

NSW Department of Planning and Environment  
22-33 Bridge Street, Sydney 2000

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**Submission on the Revised Community Consultative Committee Guidelines for State Significant Projects  
Submitted by Walkabout Wildlife Conservation Foundation**

Reply to: The Trustee, [wwcf@walkaboutpark.com.au](mailto:wwcf@walkaboutpark.com.au), (02) 43751100

Thank you for the opportunity to provide feedback on the draft updated *Community Consultative Committee Guidelines for State Significant Development Projects* (the *Draft Guidelines*). The Walkabout Wildlife Conservation Foundation is an organisation committed to the preservation of the natural and cultural environment in Calga, an area that is zoned simultaneously for environmental protection, sand quarrying, farming and tourism.

Our submission is informed by the experiences of two of our Trustees who are both current longstanding members of the CCC for the Rocla Calga Sand Quarry, as well as input from members of other CCC's across NSW.

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## **Recommendations**

### **Impartial Chair**

Presently, the criteria for a CCC Chair includes their having expertise in mining issues. To fulfil this criterion, Chairs either come from the mining (including consulting) industry, or from a government agency. In addition, the Chair is nominated by the mining company, and is paid by the mining company. These each in their own right, but especially in combination, result in bias.

#### *Recommendations to reduce inherent bias:*

- A Chair should not receive fees from the mining company but, instead, should be remunerated from a fund (from contributions from the mining companies) administered by the Department.
- There should be a register, maintained by the Department, of people with the necessary attributes to perform as Chair, and a process for selecting people for inclusion on the register.
- The qualifications of all eligible Chairs on the register should be public.
- The public should be invited to make representation on anyone being assessed for inclusion on the register.
- Eligible Chairs must be independent of the mining industry and of government bureaucracy.
- Eligible Chairs must have a proven track record facilitating competing stakeholders and interest groups.
- There should be a process for reviewing the eligibility of people on the register, and where appropriate removing people from the register.

### **Procedures for minutes**

The current and proposed new guidelines are silent on the details of the process for drafting and finalising minutes. In our experience and that of members of other CCC's is that the draft is routinely reviewed in the first instance ONLY by the mining company in consultation with the Chairperson, before it is published albeit in draft form. CCC members do not get the opportunity to give input until the next meeting which may be many months later. Community members debating errors or omissions at the next meeting are faced with the counterargument that their recollection has been affected by time elapsed.

#### *Recommendations to reduce inherent bias:*

- There should be a requirement in the guidelines for all members present at a meeting to have input into the draft guidelines at the same time that the mining company is given this opportunity, and their input should be given as much weight as the company's input. This should occur within 10 days of the meeting, and before they are published (even in draft form). It is up to the independent Chair to deal with any unresolved issues about the minutes when it comes time to publish the draft. This may be to call an extraordinary meeting, or may be to publish the draft including a Chair's statement that "there are outstanding unresolved issues with these minutes which will be dealt with at the next meeting".

### **Community representatives**

Some CCC's have an over-representation of community representatives sympathetic to the mining company's interests and not properly representing community views.

Considering that the CCCs are there to “monitor the performance of the mining project against its approval conditions and community expectations” and that, by definition, the company’s interests are represented by the company representatives, diligence should be applied to ensuring that the community representatives represent the environment and the prevailing community views.

It can be that, over time with changes in membership, the community representation unintentionally becomes biased towards the company’s interests.

*Recommendations to reduce inherent bias:*

- There is a need to assess the balanced representation of the community members as a whole, and not only as individuals. They should together provide an appropriately weighted representation of the community.
- As the company representatives represent the company, to ensure the CCC is balanced, it should be a requirement that the community representatives are NOT overly sympathetic towards the company.
- Community representation should be reviewed from time to time to ensure that, through changes in membership or changes in allegiance of members, the representation has not become biased away from community interests. If it has, there should be a process for adding or removing members to redress the imbalance.
- Community representatives should have a public biography detailing their qualifications to represent the community. The community should have the right to know who is representing them, and to either agree or object.
- All CCC members should be required to not only declare any pecuniary OR OTHER interests at the time of appointment, but should also be required to declare these at any time should they occur.
- There should be provision for removing CCC members who have significant conflict.
- Where a CCC member has a conflict that is deemed to be acceptable for continued membership, this conflict should be documented and published. If the CCC member does not wish to have this information made public, they should have the option of resigning from the CCC in which case there would be no requirement to make the information public.

**Community representative rights.**

All community representatives should receive:

- Induction process including explaining roles and responsibilities and rights.
- A copy of these guidelines.
- Reasonable training.
- Reasonable travel costs.
- Notification of any changes to the guidelines (such as these draft changes to the guidelines, which many CCC’s were not advised of).

**Alternative members.**

The existing arrangement works and does not need to be changed.

Having the department nominate an alternate is ridiculous. How will the Department know enough about the community interests to choose an appropriate alternate, and where will they source an alternate from? I suggest that the Department neither has the time nor the ability nor the motivation to do this, or to do this properly.

**Public consultation**

The scope of the CCC is compliance with existing conditions of consent. The forum of the CCC should be specifically excluded as a vehicle for “public consultation” when the mining company intends to apply to amend conditions of consent, expand operations or change operational requirements.

The company should be required to satisfy the requirement for public consultation using forums set up for this specific purpose OTHER THAN the CCC. Currently it seems that it is commonplace for companies to brief their CCC of proposed changes and then claim they have fulfilled their requirements for public consultation.

**CCC meeting frequency**

There should be at least 4 meetings per year for the life of the CCC. Anything less makes the CCC ineffective.