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**Ryde - Hunter's Hill Flora and Fauna Preservation Society**

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Member of Nature Conservation Council of N.S.W.

**P.O. Box 2127  
Boronia Park 2111**

Executive Director,  
Resource Assessments & Business Systems,  
Department of Planning and Environment,  
GPO Box 39,  
Sydney NSW 2001  
30 March 2016

**RE: Revised Community Consultative Guidelines**

Dear Sir/Madam,

We write to express our concerns with some of the changes outlined in the above guidelines currently on exhibition. We are a local conservation group established in 1966 whose members have extensive experience as community/environmental representatives on community committees across a range of projects including State Significant Developments (SSDs). Mostly these have involved development on public land.

Overall, we do not feel that the new guidelines reflect a commitment by Government to meaningful community consultation. Local Councils, as well as the community, are becoming increasingly alienated in the environmental planning and assessment process by an increasing number of SSDs and the intent of government for a wider range of development to be considered under Complying Development Codes. The lack of a strategic environmental planning context further compounds this lack of government commitment to effective community consultation.

Currently, within this overall planning framework, the public interest is not properly represented and local residents become increasingly angry and frustrated. A strong set of guidelines for Community Consultation is required so that the community's rights and interests are protected. We are of the opinion that the proposed new guidelines are weak in this regard and represent yet again the influence of the proponents of development in government policy.

Our concerns with the new guidelines:

- There is no clear statement that Community Consultative Committees (CCCs) will be established for SSDs. As stated above there is increased use of designating projects as SSDs/Complying rather than development to be assessed under local controls. This means that the community interests recognized in local planning controls can be disregarded unless the guidelines contain clear statements on the importance of, and requirements for, community consultation in SSDs.
- Whilst we would give in principle support for the guidelines to cover projects at all stages of their development there is a need to state, should there be changes in ownership or management, that the new owner/manager has a responsibility to continue the community consultative process as started. As way of example, it was very clear to community representatives involved with the North Ryde Station SSDs the declining level of commitment to community consultation by the various proponents as it “transitioned” from the Department of Transport to Urban Growth whose representatives abruptly shut the CCC down soon after Urban Growth became “owners”.
- The guidelines do not clearly state when CCCs are required to be established. To leave it to an ill-defined government decision as to whether a CCC will be established is not in the best public and community interests. Especially when value-loaded statements in the guidelines such as “there may be better ways to engage the community” presumably would justify the non-establishment of a CCC by government.
- The independence of the chair is critical to the community consultative process being genuine and meaningful for all participants. We have no confidence that appointment by government of one of two nominees proposed by the Company will guarantee the necessary independence. Impartiality and independence must be intrinsic to the environmental planning and assessment process. We would suggest drawing randomly from a pool of consultants and facilitators would provide a more transparent and fairer way to decide on an independent Chair.
- From the guidelines we are unclear as to whether the Independent Chair will be paid and by whom.
- If there was improved transparency and fairness in the appointment of the Independent Chair we would support appointment of the community representatives by the Chair. Otherwise, the whole process will be stacked with community representatives allied to the proponent who has also influenced the appointment of the Chair.

- If a genuinely Independent Chair is appointed we would support the Chair making a decision as to whether environment interests should be represented. Depending on the project, and from our representatives' experience, community and environment interests can be very different. Whilst all development has an effect on the environment, the public interest must be recognized within the community consultative process in the appointment of an environment representative on some CCCs. At least such CCCs would be situations where any native vegetation is to be removed, where ground or surface water flows are affected, where native fauna habitat is disturbed and where air or water pollution is possible by the development and its operations.
- Environment representatives must be appointed by the Independent Chair in consultation with a recognized environment group such as the Nature Conservation Council NSW which acts as an umbrella organisation for local recognized environment groups.
- The decision as to who will act as an alternate community/environment representative must be made by the individual representative themselves in consultation with a genuinely Independent Chair. Otherwise, this is open to abuse by the proponent.
- Any items considered confidential must be brought to the whole committee for a decision. If at discretion of the Independent Chair who is not genuinely independent then we foresee a scenario where legitimate items for discussion will be left off the agenda.
- We support observers being able to attend all meetings. They should be introduced by the Independent Chair and abide by the accepted rules of their role as an observer.
- All CCC members should be able to apply for sitting fees and reimbursement of expenses paid for by the Company. Any payments should be declared.
- Operation plans are important documents in major project development and must form part of the consultation process. This should include staging of works and access as part of the considerations of the CCC. This is especially important for landscaping plans where collection of seed may provide a better option than nursery stock. This requires time and plans such as landscaping should not be left to the end stages where it is rushed through to meet deadlines.

Thank you for an opportunity to comment.

Yours sincerely,  
Cathy Merchant,  
RHHFFPS - Committee Member