

Revised Community Consultative Committee Guidelines for State Significant Projects - Submission Grahame Collier

Introduction

This submission reflects my personal response to the draft Community Consultation Guidelines developed by the Department of Planning and Environment. These views are informed by my role as the Chair of the Community Consultation Committees [CCC] for the Flyers Creek and the Bodangora Wind Farm Projects for a period of three and a half years. The proponent for these projects is Infigen Energy and I held the role of independent chair of both committees for a period of over three years until 2015. This role was managed within the draft Wind Farm Guidelines that the Department released in 2011.

Overall Comments

I welcome the development of a set of Guidelines for CCCs for all projects of state significance. Consistency and clarity are important for all those involved in the process; the community, the proponent, the chair and local and state government. In saying this however, if these Guidelines remain in draft form for any longer than is absolutely necessary, then the Department is wasting everyone's time and not bringing consistency or clarity. My experience in trying to manage Wind Farm CCCs under draft guidelines was challenging and problematic. The Department's assistance in this process was non-existent.

Key Issue 1. The Department of Planning and Environment must analyse the feedback received, amend the guidelines, approve the guidelines and get them approved and out there expeditiously.

There are some aspects about which the current draft is deficient. These are:

- A. The role of the Department: Under the previous iteration of CCCs for Wind Farms, the guidelines included the requirement of developing annual reports from the Chair to the Department. In my experience these reports have been ignored; in fact I have had to contact Departmental officers a number of times just to gain feedback that they had been received. Not once has there been contact from the Department about issues raised in the Reports. There has been no offer of training, no advice to this Chair about difficult issues in the process. The minutes of all meetings are on the Infigen website, but no-one appears to monitor these. In my view the Department has a significant role to play and this role should be spelt out in the Guidelines.
- B. The role of local government: This is also a deficiency in the current draft. There is little advice to local government about their level of engagement in the CCC and their obligations within it. This should be addressed much more comprehensively.

Key Issue 2. The draft should be amended to provide much more clarity about the role of the Department of Planning and Environment, especially. It is not appropriate bureaucratic practice for the guidance to omit any discussion of the obligations of the Department.

Feedback about Specific Parts of the Document

It is difficult to provide specific comments on this document because it lacks page numbers. I have labelled each comment back to the appropriate text in the document, as clearly as possible.

1. Introduction: In the list of dot points in column 1 relating to what the CCC ensures, it is recommended that an additional dot point is added: *'enabled to provide advice to the proponent, local government and other key stakeholders about the project.'* Without this concept the CCC lacks any depth. From my experience this is the part of the intent of the CCC that community people value most. It needs to be clearly stated throughout the Guidelines, beginning on Page 1.
2. Purpose of the Committee - list of 6 dot points under ...'the Committee provides a forum to:' Dot point 6 should be reworded to note the importance of a balanced triple bottom line approach; i.e. *'Work towards achieving balanced social, environmental...'* For triple bottom line approaches to be successfully addressed, it is the balance each aspect that is important.
3. Purpose of the Committee - list of eight numbered points [pages 1 and 2] commencing: *'The Committee may....'* Surely the committee also provides advice to local government, NSW Planning and Environment etc. This point seems to have been overlooked and so it seems they only provide advice to the proponent.
4. Establishment of the Committee [page 2]: The last two paragraphs of this section commencing: *'The Department will decide...'* are unclear. Surely the Department should communicate with the proponent requiring the establishment of a CCC. This fact needs to be included and is lost in the verbiage. In saying this, it needs to be acknowledged that long lead times between the establishment of a CCC and approval of a project are detrimental to the intent of the consultation process. At Flyers Creek for example the CCC was established after the consultation about the project had been done and then it took years for the PAC process and the project to be approved. This process got it wrong both times and just lead to frustrations in the community, expressed through the CCC.
5. Members of the Committee: It is important that each member of the CCC should have a designated alternate, who is contacted to replace them when they cannot attend. This is canvassed in the document but it is worded loosely and not mandatory.
Also I fail to see why the proponent should have three representatives. A maximum of two with alternates is sufficient. If the proponent needs to bring in a member of staff with specialist knowledge about an issue, this can occur on a meeting-by-meeting needs basis.
6. Members of the Committee - Independent Chair section: The issue of whether a local resident or outsider is best placed to be the chair needs to be discussed. Proponents need help in the process of nominating the chair and the document would be more useful if this was canvassed.
7. Members of the Committee - Section related to raising concerns about the Chair: If a CCC has nine members, as is possible under the draft guidelines, then it would seem more appropriate that concerns raised by four of these should be the number required to trigger action. Three members equates to only 33% in a nine person committee. It is agreed that three would be reasonable if there were only 7 members of the CCC [current minimum size].
8. Members of the Committee - Section on Appointing Community Representatives: Greater involvement of the Chairperson in this process is appropriate and welcomed, although it does have implications for workload. As an independent chair each CCC meeting cost me

about three days of my time. This included: setting agendas and reviewing minutes, preparing and facilitating meetings, travel time and dealing with members calls and emails out of session. More responsibilities mean more work and sitting fees or an honorarium don't in any way cover this.

9. Members of the Committee - other issues: I am inclined to the review that the community members should be appointed for a period of time, say three years. Then their membership of the CCC should be reviewed. They could then be appointed for a further three year term/s.
10. Committee Meetings - Minutes of Meetings: A system that worked at Flyers Creek and Bodangora CCCs was that the Chair reviewed the draft minutes, developed by the proponent, prior to distribution. Once distributed [within three weeks of the end of the meeting] committee members were asked to raise issues with the draft minutes out of session. This meant time in meetings could be used more effectively. In addition, in my view draft Minutes should not be made public prior to endorsement by the CCC at the subsequent meeting.
11. Committee Meetings - Code of Conduct. These are welcomed but some feedback is provided:
 - It is recommended that a step in the process is that the chair can follow up a 'conduct' issue privately with a member, out of session. This should be included in the possible steps.
 - The concept of 'regularly' with respect to replacement of a member needs to be defined.
12. Committee Meetings- Attendance by non-Committee members: In my experience this should be a standing invitation to the community and others. They should be encouraged to attend all meetings but not to speak unless invited by the chair.
13. Committee Meetings - Training: This is a welcome addition.

Key Issue 3. All of the input detailed above is important. It is recommended that Planning and the Environment staff closely review and assess each issue in turn and amend the draft accordingly.



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