



Nature Conservation Council

The voice for nature in NSW

Executive Director,
Resource Assessments & Business Systems,
Department of Planning and Environment,
GPO Box 39,
Sydney NSW 2001
Submitted via webform

15 April, 2016

RE: Submission in to draft Community Consultative Committee Guidelines.

Thank you for the opportunity to provide feedback on the draft updated Community Consultative Committee Guidelines for State Significant Development Projects (the Draft Guidelines) currently on exhibition.

The Nature Conservation Council of NSW is the peak environmental organisation in the state, representing over 150 community conservation organisations with a combined membership of 60,000 people. Many of our member groups and supporters have extensive experience on Community Consultative Committees (Committees) and we provide comments on the draft guidelines having sought feedback from people with direct experience on the Committees.

Broadly we welcome to review of the Guidelines as to date they have failed to fulfil their purpose to *“provide a forum for open discussion between representatives of the Company, the community, the local council and other key stakeholders on issues directly relating to a project, including performance against any conditions, and to keep the community informed on these matters”*, however we are disappointed that the opportunity has not been fully embraced to make the Committees more useful for the community and environment. We request the Department take on the following changed to make the Committees more effective.

1. Use of Committees

With the number of projects designated State Significant Development (SSD) increasing we would expect to see an increase in the use of Committees. Projects designated SSD often have the greatest potential impact on communities and the environment hence community participation is essential. We request there be greater clarity around what projects will warrant the establishment of a Committee as the current draft guidelines provide no clarity for the community nor a process for the community to request a Committee if they deem it necessary.

2. Independence of the Chair

The role of Chair is critically important to the functioning of the Committee. We do not support the proposal to maintain the ability of the company to nominate the Chair, even if the Department is

able to choose between two Chairs nominated by the company.

We recommend that an independent pool of professional experts be facilitated by the Department and selected at random to the position of Chair. Conflicts of interest and pecuniary interests should be addressed before the person is selected as Chair, rather than afterwards.

3. Timing of establishment of Committees

We support the inclusion in the draft Guidelines the option for Committees to be established during the assessment process, rather than simply during the approval stage. If done well this should ensure concerns from the community are addressed early on in the project development when there is greater ability to alter projects.

4. Selection of community and environment representatives

We welcome greater clarity around the obligations of the company to advertise positions on the Committees. However, the recommendation of Committee representatives by the Chair will only be sufficient if the Chair is independent as we recommend above.

The draft guidelines note that an environmental representative *may* be appropriate for the Committee. It is unclear in the draft guidelines who will decide if an environmental committee member is required, we request this be clarified in the final guidelines and that the presence of an environmental representative be the standard with the Chair needing to make a satisfactory argument to the Department if they believe there is no need for an environmental representative.

5. Frequency of meetings

Given that it is often during the operation of a project that community and environmental impacts are most felt, we do not agree that it is appropriate to reduce meeting frequency to only twice per year during this stage of the project. We recommend there be a minimum of four meetings per year during the entirety of the project and in the assessment and construction phase.

6. Selecting community committee member alternatives

We do not support the change in the draft guidelines to allow the Department to appoint an alternative participant if the committee member is not available. It should be the right of the committee member to nominate their own alternative representative.

7. Reimbursement for services of committee members

Committee members contribute significant amounts of time to participate in Committees adding their expertise to protect the interests of their community and environment against projects which seek to make a profit from common resources. It is only fair that Committee members should be reimbursed for the costs of their participation, including travel and other necessary costs. Adequate training should also be provided to allow for Committee members to engage in the important business of the Committee.

8. Distribution of Committee minutes and material

We do not support the responsibility for disseminating information coming from Committee meetings falling to the volunteer Committee members. It should be the responsibility of the well-resourced company to distribute accurate information regarding their project to the community. We request the Guidelines be changed to reflect this.

9. Access to independent experts

We do not support the Chair being the only person empowered to invite independent experts to attend meetings. If a community member requires the presence of an expert to be able to fulfil their duties there should be a clear process for the member to request an expert. This does not appear to be the case in the draft guidelines. We request the final guidelines provide a clear process so that community members can fully understand the issues being discussed given the complex nature of many of the issues.

Thank you for the opportunity to comment on the draft guidelines please contact me on dbarham@nature.org.au or 9516 1488 if you would like to discuss any of the issues raised further.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Daisy Barham', followed by a period.

Daisy Barham
Campaigns Director
Nature Conservation Council of NSW