# Minutes and Action Items

## Collector Wind Farm Forum

| Date | Thursday July 23 2015 | Time | 6.30pm – Bushranger Hotel, Collector |
|---|---|---|---|

**Attendees**

| | | |
|---|---|---|
| Natalie Boyd (NB) Chair | James McKay (JMcK) | |
| Brian Mor (BM) | John Hoskins (JH) | |
| Martha Truelove (MT) | Tony Walsh (TW) | |
| Anthony Yeates (AY) Ratch Australia | Simon Greenacre (SG) Ratch Australia | |

**Apologies**

| | | |
|---|---|---|
| Cr John Shaw (JS) | Gary Poile (GP) | |
| Neil Weston (NW) Ratch Australia | Chris McKenzie Davey (Observer) | |

| No. | Action | Responsibility | Due Date |
|---|---|---|---|
| 1 | **Welcome and apologies** | Note | |
| 2 | **Introductions, pecuniary interests, minutes from the last meeting**<br>• No statements of pecuniary interest<br>• Minutes accepted as accurate account of the meeting | Note | |
| 3 | **Correspondence**<br>Membership Expressions of Interest received from:<br>•Sally Pietsch<br>•Kathleen Webster<br>•Richard Stacey<br>•Sharon Swincer<br>•(telephone call) Len Boothman requests that facts to 'debunk' the myths around windfarms be included in future communication including the Gunning newsletter to correct misconceptions.<br>•(email) Gary Dawe – seeking an update on project status particularly on project timetable<br>•Email from John Bell of ULSC re: Greater Good concept, forwarded by Ratch Australia to committee (attached as email 1)<br>•Emails from James McKay to ULSC re: community fund (email chain attached as email 2) | Note<br>AY | ASAP |

| | | | |
|---|---|---|---|
| 4 | **Membership**<br>• Forum members note that two positions are vacant on the Forum<br>• Advertisements for new Forum members were placed in the Ratch newsletter and the Lions Club newsletter<br>• EOIs were received from:<br>o Sally Pietsch<br>o Kathleen Webster<br>o Richard Stacey<br>o Sharon Swincer<br>• The Forum agreed to invite Richard Stacey and Sharon Swincer to join the Forum. Forum members are pleased to know that both Sally and Kathleen are interested to participate and invite their nomination again when a vacancy arises.<br>• Richard has previously expressed interest in the CCC and the Forum is keen to include a representative from the 'Progress Association '.<br>• Sharon was previously a member and with other commitments was unable to continue. The Forum is pleased to welcome her back.<br>• The Chair will notify all of the Forum decision. | NB | ASAP |
| 5 | **Project update**<br>**AY** provided an overview of project progress<br>• Ratch provided a RET capacity chart as a handout, outlining analysis showing what is needed to be done to actually meet the new RET<br>• Ratch remain optimistic that commercial arrangements will be achieved and anticipate construction in Collector could start mid 2016. Construction timetable is approx. two years.<br>**Modification**<br>• Ratch is currently refining their proposal. This refinement responds to the Department of Planning suggestion that Ratch submit a modification.<br>• The Ratch July newsletter contains full details of the modification<br>**Noise monitoring**<br>• A new program of noise monitoring has been undertaken and has been completed in some areas. The previous dataset had insufficient digital range. This background noise information will be used to provide information for the Conditions of Consent.<br>• AY agreed to distribute the Department of Planning fact sheet that describes and compares a noise level of 35 decibels.<br>**Length of blades** | Note<br>AY<br>Note | ASAP |

| | | | |
|---|---|---|---|
| | • The modification submitted by Ratch will also include a submission for a blade that is 2.4% longer than previously described. Inclusion of the blades in the submission will remove ambiguity in the Conditions of Consent.<br><br>• This blade length offers improved efficiency. Ratch anticipate an ~2.5% increase in generation from the longer blade.<br><br>• The Forum asked that Ratch reconsider the Community Contribution to reflect this benefit to Ratch. | | |
| 6 | **Community Enhancement Fund**<br>• The Forum members are satisfied the service offered by the Greater Good meets the Conditions of Consent and are satisfied the Greater Good can manage the funds appropriately.<br><br>• Council has emailed the Forum (via James McKay) in response to Forum requests for clarification. This correspondence is attached to these minutes.<br><br>• Forum members are concerned with council's response, and are not satisfied it fully answers the questions raised. The Forum members look forward to further clarification from Council. James McKay will conclude this series of correspondence correspond with Council on behalf of the Forum.<br><br>• Forum members are keen to work with Ratch to determine the model going forward, recognising that Ratch needs to work with both Council and the community in order to deliver a successful project. | JMcK | ASAP |
| | **Exhibition and Consultation**<br><br>• Information about the exhibition period for the modification is in the newsletter (attached)<br><br>• The Forum advised that Ratch could consider taking advertisements in the Gunning Lions newsletter to maximise local promotion.<br><br>• AY encouraged Forum members to promote that the community register their interest on the website to secure an email notification of updates.<br><br>• Public exhibition is as per the Department of Planning requirements.<br><br>If there is found to be high interest in the modification, Ratch will hold a community forum in the Hall. | AY | ASAP |

| | | | |
|---|---|---|---|
| 7 | **Other Business**<br>• Forum members questioned when a construction tender would be let.<br>• Ratch advised tenderers are currently revising their pricing and a tender should be approved in 8-10 weeks. | | |
| 8 | **Next meeting**<br>• No later than 3 months from this meeting – before the end of October 2015<br>• Date will be finalised dependant on key milestones eg modification milestone | NB to send meeting request | October 2015 or sooner if relevant |

Meeting action items endorsed by:

Signature:

Name: Natalie Boyd, Independent Chair – KJA

Date:

(1)

## Anthony Yeates

**From:** John Bell <jbell@upperlachlan.nsw.gov.au>
**Sent:** Tuesday, 9 June 2015 2:58 PM
**To:** Anthony Yeates
**Cc:** John Shaw; Neville.Osborne@planning.nsw.gov.au; acroke@upperlachlan.nsw.gov.au; pnewham@upperlachlan.nsw.gov.au; tdodson@upperlachlan.nsw.gov.au; bmccormack.ulsc@live.com.au; bucketsob@hotmail.com; jmwheelwright@hotmail.com; jo.marshall8@me.com; johnsearl@hotmail.com; jsslshaw@bigpond.com; lachlands37@gmail.com; stoush@hotmail.com; scott.craig60@hotmail.com
**Subject:** RE: Collector Wind Farm Forum: discussion re "Greater Good" for community fund

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Anthony,

The Mayor, John Shaw forwarded me a copy of the below email trail with respect to the Collector Wind Farm Forum: discussion re "Greater Good" for community fund.
Please be advised that Council have previously investigated the Greater Good Foundation and will **categorically not agree** to utilising them for the purposes of distribution of CEP funding.
Should you require any further information please do not hesitate in contacting me.

Regards

John Bell
General Manager
Upper Lachlan Shire Council

P (02) 4830 1000
F (02) 4832 2066

PO Box 42
GUNNING NSW 2581

**From:** "Anthony Yeates" <Anthony.Yeates@ratchaustralia.com>
**To:** "Tony Walsh" <walshanthony@hotmail.com>, "Neil Weston" <Neil.Weston@ratchaustralia.com>, "'Hoskins John'" <johnhoskins@bigpond.com>, "'McKay James'" <james.mckay@canic.com.au>, "'Gary Poile'" <poile@ipstarmail.com.au>, "'Truelove Martha'" <marthatruelove@gmail.com>, "'Brian Mor'" <brianmor1@bigpond.com>, "'Mor Brian'" <bmor1@mac.com>, "'john shaw'" <jshaw.ulsc@live.com.au>, "jsslshaw@bigpond.com" <jsslshaw@bigpond.com>, "'Chris Mackenzie-Davey'" <Chris.MackenzieDavey@environment.nsw.gov.au>
**Cc:** "'Natalie Boyd'" <n.boyd@kjassoc.com.au>, "'D.Cameron@kjassoc.com.au'" <D.Cameron@kjassoc.com.au>
**Subject: Collector Wind Farm Forum: discussion re "Greater Good" for community fund**

Hi everyone,

At our last Forum meeting, the concept of using the Greater Good as the vehicle to

hold/administer the funds for the Community Enhancement Fun was raised. We have looked into this and are satisfied with this approach. We have pulled together the attached "Term Sheet" which sets out the basic principles as to how we would see this working. Also attached are two documents sent to us by Greater Good describing (in somewhat heavy legal language) how the Greater Good "Open Fund" structure operates.

I would appreciate it is you could look through the Term Sheet so that we can discuss this at our next meeting. In this Term Sheet we have tried to capture all the ideas that have been bounced around in our meetings, as well as drawing on the constitution of a few other organisations that we have seen. Even the Term Sheet gets a bit heavy in places but in order to properly describe how it could work we found we had to get into this level of detail.

Please note that this Term Sheet is for discussion purposes and that we would we would welcome changes or suggestions. We have set up number references for each paragraph and sub paragraph... if you have any comments that you would like to share please use these references where possible to help everyone identify the relevant part of the Term Sheet. You can discuss any matters in our next meeting or you can reply to me directly or reply all as you prefer.

If we can come to some sort of broad consensus as a committee on the Term Sheet, our plan would be as follows:

1) Discuss this formally with ULSC and Department of Planning.

2) Depending on outcome of discussions with ULSC and Department of Planning, place the Term Sheet on some sort of mini public exhibition, to provide everyone from the whole community a chance to provide comments and feedback.

3) Report back to committee on all feedback received

Kind regards

Anthony

(2)

## Anthony Yeates

**From:** james.mckay@canic.com.au on behalf of James McKay <james.mckay@govlawtech.com.au>
**Sent:** Monday, 27 July 2015 6:23 PM
**To:** John Bell; jsslshaw@bigpond.com.au; John Searl
**Cc:** Natalie Boyd; Tony Walsh; Gary Poile; johnhoskins@bigpond.com; Martha Truelove; Observer; Brian Mor; Anthony Yeates; Neil Weston
**Subject:** Re: Collector Wind Farm Community Enhancement Fund

Dear Mayor and General Manager,

At Thursday evening's meeting of the Collector Wind Farm Forum (aka the Community Consultative Committee, or CCC) , the correspondence set out below was resolved by committee members present to be attached to the meeting minutes, along with this response.

We discussed the correspondence, and have concluded that your response to the original inquiry at this stage does not fully nor adequately address the questions set out, although we do note that both the Forum, the proponent and Council appear to be in **complete agreement** that any committee formed to administer the CEF **is to be unrelated** to the Community Consultative Committee.

It is unfortunate that a representative of Council could not be present at Thursday evening's meeting, given the design and establishment of the fund is generally held and understood by the CCC to be a joint and collaborative effort of all parties to the CCC, and the matter is actively being discussed and advanced within the CCC.

We note that that the conditions of consent provide in Part C, section 2, that the proponent "shall continue operation of the Community Consultative Committee for the life of the Project [...] in a manner generally consistent with the requirements of *Appendix C: Guidelines for wind farm consultative committees,* as contained in the draft *NSW Planning Guidelines - Wind Farms* (December 2011), as updated [...]."

Relevant to the CCC's current efforts to work towards the development and establishment of an valid legal and administrative structure to administer the Community Enhancement Fund, Appendix C provides the following:

"The purpose of a community consultative committee is to provide a forum for open discussion between representatives of the proponent, the community, the council and other stakeholders on issues directly relating to the assessment of the wind farm and if approved, its environmental performance and community relations, and to keep the community informed on these matters.

[...]

The committee provides a forum to:

- establish good working relationships between the proponent, the community and other stakeholders in relation to the wind farm [..]

- advise on the allocation of community enhancement funds in the community [..]

- work together towards outcomes of benefit to the wind farm, immediate neighbours and the local and regional community."

We note further, the following:

"Responsibility for oversight of the wind farm's compliance with the project approval and all other government approvals remains with the relevant consent authority."

We note, therefore, that the relevant consent authority is the NSW Minister for Planning and Infrastructure, and as such the validity or otherwise of any Community Enhancement Program established under Part C, Section C2 of the conditions of consent is a matter to be determined by that authority.

The CCC has always taken, and continues to take the view, that Upper Lachlan Council is a necessary and vital stakeholder not only in the CCC, but also in the development of the Community Enhancement Program, in collaboration and consultation with the proponent and all other members of the CCC.

We therefore write to urge Council to continue their active involvement in the CCC, and to 'work together towards outcomes of benefit to the wind farm, immediate neighbours and the local and regional community', and trust that in so doing the CCC will be able to establish a fund that not only meets the legal requirements imposed by the conditions of consent, but also to achieve the purposes set out by Appendix C.

We look forward to renewing the collaborative efforts of all on the CCC, including Council, to work towards developing and delivering a robust and legal framework to administer the Community Enhancement Program.

We trust that Council understands that is exactly what the consent condition framework provides for - a consultative and collaborative approach adopted by the CCC, and look forward to Council's continued involvement in that process.

Yours sincerely,

James McKay - for and on behalf of the Collector Wind Farm Community Consultative Committee.

On 23 July 2015 at 17:01, James McKay <james.mckay@govlawtech.com.au> wrote:

Dear John -

Many thanks for getting back to me with this information - I thank you for making the time to get to it notwithstanding the other pressing issues in the Shire - unfortunately we were not presented with the additional headache of snow down here in Collector!

No doubt at this evening's meeting we will discuss the matter, and it would seem likely that the Wind Farm forum may get back to you.

Thanks again, James.

On 23 July 2015 at 14:49, John Bell <jbell@upperlachlan.nsw.gov.au> wrote:

James,

Firstly apologies for the late reply, Council have had substantial issues with the recent snow falls over much of the LGA that have required an immediate response and it has been all hands on deck.

With respect to your queries I refer you to the conditions of consent for the Collector Windfarm Part C in section C2:

"The Community Enhancement Program is to be managed by a legal entity such as an entity established in accordance with the Associations Incorporation Act 2009, the Co-operatives Act 1992, the Corporations Act 2001 or the Local Government Act 1993."

The abovementioned NSW Acts are relevant to NSW not the ACT.

Within the NSW PAC Determination Report dated 2 December 2013 on Page 13 under Other Issues:

"The Commission considers that a committee comprised of representatives of the community, the Upper Lachlan Shire Council and the proponent and one which is unrelated to the Community Consultative Committee should be formed to manage the CEF. The commission have modified the recommended conditions to include the specific condition for this purpose."

Council has previously forwarded Anthony Yeates and Neil Weston from Ratch the appropriate Council adopted model Community Enhancement Fund – I have been advised by Ratch representaties that the Community Consultative Committee have been provided with a copy for their information.

Within the other wind farms in the ULSC regarding the 10km issue, Council have formed a similar view to that which you have suggested – for example, within the Gullen Range CEF Committee, Goulburn Mulwaree have a representative that sits on the Committee.

With respect to your other queries, please see and review the attached copy of Council's adopted model Community Enhancement Fund which contains all the requested information .

Regards

John Bell

General Manager

Upper Lachlan Shire Council

P (02) 4830 1000

F (02) 4832 2066

PO Box 42

GUNNING NSW 2581

---

**From:** james.mckay@canic.com.au [mailto:james.mckay@canic.com.au] **On Behalf Of** James McKay
**Sent:** Monday, 20 July 2015 12:49 PM
**To:** John Bell; Mayor Clr John Shaw
**Cc:** Tony Walsh; Deborah Cameron; Gary Poile; Martha Truelove; johnhoskins@bigpond.com; Brian Mor; Natalie Boyd; Anthony Yeates; Simon Greenacre; Observer
**Subject:** Collector Wind Farm Community Enhancement Fund

Dear Mayor and General Manager,

Apologies for not getting this correspondence off earlier, but I trust you are in a position to be able to respond readily.

Anthony Yeates and Neil Weston from Ratch kindly forwarded members of the Collector Wind Farm Forum an email from John Bell dated 9th June 2015, in which the Council stated that they would 'categorically not agree' to utilising the ACT Public Trustee (via the Greater Good) for the administration of any community enhancement funds established as a result of the Collector Wind Farm proceeding.

For the benefit of not only me, but also the other members of the Wind Farm Forum, and in advance of our next scheduled meeting on Thursday 23rd July, I would appreciate if you could please provide answers to the following questions in support of the Forum's role which includes the requirement to 'advise on the allocation of community enhancement funds in the community' (Appendix C, NSW Draft Wind Farm Guidelines, Dec 2011). I think it especially important to receive a response, particularly as it seems that a representative of Council will not be present at the meeting.

1 - Is there, in Council's view, any legal grounds to prevent the Community Enhancement Fund being administered by the ACT Public Trustee?

2 - If the answer to 1) is yes, what are those grounds?

3 - Is there, in Council's view, any legal requirement that all funds for a year be distributed within the year?

4 - If the answer to 3) is yes, what is that requirement and where is it stated?

5 - What would be the consequences, if any (either on the Collector community, the proponent, or the approved wind farm development), if the Community Enhancement Fund was to be administered by an entity **other** than Council?

6 - Given the generally prevailing view among the committee members is that benefits should flow to suitable applicants within a 10km radius of the approved wind farm, does Council have a view on the merits or otherwise of the involvement of representatives of LGAs other than ULSC on any committee formed with oversight of the administration and distribution of enhancement funds, given the area of benefit would most likely encompass residents and ratepayers of Yass, Palerang and Goulburn-Mulwaree shires?

As I mentioned, I appreciate that you may not have time to respond before Thursday's meeting, although it would appear that as Council appears to have formed a fairly solid position, I would think that you should be in a position to respond reasonably quickly to my questions.

Many thanks in anticipation,

James

--

James McKay

**0415 510 034**

**james.mckay@govlawtech.com.au**

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit http://www.symanteccloud.com

--

James McKay

CEO