

11/06/2019

Re: Crudine Ridge Wind Farm – Modification 1
IPC Meeting
Objection to Modification 1

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 manner. I say that as an important issue which I raised at the last CRWF 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 the issue rather than dealing with it in an appropriate manner. This issue raised, later became the center of a court case where far greater ethical issues regarding the relationship between a DPE staff member and CWP was exposed. I can provide further details should they be required. I therefore expect your actions when assessing this modification are completely independent of both the DPE and CWP.

I think it is important to remember that the key aspect of CRWF Mod 1 has nothing to do 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 75m length truck and load.

The remainder of my speech was completely re-written yesterday after I was made aware of a transcript from a meeting between CWP and 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, P6 #25:

“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”

Firstly, we have been told 0.366ha had been cleared, not 3.6ha. 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 DPE 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? I have since asked the DPE to provide me with details on how this figure was calculated. I am yet to receive these details. Not exactly demonstration transparency. Please provide the calculations used in your response to this submission.

Secondly, does it sit right with the IPC committee that it was the community who realised clearing was outside conditions and not the developer? That the developer did not self-assess during the process? 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 20km was cleared? I think we all know the answer to that.

- Mr Mounsey, P6 #35:

Here Ed talks about *“interpretations around some of the language in the consent, such as generally in accordance with provisions versus the fixed limits that are in the consent..”*

Terms of Consent, Condition 2 clearly states “The Applicant shall carry out the development (a) generally in accordance with the EA, (b) in accordance with the conditions of this consent.

Condition 3 directly below clearly states “..However, the conditions of this consent shall prevail to the extent of any inconsistency”.

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 6 trees for the first 3km and clearing undertaken was approximately 297 trees, can this seriously pass the test of ‘generally in accordance with’? This maybe my first wind farm, but it is certainly not CWP’s first wind farm, surely this company is familiar with reading consent conditions. Playing dumb is not acceptable.

- Mr Mounsey, P6 #40:

“We had again, through our negotiations and dealing 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..”

This is in relation to the non-compliance CWP received for ignoring Condition 28 of the consent conditions. CWP are clearly not equip to be in charge of building state significant projects if they honestly think Local Government Councils can override their obligations to State Government conditions. What confidence can the IPC have in CWP?

- Mr Mounsey, P9 #5:

“..the environmental impact statement at large assessed an impact of 104 ha 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 generally in accordance with provisions”.

Firstly, 104ha is actually 105ha and was for a 77 turbine project which did not gain final approval (See P5 Assessment Report). This figure does not apply to the 37 turbine project. This is once again misleading.

Secondly, “wasn’t a clear allocation”? Yes there was. It is in both the Downer Report and Appendix 6 of the Consent Conditions. A figure of 1.56Ha was Aarons Pass Road upgrade allocation. The dishonesty (or stupidity) is astounding!

- Mr Mounsey, P8 #35:

In relation to the stop work on Aarons Pass Road upgrade “..something which has led to a pretty significant financial consequence to ourselves, and I think the numbers mentioned here of around \$22 million of costs and up to a kind of 294 day delay”

The 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% **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 that the IPC committee can use in it’s assessment of the modification.

As per the IPC Code of Conduct – Section 3.1: Honesty, Integrity and Public Interest: “Members must not make decision or action 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 CWP’s financial outlay has occurred due to the level of construction already completed onsite, something which they incurred a non-compliance for. CWP’s financial pressures are an internal business issue, just as they are for any other business that needs to balance their books and 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 “so we’ve probably overstated the amount of clearing to an extent”. Given 1.56ha was originally approved for upgrading Aarons Pass Road and with the Mod 1 requesting a further 5.05ha, for the entire 20km length of Aarons Pass Road. If clearing continues in the same manner as it did in the first 3km, 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 P15 #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, P15 #30:

“The clearing which has been done so far, and we’re back out onsite 8 months later, it’s really suckering back up again now as well”.

This is very misleading as the suckering regrowth from fallen timber has since been sprayed with herbicide and killed. This is not the picture painted to the IPC last week.

My final point from the meeting, when discussing the reasons why the clearing requirements for Aarons Pass Road has increased:

- Mr Mounsey, P 19 # 40:

“And it’s primarily because of the increase in blade length...”

Given this admission, and the fact that this company, *“view ourselves as holding ourselves to the highest possible standards of community engagement and, you know, compliance with planning and codes of conduct”* (p4 #45), 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 being caught out and forced?

Considering CWP’s chequered history in not following project consent condition, can the IPC really trust CWP will 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 supplementary submissions up until next Tuesday, I do believe it would benefit IPC committee members enormously to meeting further with local residents.

Thank you,
Penny Hundy

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