

“Reclaiming our Valley”

Hunter Communities Network

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Submission

Draft Community Consultative Committee Guidelines State Significant Projects

The Hunter Communities Network (HCN) is an alliance of community based groups and individuals impacted by the current coal industry and concerned about the ongoing rapid expansion of coal and coal seam gas exploration and mining in the region.

Many HCN members currently have community representative positions on Community Consultative Committees (CCC) for mining and gas development in the Hunter Region.

Some of these CCCs have had a very long standing and some of the mines, such as Dartbrook near Muswellbrook, have been in care and maintenance for many years.

HCN supports the proposal to have consistency across CCC arrangements in NSW. However, there is no outline in the draft revised guidelines in regard to when and how the proposed changes would be implemented in long standing CCCs.

We strongly support the proposal to initiate the CCC process at the environmental assessment stage of state significant projects. This provides the community with an opportunity to better understand the proposed development and the assessment process.

The life of CCCs, particularly for large mining projects should be maintained through the final rehabilitation and decommissioning stages. This will provide continuity of oversight and advice and community understanding of the final landforms and relinquishment of land.

HCN considers the CCC process to be a very important role for community engagement in significant developments, such as mines, that have a large environmental and social footprint.

HCN wishes to make the following additional recommendations to inform the proposed guidelines and improve the function of CCCs in NSW:

1. Appointment of Independent Chair

HCN considers the role of Independent Chair to be critical to the performance and functionality of a CCC, especially under the draft revised guidelines. This person must be trained in the facilitation of meetings to ensure proper process, frank exchange of views and open and transparent provision of information.

The Independent Chair cannot be appointed by the company. This proposal is unacceptable and will lead to ongoing mistrust and bias in the consultation process.

HCN recommends that Department of Planning and Environment appoint a group of trained facilitators, in a similar way to the Commissioners making up the Planning Assessment Commission (PAC).

These facilitators are then available for the companies to engage as Independent Chairs based on availability, work load and geographical placement.

We do not support that these facilitators need a background in mining to chair a mine CCC. They need a background in running functional meetings. The Independent Chair should receive an induction to the project and its management plans, conditions of approval and mine operations plan at the same time as CCC members.

In the case of a CCC at assessment stage, all CCC members will be at the same knowledge level as the planning and assessment process evolves. It will be helpful for everyone if the Chair needs clarification of information presented. The issues relating to significant development can be complex and it is important that clear information is presented to the community by the proponent.

2. Appointment of CCC community representative members

HCN supports the proposed process for selection of CCC members by the Independent Chair. This will only be successful if the Chair is appointed by the method outlined above.

It is important for full disclosure of pecuniary and non-pecuniary interests to be made in the membership application for community representatives.

HCN supports that community members select their own alternatives with full disclosure of interests.

3. Induction for Independent Chair and community members

It is critical that all members of a CCC including the independent chair have a formal induction process that allows them to understand the regulation, conditions and commitments of the company. This is especially important for a newly formed committee,

Any new members to an existing committee must also be given the opportunity to understand the project fully when joining a CCC or replacing retiring members.

The guidelines should provide a clear outline of an induction process.

4. Reimbursement of travel expenses

The cost of travel to CCC meeting by community representatives must be reimbursed as a mandatory requirement of the guidelines. This should not be a discretionary choice of the company. Community members are donating their time under a condition of approval for the project operation. All the company and Government representatives and the Chair attend CCC meetings as part of their paid work. It is only fair that community volunteers are not left out of pocket for participating in a mandatory process.

5. CCC minutes

The taking of CCC minutes should be by an independent administrative support officer who liaises directly with the Independent Chair. Any proposed changes to the minutes must be conducted with transparency.

6. Regularity of meetings

HCN considers that quarterly meetings should be a minimum number of meetings per year with additional meetings when modifications or expansions of the project are being considered and assessed.

7. Regional CCCs

While HCN supports the concept of regional gatherings, this should be managed in the format of a regular meeting of CCCs in the area – at least once per year. These meeting should be for the purpose of discussing and understanding cumulative impact of multiple projects in a region, such as mining in the Hunter Valley.

These meetings should not take the place of individual CCC formats or regular meetings. Significant developments, particularly mines, are very complex. It is important that each individual project maintain an individual CCC. This is necessary for community engagement in the complex regulatory and reporting system of each large project and an understanding of its operations in relation to the suite of required management plans.

Another type of regional CCCs could be to set up in the Hunter as specific regional bodies to specialise in different aspects of cumulative impact. This could include a regional biodiversity CCC, a regional water CCC, a regional rehabilitation, landscape and final void management CCC and a regional social impact CCC.

While the NSW Minerals Council has attempted to achieve this outcome through the Upper Hunter Dialogue, there has been minimal community engagement in the process and there is no formal direction or oversight. The process is highly influenced by the pecuniary interest of the mining companies.

HCN strongly objects to the direction being taken to use the Dialogue as a brand to falsely represent the community. This occurred with the recent Mt Owen Extension PAC where commissioners met with two mining representatives purporting to be the Upper Hunter Dialogue.

An independent structure of regional CCCs performing an important role of considering various forms of cumulative impact of mining in the Hunter Region would be a significant improvement to the current regulatory oversight.

Conclusion:

HCN appreciates the opportunity to provide comments on the proposed new guidelines for CCCs as part of the regulatory requirements for state significant development.

The role of the community is very important in the ongoing management and regulation of large developments with multiple cumulative impacts. The transparency of the consultation process and the true independence of the chairperson is critical to the achievement of fair and unbiased community engagement.

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Yours faithfully



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