

Rob Stokes MP
Minister for Planning and Public Spaces
Parliament House
SYDNEY

Dear Minister

The Sutton Solar Action Group (SSAG) would like to bring to your attention a recent article (see attached) that makes us question why wasn't the Sutton community given the same consideration?

Social licence emerges as critical issue for renewable energy zones, NSW says

This is the headline in a recent Renew Economy article (15 March 2021). Speaking at the recent Large-scale Solar Forum hosted by the Clean Energy Council on Thursday 11 March 2021, Chloe Hicks, the NSW government's Director for Energy Infrastructure and Zones (part of the Department of Planning, Industry and Environment, the DPIE) said '*social licence is absolutely central...*' to delivering the government's electricity infrastructure roadmap and renewable energy zones in NSW.

Hicks went on to say there is already evidence to show that concerns are being raised by communities in the Central West Orana region about the way landholders are being approached by developers which is starting to undermine the social licence within the region.

Does this sound familiar, this was one of the main issues we discussed with you during our meeting with you on 1 April 2020, which was the appalling behaviour of the developer and the lack of engagement with the community.

Under the new *Electricity Infrastructure Investment Act 2020 No 44 [NSW] Part 4 Renewable energy zones and access schemes*, S29 (1) the NSW government has the power to prohibit renewable energy projects from connecting to the grid where there is significant opposition from the community to a project. Hicks went on to say they hope to see projects coming forward where there is social licence and that the power will not need to be used. [Electricity Infrastructure Investment Act 2020 \(nsw.gov.au\)](https://www.nsw.gov.au/legislation/electricity-infrastructure-investment-act-2020)

Social licence is described by the Ethics Centre (formerly known as the St James Ethics Centre) as:

The social license to operate is made up of three components: legitimacy, credibility, and trust.

- **Legitimacy:** *this is the extent to which an individual or organisation plays by the 'rules of the game'. That is, the norms of the community, be they legal, social, cultural, formal, or informal in nature.*
- **Credibility:** *this is the individual or company's capacity to provide true and clear information to the community and fulfil any commitments made.*
- **Trust:** *this is the willingness to be vulnerable to the actions of another. It is a very high quality of relationship and takes time and effort to create.*

The rise of social license can be traced directly to the well-documented erosion of community trust in business and other large institutions. [Social License To Operate - Ethics Explainer by The Ethics Centre](https://ethicscentre.org.au/soclicense.html)

The title of a 2014 article by John Morrison, Chief Executive of the International Human Rights Board (IHRB) sums up our thoughts perfectly, *Government Approval Not Enough, Businesses Need Social License*. [Government Approval Not Enough, Businesses Need Social License | Institute for Human Rights and Business \(ihrb.org\)](https://www.ihrb.org/2014/07/government-approval-not-enough-businesses-need-social-license/)

In the case of the now approved Springdale large-scale solar energy generating facility neither Renew Estate or RES (the developers) or the DPIE made any attempt to form any kind of 'social licence' with the local community. The SSAG provided the Independent Planning Commission (IPC) and the DPIE with our log of communications between August 2017 through to November 2020 to demonstrate how poorly the developers and the DPIE had conducted themselves in regard to engaging with the local community.

But, by far the worst example in the log is that the SSAG was also able to show that Renew Estate lied to the DPIE who in turn misled the SSAG about the delay in submitting the Response to Submissions (the RtS document). Renew Estate claimed that they were still finalising the aboriginal cultural studies requested by the Office of Environment and Heritage (OEH), knowing full well that it was unlikely that the DPIE would put any pressure on them to finalise these studies. Studies which were never undertaken by either Renew Estate or RES and despite OEH suggesting the importance of completing these pre-approval to satisfy the objections raised by the Ngunawal and Ngambri Elders <https://www.planningportal.nsw.gov.au/major-projects/submission/405161> the DPIE decided the necessary studies can done post approval.

The chair of the IPC opened the Springdale public meeting by acknowledging the Traditional Custodians of the land and paying respect to all Elders past, present and future. True respect to the Traditional Custodians would have been to ensure the developers conducted the studies pre-approval consistent with the Ngunawal and Ngambri Elders objection to the development. It appears that there is more respect given to developers' requests. Is this not a little hypocritical?

Furthermore, the DPIE and IPC do not promote or encourage developers to gain a social licence with the impacted communities. There is no penalty for not engaging with local communities, which we strongly believe there should be if you want developers to make an effort at gaining social licence.

In this same article Andrew Bray the National Director of the RE-Alliance (formerly the Australian Wind Alliance) told the forum that '*early engagement by project developers with the local community was critical and warned that once community confidence in a project was lost, it was virtually impossible to gain it back*'.

Bray referred to the Jupiter Wind Farm [Microsoft Word - Jupiter Wind Farm - Assessment Report FINAL.docx \(accelo.com\)](https://www.accelo.com/documents/10180/10180000/Microsoft+Word+-+Jupiter+Wind+Farm+-+Assessment+Report+FINAL.docx) which was recommended not to be approved by the DPIE and was subsequently abandoned by the developer. The recommended reasons by the DPIE were that:

- The project was not supported by the majority of local residents and local councils and key interest groups.
- Not consistent with the applicable land use zoning provisions.
- Would result in unacceptable visual impacts on the landscape and residences in the local area.

The DPIE also stated that the project was not critical and there were other renewable energy projects that could contribute to the renewable energy targets. In our submission to the IPC the SSAG pointed out the similarities between the Jupiter and Springdale developments regarding the lack of community support and we also questioned the imperative for this development to go forward in this area given our large list of objections and the lack of support.

DPIE were also disingenuous by misrepresenting the support for the development by suggesting there was more supporters than objectors. In the SSAG presentation at the IPC 'public' meeting we stated that the numbers quoted by the DPIE included submissions from non-NSW residents.

A closer analysis (as per the DPIE website) of the submissions shows that of the 243 submissions in total, 75 were from states other than NSW. This leaves 169 from within NSW. Of these remaining 169 submissions 12 of them were comments, which leaves 157 from NSW that either supported or objected to the project. The following table shows that this development was overwhelmingly rejected by the 'local' community.

Position	Local residents (Sutton/Gundaroo)	Other areas of NSW
Support	9	62
Object	80	6

The IPC's website even redacts the submitter's locations! So much for transparency! Redacting names is acceptable, but by not showing the location, how does the public know where submissions come from? Why would residents' opinions that live in other states be counted as relevant to a development in NSW.

While the social license article talks about REZ's, why shouldn't all proposed renewable energy developments be considered equally? Why is one area more important than another? At the outset we were advised by a DPIE representative that the concerns of the local community would be given more weight. However, when the DPIE conducted the assessment, our concerns were trivialised by saying "*...submissions objecting to the project typically focused on local impacts and matters relevant to the local community.*" This is exactly what the DPIE representatives told us would be most important for their assessment, and after all, wasn't this the point of us lodging submissions! Or was the DPIE misleading the local community yet again?

We raised many questions in the SSAG submission and not one of them was answered in the IPC's statement of reasons. The IPC's Statement of Reasons was merely a, re hash of the DPIE's Assessment Report and no rigour was applied to the myriad of issues raised by the local community. The local community is extremely disappointed in the IPC's lack of analysis of the submissions provided and found the quality of their work to be not of a standard that we would have expected of such an organisation.

There seems to be a major disconnect in the DPIE. The comments made by Chloe Hicks are completely inconsistent with the actions of the DPIE. Even the NSW Renewable Energy Zones – Access Scheme Issues Paper mentions two main challenges, one of which is what we are arguing, that '*access to the grid by generation and storage projects is not coordinated, planned or restricted*'. [Renewable Energy Zones – Access Scheme \(nsw.gov.au\)](http://renewableenergyzones.nsw.gov.au)

The DPIE continually talks about how important engaging with community is, yet our community has been completely ignored and the Springdale development was approved without due consideration of not only our concerns but also the concerns of our local Council. In fact, our concerns which were supported by well researched evidence, were not even mentioned in either the DPIE's or IPC's assessments as opposed to the developers unsubstantiated claims which were accepted.

If the NSW government is truly committed to embracing the concept of social licence for renewable energy developments, then DPIE and the IPC need to act more professionally and rather than working in silos look at what others are working on within the DPIE.

Considering this recent announcement about the importance of social license, we believe we are justified in asking that the Minister for Planning and Public Spaces and the IPC meet with the local community and explain why this development was approved without community or Council support and definitely NO SOCIAL LICENCE.

We would be more than happy to facilitate a face-to-face meeting that can meet any COVID-19 requirements.

Yours sincerely

Dianne Burgess
On behalf of the Sutton Solar Action Group