

Minutes of Informal Meeting

Liverpool Range Wind Farm

Community Consultation Committee

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| Present: | Brett Peterkin | Independent Chairperson | DA |
| | Greg Piper | Uninvolved landowner | GP |
| | Linda Gant | Uninvolved landowner | LG |
| | Ant Martin | Involved landowner | AM |
| | Anne-Louise Capel | Involved landowner | ALC |
| | LeeAnne Ryan | Warrumbungle Shire Council | AS |
| | Mat Pringle | Upper Hunter Shire Council | SC |
| | Donna Bolton | Epuron | DB |
| | David Robinson | Epuron | DR |
| Guests: | Wayne Bedggood | Mayor Upper Hunter Shire Council | WB |
| | Peter Shinton | Mayor Warrumbungle Shire Council | PS |
| | Roger Bailey | GM Warrumbungle Shire Council | RB |
| | David Heiner | Epuron | DH |
| Apologies: | Julian Kasby | Epuron | JKs |
| | Councillor Ron Campbell | Upper Hunter Shire Council | RC |
| Date: | 12 July 2017 | | |
| Venue: | Coolah Council Chamber | | |
| Purpose: | Meeting No 14 | | |

Minutes:

| | Agenda / Comment / Discussion | Action |
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| 1 | <p>Opening of meeting - BP opened informal meeting number 14 with an acknowledgement of country. He noted that the purpose of the meeting was to brief the committee on the details of the draft Voluntary Planning Agreement which both councils had voted to put on public exhibition from 12th July to 10th August, as per action from meeting 13</p> <p>BP advised that since the last meeting of the CCC he has been engaged by Epuron to work on another project, he invited any concerns to be raised and offered that he step aside as chair if this was an issue. No concerns raised.</p> <p>It was noted that formally the committee needs to be reformed but notice had been sent to the Department of Planning and Environment that the previous members and chair would be holding this briefing meeting in line with the request of the previous meeting.</p> <p>BP welcomed the guest attendance of both Mayor Shinton and Mayor Bedggood along with the recently appointed GM of WSC Roger Bailey.</p> | None |
| 2 | <p>Previous minutes – distributed prior to the meeting. BP asked for an update on the action items.</p> <ol style="list-style-type: none"> 1. Distribution of minutes - DB noted that the timeframe may not have been achieved and apologised. 2. Include Coolah businesses in database – ALC noted that Coolah is looking to establish a Chamber of Commerce. GP advised that the Development Group has been seeking a meeting with council to progress a directory of businesses. 3. WSC Councillor to be on the CCC. LG noted her previous concern about having a WSC councillor join the committee. BP noted that the CCC would be re-established following the recent approval and would follow the guidelines. Formal process for establishing a new CCC to be detailed, including timing and the role of the committee (not the distribution of funds under the VPA) 4. Update committee re VPA – to follow in this meeting 5. Epuron to set up a workshop re business readiness. GP noted that he has been in touch with JK and council about a workshop. Epuron and council to employ someone to put together a list of businesses in Coolah. GP to liaise with councils and send around detail about spending \$5k to progress this information gathering. Epuron to progress. <p>With the above action item updates noted in these minutes the minutes of meeting 13 were accepted by the CCC members present.</p> | <p>GP/ ALC</p> <p>JK</p> <p>JK</p> |
| 3 | <p>Presentation of the VPA</p> <p>DB gave a background to the VPA.</p> <p>Key issues previously noted by non-council members of the CCC were</p> <ul style="list-style-type: none"> • Communities of Coolah and Cassilis are on the edge of the shire council areas and they felt they did not receive the same funding and attention as other parts of the LGA • Benefits of the wind farm fund should flow to the impacted communities • Community would like to manage and distribute the funding | |

To better understand the last point the CCC had formed a sub-committee to understand how such funds were managed elsewhere and in April 2016 a report was written which documented the situation at that time. It noted that two funds were managed by the proponent and three were managed through a section 355 committee of the LGA (Gullen Range, Taralga and Boco Rock).

Since the report, two newer wind farms have entered into Voluntary Planning Agreements (Flyers Creek and Bodangora Wind Farms).

The last five wind farms to be approved in NSW have had the establishment of a Voluntary Planning Agreement with the host councils mandated through a planning consent condition. Effectively the management of the development contributions through a Voluntary Planning Agreement means that councils will manage the fund.

To address the concerns expressed by the CCC it was noted that the VPA would be managed through a section 355 committee which resulted in the funding being 'ring-fenced' and used in accordance with the remit of the committee.

The remit of the committee was that funds be distributed giving preference for projects/groups within 20km of the wind farm and otherwise within 5km of the powerline.

DR presented the VPA

Key payments:

4.1 Administration allowance - \$20,000 per annum to cover: costs including establishment – advertising for nominations for membership of the committee, operation, advertising for grant applications, allocation of funds and auditing of fund disbursements.

5.2 Annual Development Contributions – the greater of:

- (a) \$3,000 (increased by CPI) x the number of Installed Turbines on the Land, or
- (b) \$100,000

Key terms:

Selection of committee members. 4/6 voting members on the 9-person committee are to be community representatives (residents ideally within 20km of a turbine) who have not entered into a financial agreement with the Company.

Applications for appointments to the committee to be invited at the beginning of council terms (every 4 years). Appointments to the committee made after public invitation for nominations, recommendation by the outgoing committee and ratification by both councils (See 'Operating principles' para (c) to the VPA.)

5.4 Managing Council shall allocate Development Contribution as follows:

1. Allocation of Administration Allowance
2. Of the remaining amount –
 - 70% of the net balance to the Community Enhancement Fund
 - 30% to the Road Maintenance Fund
 - Or as otherwise agreed in writing between the Company and the Host Councils

promptly, and only upon both the recommendation of the Committee and the resolutions of both Councils.

Host Councils agree to establish a committee under section 355 of the Local Government Act 1993.

The Development Contributions are to be applied as recommended by the s355 voting members of the committee and ratified by both host councils. If the recommendations are not ratified by councils, there must be clearly stated reasons. The allocation is then returned to the committee for further recommendations

Grant Eligibility Criteria

Recipients must be:

- (i) an incorporated or registered not-for-profit association,
- (ii) a local council or
- (iii) a Crown Reserve Trust

Grant applications must be able to demonstrate the nature of the public purpose likely to accrue to the community within 20km of a turbine or 5 km of the new powerline where Public Purpose includes any of the following

- (a) The provision of (or the recoument of the cost of providing) public amenities or public services,
 - (b) The provision of (or the recoument of the cost of providing) affordable house,
 - (c) The provision of or the recoument of the cost of providing) transport or other infrastructure relating to land,
 - (d) The funding of recurrent expenditure relation to the provision of public amenities or public services, affordable house or transport or other infrastructure,
 - (e) The monitoring of the planning impacts of development
 - (f) The conservation or enhancement of the natural environment
- See also page 25 (g)

Key items to be discussed:

- Clause 8 – implications under this clause of the Host Council’s Integrated Planning and Reporting Framework under the LGA 1993
<https://www.olg.nsw.gov.au/councils/integrated-planning-and-reporting/framework> :



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| | <p>The committee is to check the Councils’ draft operational plans each year to check that projects close to the wind farm are receiving their fair share of council funds (separate from funding that may flow from the community enhancement fund)</p> <ul style="list-style-type: none"> • Clause 9 – Application of sections 7.11, 7.12 and 7.23 of the EP&A Act to the Development <ul style="list-style-type: none"> ○ These provisions relate to the power of the consent authority to impose development contributions. The VPA does not exclude this power, however note that the consent does not include development contribution requirements because of the requirement to enter into the VPA. • Will the land schedule be amended if all the lots are not used? <ul style="list-style-type: none"> ○ Financial contributions are triggered by turbine numbers, not lots of land involved. There is no need to change the VPA if not all the lots are used. The development consent itself (not the list of lots) is the key document. • Examples of community grant applications that would fit the requirements of this VPA <ul style="list-style-type: none"> ○ See pages 25-26 of the VPA. (Note that these are illustrative and may overlap with other council projects. The public purpose or benefit criterion still applies to grants from the Community Enhancement Fund.) ○ Equipment purchases by a community group (eg, a sporting or other club) ○ Running cost contributions to a community group • Examples of community grant applications that would NOT fit the requirements of this VPA <ul style="list-style-type: none"> ○ Grants to needy individuals (however a grant to an incorporated body to support affordable housing or transport to a section of the public would be eligible) ○ Educational scholarships or bursaries to assist deserving individuals (however a grant to an incorporated body to support education and associated transport and affordable housing (as a public service) would be eligible) • How will the two host councils share the role of committee chair? <ul style="list-style-type: none"> ○ There would be one councillor from each council on the committee. One or the other chairs the committee and has a casting vote. If one can’t be present at a meeting, the other would chair. The two councils and the individual councillors concerned would cooperate to appoint the chair. • Can the community representatives have alternates to attend and vote if they are unable to attend a meeting? <ul style="list-style-type: none"> ○ There is no specific power to have alternates attend, however committee members can attend by teleconference. • The recommendations of the committee ought to be accepted if they meet the criteria | |
| <p>4</p> | <p>Discussion of the VPA</p> <p>ALC noted that while a committee member can attend by teleconference the committee follows the Local Government Act rules that a member must be in the room to vote.</p> | |

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| <p>ALC queried whether the councils have to give reasons for not accepting recommendations for membership of the committee. DR said it did not have to currently but that might be worth a submission to change .</p> <p>GP queried the need for the two Council officers given that there would be two Councillors. WB advised that they take the minutes and carry out the business functions of the committee. ALC added that the 2 LGA staff are the administration team to help the committee run. MP noted they would liaise with the community members.</p> <p>GP queried whether there was a conflict for a councillor also being a representative of the community on the committee.</p> <p>WB noted that the council staff are the resource for the committee, they will keep the committee updated on how much is in the bank, the allocation of resources, the administration details etc. The council representatives on the other hand are responsible for policy and procedure. Likewise, landowners who would be getting payments from Epuron may be conflicted. It would be difficult for a councillor who was also a wind farm infrastructure host to be on a committee allocating funds to the community. Whether or not there is a conflict of interest, as a benefitting party, there would be a public perception issue. The s355 committee is a Local Government Act sanctioned committee and must be above board and be seen to be so.</p> <p>GP queried whether council receiving some of the funds was a conflict? RB noted it was not a conflict. The councils act in the interests of the community. WB added that representatives should represent the community.</p> <p>LG noted that from the beginning when the community had been asked what they wanted of the fund they said education and jobs, things that would help to retain the youth of the area. The community would be disappointed if the fund can't be used to create employment and education opportunities. For example if someone comes with a good business plant to take on and train apprentices but they are not eligible for the funding.</p> <p>DR noted that a Pty Ltd company would be ok as it is an incorporated body but a private entity or individual wouldn't be eligible.</p> <p>ALC noted that such opportunities could come through Lions or the Chamber of Commerce or a school but not through a private enterprise. Through Skillshare it could be possible for scholarships, transport and affordable housing.</p> <p>It was noted that as the road maintenance fund is 30% of the total the councils would need a separate agreement about how the money is spent between them.</p> <p>GP queried what community consultation had been involved in the preparation of the VPA. MP advised that under the legislation the consent authority, the proponent and the councils had negotiated the agreement and councils having resolved to put it on exhibition - the community consultation was now – for the duration of the exhibition period.</p> <p>LG asked what can change as a result of public consultation MP noted that councils would take submissions and consider them. GP queried how council would respond to submissions – asking if the councils would seek further information from the person submitting? MP advised that the submitter would need to support their submission LG queried if submissions would be on public display. MP affirmed they would</p> | |
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| | <p>DR noted that there were a few things that did need to be tidied up such as the first appointments which are currently tied to council election outcomes each four years but the committee may need to form at any time within the council electoral cycle.</p> <p>DR noted it could be worth exploring the possibility of alternate members.</p> <p>ALC noted that with only two meetings a year any member of the community interested in being on the committee ought to make themselves available to attend.</p> <p>GP queried whether there were arrangements under the VPA if someone dies, moves away or becomes insolvent.</p> <p>GP queried the payment of two lots of \$25,000 as costs.</p> <p>MP advised it was to cover councils costs – legal review, time and effort and Warwick Giblin’s costs. The figure had been negotiated by the parties.</p> | |
| 5 | <p>Community and business engagement</p> <p>ALC told the committee that council is trying to start the Coolah Chamber of Commerce which has a different remit from the Coolah District Development Group</p> <p>DB noted that full page advertisements about the wind farm and the VPA being on public exhibition had gone out in the Coolah Diary (12th July) and the Merriwa Diary (13th July) .</p> | ALC |
| 6 | <p>Any other business</p> <p>It was agreed that the minutes should be sent around quickly and put on the website in time for people to read if they wanted to make a submission to the VPA</p> | DB |
| 7 | <p>BP closed the meeting at 3.00pm.</p> | |

Action List Summary

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| 1. | Send round minutes asap for acceptance so they can go on websites during exhibition period | JK |
| 2. | Send link to DPE document about establishing a CCC and clarify process and role of future CCC | JK |
| 3. | Follow up funding proposal for business register | JK |