

9 March 2016



Mike Archer

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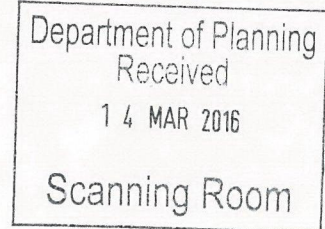
Resources Assessment & Business Systems

NSW Department of Planning & Environment

GPO Box 39

Sydney NSW 2001

Dear Sir/Ms



#### FINAL DRAFT COMMUNITY CONSULTATIVE COMMITTEE GUIDELINES

Thank you for the opportunity to comment on the final draft of the revised Guidelines for Community Consultative Committees associated with state significant projects.

Committee members of the Dendrobium CCC were invited, at our meeting of 18 February, to forward comments via me, as chair, or to respond directly to the Department. Dr Ann Young is the only member of the Dendrobium CCC who has chosen to respond, by the deadline, via me and her comments are enclosed as received.

The following comments are my own. I have not doubled up where I agree with Dr Young's comments.

#### General comments on the Draft

Generally, the revised draft document provides for a better set of guidelines than those that it seeks to replace. Procedures and protocols are more succinct and clearer and thereby more useful. The toolkit is a good and useful inclusion.

#### Specific comments

Page 2, "Introduction", first par following dot points, third line ....and key stakeholders by providing an **open** forum for ..... I suggest dropping the word "open", as it could be read to mean that committee meetings are open to anyone who wishes to attend. This is not the case in my understanding, unless approved by the independent chair.

Page 2, "Purpose of the Committee", second line at top of column 2 ... I suggest the addition of the words "and consultative" as follows – A Community Consultative Committee is not a decision-making body and performs an advisory **and consultative** role only.

Page 2, point 2, fifth dot point ... I suggest the addition of the words "periodic and milestone" - as follows – annual, **periodic and milestone** review reports; and (this would then include End of Panel Reports).



Page 3, second column, second par, "The Department will decide .... to be set up in the: " Could provision be made for communities to approach the Department proactively if they believe a CCC is warranted?

Page 4, "Independent Chairperson", I believe the Independent chair should be appointed for a finite period (e.g. 3-5 years) and a formal review conducted at the end of that period. The Chair may be reappointed if other members of the Committee are happy with his/her performance or open the position up to new candidates, with the incumbent chair also able to reapply.

Page 5, "Community representatives", I believe finite membership periods should also apply to community committee members whose membership should be reviewed; perhaps by the Chair and /or Company representatives, at the end of the period. This would provide a release point for community members who sometimes get themselves onto committees, but don't know how to get themselves off, or feel uncomfortable resigning.

Page 7, "Minutes of Meetings", second line – include the words "in some detail" as follows:  
"Minutes must be kept of all Committee meetings. The minutes shall record, ***in some detail\****, issues raised and actions to be undertaken, who is responsible ....

Footnote to read: \*Sufficient detail that a person of reasonable intelligence who did not attend the meeting would be able to understand the gist of the issue.

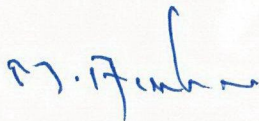
Page 8, "Committee funding and Remuneration", add to end of first par as follows: "It is up to the Company whether or not it agrees to such requests, ***unless provision for such funding forms part of the Project's Conditions of Approval***".

Page 8, "Responsibilities of the Company", bottom second column, third dot point, add words periodic or milestone: "annual, ***periodic or milestone*** review reports;"

If other members of the Dendrobium Community Consultative Committee wish to comment on the draft Guidelines they will have done so, or will do so, independently.

Please feel free to telephone (0408 859 331) or email me ( [mikearcherpr@hotmail.com](mailto:mikearcherpr@hotmail.com) ) if my suggestions are unclear or you wish to discuss our comments.

Yours sincerely



Mike Archer

Independent Chair Dendrobium Community Consultative Committee

Enclosed: Comments by Committee member Dr Ann Young



The Guidelines are now 9 pages rather than 7 pages long. A useful further 7 pages of proforma material as a Toolkit has been added. I prefer the revised guidelines to the 2007 document as they are fuller without being too verbose and they make it clear that the role of a CCC, while advisory, is not passive. Also the whole flavour of the document makes it clear that genuine consultation is required and that the CCC must be given adequate and timely access to material before project developments or modifications are made. This is stressed from the first in the bullet points of the Introduction.

I will detail some comments below but there are several points that I think should be included in the Guidelines:

- Annual guaranteed funding for all CCCs should be provided by the company and to provide for independent advice to the CCC on issues related to the project. This has worked well at Tahmoor and Dendrobium mines and gives the community some comfort that the company is prepared to have its reports subject to scrutiny.
- All projects should have a CCC set up, with provision for that body to disband and establish an alternative system of community consultation. The Department should not be the arbiter of when a CCC is required.
- A mechanism for providing a chairperson if the independent chair is unavailable needs to be specified.

#### Detailed comments

##### p2 para 2 Introduction

These bullet points are helpful and the purpose to the CCCs more clearly than in the 2007 document. The words 'informed', 'consulted' and 'involved' emphasise an active role for the CCCs, whereas the 2007 document began with the Purposes of the Committee which were blander. So although a CCC is 'not a decision-making body', it is expected to have a useful role in project issues.

##### p2 Purposes

Point 2 1st bullet point 'the development of new projects' is new and useful. The CCCs need to be involved at planning stages, not only after-the-fact.

Point 3 and 5 - used to specify 'environmental' performance. Happy to see the broader definition as community consultation etc can be considered.

Section "The Committee may.." - Point 1 is new and with the requirement to 'comment' in point 2 means that it is very important for the CCC to have reasonable access to independent expert advice. The provision of regular available funding for independent advice and provided by the company should be part of every approval of a CCC.

p3 bullet points of 'The Committee may..' continued - I think these are much clearer and stronger than before with several new roles specified (points 7-10 are mainly new).

##### p3 Establishment

This section is unclear and worrying. It could be read to allow the Department to simply avoid setting up a CCC if the project was controversial or if the company had indicated it was opposed to having a CCC. The Department does not have the full trust of the community at present. If there is to be no CCC, then a mechanism has to be in place for the community - not just the Department - to be involved in setting up an alternative. Given that a CCC can disband by agreement, it seems simpler to require a CCC and allow that body to decide its future and to be able to recommend an alternative suited to the specific project.



p 3 Independent chair

It is useful to have it specified that the company nominates a chairperson. This has often been the case in practice so it should be explicit.

p4

The list of nomination requirements is new and useful. I suggest 2 additions. Firstly 'independence of the company' should be added to the bullet points of selection criteria; secondly 'Once established, the views of the CCC on the suitability of any replacement chairperson should be sought'. This would add a step 2a to the diagram.

The selection criteria for community representatives are better than in the 2007 document.

p5

I think eg is meant instead of ie in line 17 of column 1.

The outline of steps for appointing community representatives is fuller and better than previously.

p6 Committee meetings

last para of column 1 - Providing for regional meetings of CCCs is a very helpful innovation.

p6 Meeting proceedings - the list of chair's responsibilities is new and useful.

p7 Conduct of committee members - the list is slightly expanded.

p7 Attendance by non-Committee members - it is helpful to have this specified.

One point not covered is the procedure if the independent chairperson is unavailable for a meeting. This needs to be set. I suggest that if it is a late change eg due to illness, then the CCC can elect a chair from among those present. If it is a longer term absence, then the Department appoint a pro-tem chairperson.

p 8 Committee funding - it is not acceptable for the CCC to have to seek funding from the company for 'activities related to its purposes'. The CCC should have regular and guaranteed access to such funding, because of its role as specified on p2.

p8 - Dispute resolution. It is helpful to have specified that the CCC can seek advice from the Department about compliance. I say this not because it has not been possible before but the clause normalises a process that might otherwise be seen as threatening the company.

p 9 Reports should be made available to CCC members 'at the same time as they are submitted to agencies'. This is not a new clause. However its action has been avoided by a company arguing that the report is not 'finalised' and is just sent for comment to agencies and the Department. Addition of the requirement that the company consult 'prior to seeking approval' of modification etc makes it clear that this is not the intention of the clause. I suggest that this be made clearer.