

Submission to Department of Planning & Environment on Community Consultative Committee Guidelines for State Significant Projects

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Thank you for the opportunity to comment on Community Consultative Committees for State Significant Projects. I provide a few brief comments and am happy to expand and add to them.

Background

I live on North Botany which is home to the largest cluster of Major Hazard Facilities (see Appendix 3) in NSW along with major industrial operators such as NSW Ports, Sydney Airport Corporation, Patricks, Hutchison, DP World, Orora, and Caltex. Over the past 15 years I have been an 'engaged stakeholder'. I coordinate a Coastcare group which monitors water quality, undertakes clean-ups and bush regeneration and conducts interpreted bush, history and foreshore walks. At the time the Port expansion was approved in 2005 I was Chair of the Botany Bay and Catchment Alliance, a peak group which opposed the development. Apart from the Port I have also engaged in consultation on various other major developments in the area (see Appendix 4). I also attend CCCs as part of consent conditions or licence agreements (see Appendix 2). In addition, I run websites and facebook pages in order to engage with others who are impacted and/or interested. My comments are informed by this experience, my own research and the research of others.

Comments

Unfortunately, data has not provided on existing committees and their effectiveness. According to the brief some committee Chairs were consulted but there was no mention of feedback from community members nor from the broader community they supposedly represented. I had to undertake a google search to find a selection of committees (see Appendix 5) to get some idea of the projects, and communities the Guidelines were intended to cover.

Research that has been conducted, for example by Kim Johnston, Paul Brown, Jason Prior, Jo-Anne Everingham could have been referenced. Johnston in her paper *Community engagement: exploring a relational approach to consultation and collaborative practice in Australia* (2010) found a general lack of or poor reporting of engagement processes. Brown and colleagues have provided extensive analysis on community consultation and perceptions of risk surrounding attempts to destroy the Hexachlorobenzene stockpile located in Sydney (eg.



<http://www.activedemocracy.net/articles/JEnviroMgtCarson2009.pdf> This case presents a number of learnings as it has state, national and international relevance, involved a Commission of Inquiry reporting to the State Minister for Planning in addition to two subsequent independent inquiries. Since the 1980s there have been unsuccessful attempts to find a suitable site for destruction and three failed export attempts. Community engagement over the period has been extensive and varied. Prior's work indicates that the State Government has work to do before it can claim to be a trusted source of information (see <http://www.uts.edu.au/research-and-teaching/our-research/institute-sustainable-futures/news/who-do-australians-trust->)

Trust is fundamental to establishing dialogue yet is not discussed. If there is no confidence in members on the local CCC it will operate in a bubble and not only will the credibility of the paid staff of government departments be undermined but the volunteers who willing engage may be treated with suspicion and viewed as 'stooges'.

Understanding motivations of volunteers, their appetite for engagement, preparedness to accept reputational risk, the time and resource constraints and the differences with paid staff representing government agencies and developers/licence holders is critical.

It is also essential to recognise differences between communities eg. those with one or two developments requiring ongoing regulation after consent as compared to those with a range

of developments and also those with monitoring and reporting which may extend many decades. The latter raises further concerns about continuity.



"The Orica Community Liaison Committee celebrates the clean up of the Botany Aquifer"

"and I do agree with hundreds of years" to treat the contamination... "there is no magic we can do to make it better"

Coordination between government agencies is required yet there is no evidence that this has been given due consideration. It would have been useful to have provided a reference to the DPI Guidelines for Community Consultation (Appendix 1) along with EPA guidelines. If the purpose is genuine 'community consultation' then highlighting the 'fine' differences between government agencies is not helpful. I think the 'average' resident has a reasonable expectation that departments such as Planning, DPI, EPA, Health, Safe Work NSW, Emergency Services, and Water will apply best practice in collectively minimising impacts. There will be a range of community concerns however as a general rule health, environmental impacts and in some cases safety (at emergency services level) will attract most attention. Information provided needs to come from credible government financed sources and preferably within the context of on-going education about risk. Agencies responsible for delivering assurances on health, environment and safety should be seen as integral to the process. At the same time the identity of the lead agency and how it conducts relations with other agencies should be on public record. This was one of the many learnings from the 2011 Orica Kooragang spill.



From Kooragang both Orica and the EPA learnt that the existing CCC was not performing as required. Orica's CCC was reconstituted and a regional CCC established. Health, DECCW and Workcover were called to account at the Upper House Inquiry but not Planning even though one of the fundamental problems is an

inappropriate land use zoning regime. Obviously the department as it was in 2011 was not responsible for historical poor practice but given its knowledge of the shortcomings and Orica's proposal for expansion it should have been a major player with other agencies.

Community Consultation and the appointment of committees should be considered within a broader context of building community resilience. Accountability and transparency are critical to the process. Too often with major developments approvals are given and then changes are sought by the developer. There appears to be a formula. First up provide the community with worst case impacting development. Cut back in response to outrage. Dress up with artist impressions to create an appealing visual for communication purposes. Negotiate with local council for a favourable Section 94 outcome. Compensate some prominent stakeholder groups. Gain approval and then begin a process of staged changes chipping away until something close to the first cut proposal is finally developed. By then engagement fatigue has ensured few community members are left to contest it. Council has moved on as Section 94 monies have already been allocated to someone's pet project that could yield maximum political benefit. Major stakeholder groups, now beholden, will have done likewise.



(Pictured above artist impression of compensatory beach at Port Botany which now is highly eroded and polluted and below Orica's Southlands first proposal (2006) with tree lined entry from Botany Road with minimal traffic and magically devoid of trucks).



The Department may need to revise its expectations of community members serving on CCCs if it wishes to achieve best practice engagement into the future. The committee as the centrepiece may well have had 'its day'. I use the word 'may' because I am not presented with any research to suggest one way or the other whether this is an effective method. I can only speak from experience. My first major engagement was with the Port Botany Expansion.

There were consultation meetings held in 2002 and 2003 as part of the EIS process, an Upper House Inquiry in 2004 and a Commission of Inquiry in 2004/05. In 2002 I recall having to phone consultants to obtain minutes which when finally released I found to be inaccurate. They weren't responsive to my comments. Minutes weren't published on a website and at this time there was no facebook (est. 2004) which could be used as a forum. There were significant limits to the robustness of the process. In 2002 I was instrumental in setting up the Botany Bay and Catchment Alliance website. About half the groups in the alliance did not have their own sites. Not all members were on email and mobile phone texting was not common. Most interaction occurred at monthly meetings rather than online. I compare that to a campaign 5 years later which has occurred primarily online with a few key people meeting as needed on-site. When required supporters have been rallied through facebook and change.org It continues 8 years on. Consultation with the Port continues 14 years on and Orica's legacy may well continue into the next century.

If the Department is serious about Community Consultation then provide data and research and talk to community members who have engaged. You may achieve superbly run CCCs with happy chair people and token community members but they could well be totally irrelevant to the needs of the broader community.



(pictured: scene from Yes Minister *The Compassionate Society* which deals with the award winning hospital sans patients.)

Appendix 1

Guideline for community consultation requirements for exploration Mining Act 1992 and Petroleum (Onshore) Act 1991 1 March 2016

http://www.resourcesandenergy.nsw.gov.au/data/assets/pdf_file/0004/476239/Guideline-for-community-consultation-requirements-for-exploration.pdf

How to use this guideline The guideline establishes the need to undertake a risk assessment based on managing the risks around community consultation. This risk assessment should then lead to the development of a community consultation strategy that establishes the process of consultation. The strategy should be implemented and monitored, which can be recorded through the annual community consultation report, that is required through a condition on title. In this document:

- Community consultation strategy means the establishment of a process of community consultation that considers the stakeholders, methods of communication, and the monitoring of, and response to, consultation events. It identifies what a titleholder may seek to achieve while recognising that there may be uncertainty in the process of achieving it. The level of detail in the community consultation strategy will be guided by the level of the impact of the exploration activity and the need to demonstrate how compliance with this guideline is met, and how the risks will be managed.
- Community consultation plans are action documents that guide titleholders in undertaking and reporting on community

Appendix 2

List of Community Consultation Committees North Botany Bay

Orica Botany Liaison Committee – Operating under Conditions of Consent Groundwater Treatment Plant (EPA/Planning), Federal Government’s Hexachlorobenzene Plan. As well as licences deal with various major developments including Southlands. Independent Chair

Port Botany CCC – Operating under Conditions of Consent for Port Expansion as well as incorporating leases such as Elgas, Caltex, Terminals, Origin, Vopak. Deals with Conditions, and Developments. Independent Chair

Orora CCC – Chaired by General Manager of Botany Plant (largest paper recycling mill in Australasia)

Botany Industrial Park CCC – Chaired by Site Operations Manager – for Qenos, Orica, Ixom, Huntsman

Appendix 3

List of Major Hazard Facilities in NSW audited by EPA in 2012 after Orica Kooragang Inquiry (10 of the 24 on North Botany Bay)

EPA regulated premises (Scheduled activity, Licence number, Accountable party)

Chemical storage 11690 AUSTRALIAN PETRO CHEMICAL STORAGE PTY LTD

Metallurgical activities 6092 BLUESCOPE STEEL (AIS) PTY LTD

Chemical storage and chemical production 10095 BOC LTD

Chemical storage 13141 BOC LTD

Chemical storage and chemical production 6679 BOC LTD

Petroleum and fuel production 837 CALTEX REFINERIES (NSW) PTY LTD

Chemical storage and chemical production 12259 COREGAS PTY LTD

Other activities 4458 DEGREMONT PTY LTD

Chemical production 12325 DOWNER EDI MINING – BLASTING SERVICES PTY LTD

Chemical production 12158 DYNOL NOBEL ASIA PACIFIC PTY LTD

Chemical storage 10698 ELGAS LTD

Petroleum products storage 20023 ELGAS LTD

Petroleum and fuel production 2695 HC EXTRACTIONS PTY LTD

Chemical production 7494 HUNTSMAN CORPORATION AUSTRALIA PTY LTD

Chemical storage 11781 INCITEC PIVOT LTD

Chemical storage 11793 INCITEC FERTILIZERS LTD

Chemical production 5104 LYONDELLBASELL AUSTRALIA PTY LTD

Chemical production 11220 ORICA AUSTRALIA PTY LTD

Chemical production 2148 ORICA AUSTRALIA PTY LTD

Chemical storage 245 ORIGIN ENERGY LPG LTD

Chemical storage and chemical production 3530 PAX AUSTRALIA PTY LTD

Chemical storage 2934 POOL RESOURCES PTY LTD

Chemical production 10000 QENOS PTY LTD

Petroleum and fuel production 464 QENOS PTY LTD

Chemical storage 13154 RECKITT BENCKISER (AUSTRALIA) PTY LTD

Chemical storage 661 SHELL REFINING (AUSTRALIA) PTY LTD

Petroleum and fuel production 570 SHELL REFINING (AUSTRALIA) PTY LTD

Chemical production 1255 SOLVAY INTEROX PTY LTD

Other activities n/a – EPA as ARA SYDNEY WATER CORPORATION

Chemical storage 6152 TOLL NORTH PTY LTD

Chemical production 12485 UNITED INITIATORS PTY LTD

Chemical storage 6007 VOPAK TERMINALS SYDNEY PTY LTD

Chemical storage 6581 VOPAK TERMINALS SYDNEY PTY LTD

Chemical production 11308 WOODCHEM AUSTRALIA PTY LTD

Appendix 4

Selection of Major Projects over past 10 years (as listed on NSW Planning Website) impacting North Botany Bay

Orica Botany Subdivision
Orica Southlands Development
Sydney Ports Port Botany Expansion
Orica HCB repackaging
Patrick Expansion
Alkatuff (Qenos) Upgrade
Orica Car Park Waste Encapsulation
Orica Mercury Containment
Huntsman Ethylene Oxide Plant Upgrade
Waste Transfer Station Veolia
CBD SE Light Rail
Vopak Bulk Liquids
Orora Paper Mill redevelopment
Elgas
Terminals Bulk Liquids
Ausgrid/Energy Australia Botany Bay Cable
Sydney Water Desalination pipeline

Appendix 5

Selection of Community Consultative Committees in NSW

(not available from Planning NSW but obtained through google search)

Chair Cr Godfrey Adamthwaite

Ashton Coal <http://www.ashtoncoal.com.au/Environment--Community/Community/Community-Consultative-Committee/Community-Consultative-Committee.aspx>

Clencore Bulga Coal www.bulgacoal.com.au/EN/Publications/Pages/CCInformation.aspx

Ravensworth Glencore
<http://www.ravensworthoperations.com.au/EN/community/Pages/CommunityConsultativeCommittee.aspx>

Chair Hon Ian Armstrong

Shenhua Watermark Coal
<http://www.shenhuawatermark.com/html/Watermark/Community/CommunityConsultativeCommittee/> (reference group used in media) (CSR report
http://www.shenhuawatermark.com/uploads/Shenhua_Watermark_Corporate_Social_Responsibility_Report.pdf)

Chair Maree Callaghan

Hunter Enviro Mining <http://www.hunterenviro.com.au/community-consultative-committee/w1/i1001242/>

Chair Ian Colley

Taralga Wind Farm <http://www.taralga-windfarm.com.au/#!community-consultative-committee/c1hc8>

Orica Botany Liaison Committee http://www.orica.com/Locations/Asia-Pacific/Australia/Botany/Community/orica-botany-liaison-committee#.Vvsv1_I97IU

Chair Grahame Collier

Report on Infigenenergy CCC <http://www.infigenenergy.com/Media/docs/Report-on-the-Community-Consultation-Committee-Process---Flyers-Creek-6162f673-cc42-4d6c-8302-4b6a804ab89a-0.pdf>

Chair Brian Elton

Unity Mining Dargues Reef <http://www.unitymining.com.au/dargues-gold-mine-ccc>

EPYC Tarago Windfarm <http://www.epyc.com.au/community-consultative-committee-minutes/> (see comment on validity <http://iuprda.com.au/article/nominations-community-consultative-committee-representatives>)

Chair Mark Hodges

Newcrest Cadia Valley www.cadiavalley.com.au/site/ccc-minutes

Chair Jock Laurie

Santos Narrabri Gas www.narrabrigasproject.com.au/community/consultative-committee

Chair Margaret MacDonald-Hill

Metromix Teralba Quarry <http://www.metromix.com.au/resources/quarry-environmental-management/teralba/community-consultative-committee-ccc/>

Spur Hill <http://spurhillunderground.com.au/community/community-consultative-committee>

Austar Coal Cessnock

<http://www.austarcoalmine.com.au/Community/CommunityConsultativeCommittee/tabid/123/Default.aspx>

Mannering Mine <http://manneringmine.com.au/community/consultative-committee-information/>

Stratford Coal YanCoal <http://www.stratfordcoal.com.au/environment/community-consultative-committee.php>

Duralie Coal YanCoal <http://www.duraliecoal.com.au/environment/community-consultative-committee.php>

Chain Valley Mine Lake Macquarie

<http://www.chainvalleymine.com.au/community/consultative-committee-information/>

Chair Michael Muston

Glencore Tahmoor

<http://www.tahmoorcoal.com.au/EN/community/Pages/Public%20Meeting%20Minutes.aspx>
[x](#)

Chair Milton Morris

Donaldson Coal YanCoal Mi <http://www.doncoal.com.au/environment/abel/community-consultative-committee.php>

Chair Prof Roberta Ryan

Port Botany <http://www.nswportsbotany.com.au/community/port-botany-community-consultative-committee/>

Chair Cr Val Scott

Rix Creek Singleton

<http://www.bloomcoll.com.au/ApprovalsPlansandReports/RixsCreek/CommunityConsultation/tabid/276/Default.aspx>

Glencore Liddell Coal

<http://www.liddellcoal.com.au/EN/community/Pages/CommunityMeetings.aspx>

Chair John Tate

Newcastle www.epa.nsw.gov.au/newcastle/committee

Chair John Turner

Moolarben Coal YanCoal <http://www.moolarbencoal.com.au/page/environment-and-community/community-consultative-committee>

Idemitsu Boggabri <https://idemitsu.com.au/operations/boggabri-coal/approvals-plans-and-reports/community-consultative-committee/>

Whitehaven Coal Maules Creek

http://whitehavencoal.com.au/community/maules_creek_ccc.cfm

Chair Gary West

Caroona Coal www.caroonacoalccc.com.au