe you have a responsibility to refer these issues to the appropriate authority as failing to do so can only continue to degenerate the integrity of the NSW Planning process. The bias shown by the DPE to his developer can only indicate an

unhealthy relationship between the Department and developer or at the minimum, a work culture that simply wants to tick all the boxes to fast track project applications.

Commissioners, there is much that is wrong in the manner in which this project has been handled by this 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 claims.

Just as you hold meetings with the developer and the Department, we urge you in our own rights for the 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 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 my 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?

Thank you for your attention.