



Residents Against Jupiter wind turbines

8th March 2016

Secretary
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Re: Draft Revised CCC Guidelines

Dear Ms McNally

The draft guidelines for Community Consultative Committees recently released by your Department seriously breach the spirit of the approach to wind farm CCCs introduced when Pru Goward was Minister for Planning. The document reads as though written by a developer or their agent, which begs the question of who has been involved in drafting it.

A CCC established and conducted in accordance with this draft would be far weaker in serving the interests of our local community than has been the existing Jupiter CCC. No doubt that would be welcomed by the developer involved, but not by our community.

Attached is a detailed submission by our group as to how the draft guidelines need to be amended in order that CCCs can meet what should be their primary purpose, i.e. protecting the interests of local communities and their members, and not being a figleaf to cast some specious legitimacy on the actions of a project's proponent.

Yours sincerely

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The Hon. John Barilaro, MP
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The draft CCC Guidelines read as though written by a developer or their agent. It continues the Department's addiction to anti-democratic solutions where all parties except the local community are free to appoint their representatives.

It also continues the Department's approach of framing the matter in terms of local "concerns" instead of local "interests". This is an unsubtle use of words to attempt to brush away the actual legitimate and legal interests of members of each local community. And the Department's assumption that a CCC should not contribute to stopping a development but just to making a developer's invasion more palatable to the local community and quietening the voice of the local community. The document needs to be thoroughly rewritten.

The local community are the ones who are invested in the locality before a developer intrudes. They have financial and lifestyle interests more entrenched and more substantial than the developer.

Either the purpose of a CCC is to *protect the interests of local community members* or it is simply mock consultation to provide a figleaf for the Department's pro-developer disposition, using members of the local community as unpaid helpers to falsely "legitimise" developments.

If the purposes of a CCC is to protect the interests of the local community, then several things follow:

- The CCC guidelines and terms of reference should be unequivocally written in a manner wholly directed to that purpose.
- The local community must have the right to select its representatives; and
- Any chairperson must be unambiguously independent and subject to rejection by a majority of the community representatives.

The Department's one-size-fits-all CCC prescription is unsuitable. However, the critical differentiating factor is not the industry involved but how contentious is the project for the local community.

It is recognised that not all SSDs are locally contentious. It may be that the Department's draft would work OK with non-contentious developments. But it is grossly unsuitable for contentious ones – and that is precisely when a CCC is important.

Contentious SSDs

For contentious development, it is critical that:

- all community representatives are elected by the local community;
- the chairperson be appointed by the Department with no input from the developer and that, while paid for by the company, it be at a rate and on terms established by the Department;
- the CCC be established as early as possible,
 - certainly well before the submission of an EIS; and
- there be up to 10 community representatives.

When the Secretary receives a request for EARS for a SSD, the Secretary should arrange with local council(s) to issue a notice to all potentially affected land holders advising them of:

- the proposed development, its location, nature, scale and ways it may affect those in the vicinity (e.g. noise, visual impact, dust, nighttime lighting, road traffic);
- their rights, including to request the Secretary to deem it a contentious development and establish the CCC on that basis.

If more than 30 landholders request the Secretary to deem a development as contentious, the Secretary should:

- cause a CCC to be established immediately;
- with a chairperson appointed by the Secretary with no involvement by the developer;
- with an election to select community representatives to the CCC.

Project Stage

There is a clear distinction in the role of the CCC prior to and post approval of a project. Prior to approval the CCC is seeking information on the project to relay to the community, testing that information and (under the revised guidelines) can make recommendation to the Department on the project approval.

Post approval the role of the CCC seems to be one of monitoring the conditions of approval. It is likely that this role would be more important to those in the community directly affected by the development through noise, dust, etc. A CCC before a project is approved would be of interest to the community more broadly.

The CCC guidelines need to clearly recognise both these stages and their requirements.

Proposed alterations to specific parts of the guidelines are detailed in the following pages. Appropriate amendments to the circulated guidelines are highlighted in red.

Purpose of the Committee

The purpose of a Community Consultative Committee is to **protect the interests of the local community**. It provides a forum for open discussion between representatives of the Company,¹ the community, the local council and other key stakeholders on issues directly relating to a project, including **all ways in which it may affect the community, its suitability or otherwise for the locality, and its** performance against any conditions, and to keep the community informed on these matters.

A Community Consultative Committee is not a decision-making body and performs an **investigatory and** advisory role only.

More specifically, the Committee provides a forum to:

1. **Ensure the community has high quality, comprehensive information on the project, so the community can itself judge and articulate the impact the project may have, or is having, on the community and its members, and to stimulate action to protect the community and its members.**
2. Establish good working relationships between the Company, the community and other key stakeholders on individual projects.
3. Allow ongoing communication of information on the project and environmental performance, including about:
 - the development of new projects, including site selection, design and any mitigation measures;
 - development assessment --- including **the provision of detailed, accurate information on matters the community regards as important to it and its members, in a timeframe that is adequate for effective use by the community**, scoping of issues for assessment and commenting on assessment documentation (optional);
 - implementation of conditions of approval and any management plans;
 - results of environmental monitoring;
 - annual review reports; and
 - **outcomes of audit reports (including audits required as a condition of consent).**
 - **access to the data and process details used in formulating these monitoring, audit and other reports so the community can verify, if it requires, the conclusions in those reports and monitoring.**
4. Comment on the project's performance against any conditions of approval.
5. Discuss ~~community concerns~~ **how community and individual interests are affected** and review the resolution of community complaints **and action taken to protect the interests of the community and its members.**
6. Discuss how best to communicate relevant information about the project **and its suitability or otherwise, and its** performance to the broader community.
7. Work together towards social, environmental and economic outcomes that benefit immediate neighbours, the local and regional community, and the development **without harming the local community or individual residents.**

The Committee may:

1. Provide advice to the Company on the development of new projects and measures that could be implemented to minimise any impacts.
2. Identify key issues for the assessment of projects and comment on any assessment documentation.
3. **Seek comprehensive information from the company and from the Department and other Government agencies on all aspects of the project, and their approach to the project, that impinge on the local community.**
4. Review the performance of the project and provide feedback to the Company and/or relevant State agencies regarding **impact on the community**, environmental management and community relations.
5. Review draft management plans and provide suggestions for improvement.
6. Undertake regular inspections of the project's operations.
7. Review the Company's complaints handling procedures and the handling of concerns or

<p>complaints from the community regarding operations, harm to residents, environmental management or community relations.</p> <p>8. Provide advice to the Company on how to improve community relationships, including in relation to:</p> <ul style="list-style-type: none"> • mitigating harm to individual residents and the community as a whole; • providing information to the community; • identifying community initiatives to which the Company could contribute; and • identifying emerging social, environmental and economic issues that may arise at different stages throughout the life of the project. <p>9. Provide appropriate information to the general community on performance with respect to environmental management and community relations.</p> <p>10. Liaise with the Community Consultative Committees of other projects where there are common issues or where there is the potential for cumulative impacts, with a view to information sharing and holding joint meetings on matters of common interest.</p> <p>11. Undertake any other matter required of it in the Secretary's environmental assessment requirements or conditions of approval.</p> <p>12. From among its members, establish any subcommittees it considers useful for the broad conduct of its business, and such subcommittees may involve other individuals to help their deliberations, provided that is with the agreement of the Independent Chairperson, such agreement not to be unreasonably withheld.</p> <p>Responsibility for oversight of the project's compliance with the condition of any government approvals remains with the relevant government agencies.</p>

The primary purpose of the committee should very explicitly be to protect the interests of the local community and individual landholders within that community in relation to the project. Assistance with the effective implementation and operation of the project is appropriate only where that is not contrary to the community's interests.

There should be no presumption in the establishment of a CCC that a particular project is either good for that community or that it will be approved. The purpose of the committee should include helping to establish how a project will affect the community; whether it is beneficial for the community and the provision to the committee and its community of all information they believe pertinent to forming such a view, including information from government agencies and the developer.

The Jupiter CCC has experience of a developer unilaterally deciding what information it thinks the community should be interested in and refusing to provide information to the CCC information that does not meet its view of what is appropriate.

Given that matters dealt with by CCCs are often complex and technical, a CCC should have the right to establish subcommittees where it believes that would help it best deal with matters relevant to its purpose.

Establishment of the Committee

<p>Some flexibility is required in the establishment of Community Consultative Committees, as engagement requirements can differ from one project to the next.</p> <p>It is important to recognise that not all State significant projects will require a Community Consultative Committee, and that in some cases there may be better ways to ensure there is effective community engagement on these projects.</p> <p>Further, Community Consultative Committees could be established at different stages of a project. In some cases this may be prior to an application being lodged, when there is likely to be some merit in ensuring there is extensive engagement on the development of the project; and in other</p>

cases, this may occur only following approval.

The Department will decide when the Community Consultative Committee should be established, and require it to be set up in the:

- Secretary's environmental assessment requirements for the project; or
- conditions of approval for the project.

Except that if 30 or more landholders request the Secretary to deem a development as **contentious**, the Secretary will:

- cause a CCC to be established immediately;
- with a chairperson appointed by the Secretary with no involvement by the developer;
- with an election to select community representatives to the CCC.

Finally, some Community Consultative Committees may have a defined life, and could be dissolved after a particular stage of the project is completed, or if the Committee decides there is little benefit in continuing the operations of the Committee.

When the local community considers a project contentious, the Secretary should have no discretion and be required to immediately establish a CCC with elected local representatives.

Members of the Committee

Membership of the Committee

Membership of the Committee shall comprise:

1. One Independent Chairperson;
2. ~~Three to five~~ Up to ten community representatives, including in some cases representatives from environmental groups, and in the event the local community has petitioned the Secretary to deem the project contentious, all community representatives will be elected by the local community;
3. One council representative; and
4. Two or three Company representatives, including the person with direct managerial responsibility for environmental management.

The representatives of the Company are part of the Committee. The Independent Chairperson may request or agree (on a needs basis) that additional Company representatives be invited to attend meetings if additional specialist, technical or project-specific advice is required.

While State government agencies will not be represented on the Committee, the Independent Chairperson may invite agency representatives to attend particular Committee meetings (on a needs basis) – which may require regular attendance at meetings of contentious projects..

The Department is well aware that in the case of the Jupiter Wind Farm, more than forty local residents sought positions on the CCC, and of those 7 were appointed. That CCC is working quite effectively with those 7 representatives, plus 2 (not 1) council reps. It could certainly operate effectively with another 3 community representatives.

The Jupiter project potentially affects residents in an area up to 1,000 square kilometres. Expecting 3-5 representatives, who are not paid to commit their time this way, to communicate with all the community in that area is ridiculous, particularly some of the sub-communities have specific interests. The proposal to so restrict the number of community representatives to 3-5 is totally arbitrary.

The CCC should include as many residents who wish to be part of it as is possible.

In the case of the Jupiter CCC there are two council reps (one each from Palarang and Goulburn Mulwaree councils). And the Department should be aware that other projects cross council boundaries. Is the Department actually proposing there will be a single council representative in those cases, or is the Department proposing to appointment as many council reps as it wishes irrespective of what the guidelines actually say?

Independent Chairperson

The role of the Independent Chairperson is to be a convenor, facilitator, mediator and advisor for the Committee. They must undertake their role in an independent manner and at all times act impartially with respect for the Company and any individual or representative on the Committee.

~~The Company is responsible for nominating an appropriate Independent Chairperson to the Department. The Company must provide at least two options for the role of Independent Chairperson and provide the Department with the following information on behalf of each nominee:~~

~~The Department will seek nominations for the independent Chairperson, requiring:~~

- covering letter addressing each nominee's suitability for the position;
- current CV; and
- signed Nomination and Pecuniary/Non-Pecuniary Interest Declaration form (refer to Toolkit).

After considering these nominations, and (if necessary) carrying out further consultation, the Secretary of the Department (or a nominated representative) will consider these nominations and:

- appoint one of the nominees as the Independent Chairperson;
- seek additional nominees; or
- appoint an alternative person as the Independent Chairperson.

In selecting the Independent Chairperson, preference will be given to a candidate who can manage and represent the concerns of a variety of interest groups.

The selection criteria for the role of Independent Chairperson are:

- ability to convene and manage stakeholder committees in an independent manner, ~~and to be seen by all parties as such;~~
- experience in community relations, facilitation, mediation or public advocacy; and
- understanding of the development and awareness of local issues.

The Independent Chairperson will report annually to the Department on the operation of the Committee, or more often if the Independent Chairperson or the Department deems it appropriate.

The Secretary (or a nominated representative) may review the appointment of the Independent Chairperson at any time.

Where three or more Committee members are concerned about the manner in which the Independent Chairperson is fulfilling the role (e.g. there is an ongoing perception of bias, inappropriate control, or a refusal to share information or to adhere to the wishes of the Committee), they may request that the Secretary reviews the Independent Chairperson's appointment, with a view to making a new appointment.

The fact that the Department could suggest nominations for independent Chairperson come from the developer shows how blind the Department is to its own pro-developer bias. There is an extensive history of developers appointing their tame "independent chairperson" to CCCs and the Department has a dismal history of failing to adequately review nominations for roles that can aid the developer (such as the Gullen Range Environment Representative) against the interests of the local community. If a developer puts forward a panel of prospects, they can be expected to present a panel slanted to support their interests.

The Department should be aware that in relation to the Jupiter Wind Farm CCC, the Department itself first appointed as "independent chairperson" someone whose company's

own website had an in-house article praising wind farms and denigrating neighbours who objected to them. The Department then withdrew that nomination and appointed another person as Independent Chairperson. If the Department has such difficult vetting its own nominations, no community can have confidence in the Department's ability to properly vet nominations sourced by a developer.

It is essential that anyone nominated as Independent Chairperson be someone whom all parties will reasonably perceive as independent, not just someone that an official in the Department thinks can "manage stakeholder committees in an independent manner".

Community representatives

Community representatives will be selected from the local community and other stakeholder groups, including in some cases recognised environmental organisations.

Employees or contractors of the Company are not eligible to be appointed as community representatives **nor is anyone with a beneficial interest in a commercial relationship with the company or its associates.**

Where 30 or more landholders have requested the Secretary to deem a development as contentious, the Secretary will, in conjunction with the local council(s), hold an election for the community representatives. In such cases, subject to the exclusion of employees, contractors and others with a beneficial commercial arrangement with the company, the selection conditions will be wholly a matter for those residents eligible to vote for community representatives

In the event the project is not deemed contentious, the Department will arrange selection of community representatives for the Committee, preference will be given to the candidates who can represent the concerns of either a significant interest group or a variety of community interests.

The selection criteria for community representatives are:

- current residents of the area;
- demonstrated involvement in local community groups and/or activities;
- knowledge and awareness of the project and related issues of concern to the local community;
- ability to represent the local community and other stakeholders; and
- willingness to adhere to the Committee's code of conduct.

The selection criteria for environmental representatives are:

- a representative of a recognised environmental organisation;
- knowledge and awareness of the project and related environmental issues of concern to the broader community;
- ability to represent the environmental concerns of the broader community; and
- willingness to adhere to the Committee's code of conduct.

Appointing community representatives

Where 30 or more landholders have requested the Secretary to deem a development as contentious, the Secretary will, in conjunction with the local council(s), hold an election for the community representatives. In such cases, subject to the exclusion of employees, contractors and others with a beneficial commercial arrangement with the company, the selection conditions will be wholly a matter for those residents eligible to vote for community representatives. The territory within which landholders should be eligible to vote depends on the nature of the project. For instance, for a wind farm, it would be any landholder within the ZVI that the Department typically requires to be considered for wind turbines of the height proposed.

In such instances, the Department will call for nominations from landholders in the local community and will display the details of each nominee, and a statement from them, on the section of its major projects website for the particular project. It will advise all landholders of the existence of this information and provide them with a ballot to submit by mail.

Non Contentious Projects

For a non-contentious project, local community representatives will be selected and appointed to the Committee by the Secretary (or a nominated representative) following appropriately prominent placement of at least two advertisements by the Company in local media publications (i.e. local newspaper) (refer to Toolkit). The Company may also consider advertising through one or more of the following avenues:

- local businesses;
- community or sporting centres; and
- local council websites.

The advertising period must be adequate to allow interested community members reasonable opportunity to make an application. A four-week advertising period is recommended to allow the community time to view the information and for individuals to apply.

While the advertisements calling for nominations must be placed by the Company, all applications are to be mailed directly to the Independent Chairperson, who must be appointed before the selection process for community representatives commences.

The Independent Chairperson will review all applications in line with the above selection criteria, and forward the names and applications of all community representative applicants to the Department, along with the recommended candidates.

The Secretary (or a nominated representative) will review all applications and the Chairperson's recommendations then appoint the community representatives, and formally notify the successful appointees, the Independent Chairperson and the Company.

The Secretary (or a nominated representative) may review the appointment of community representatives at any time.

Neither the Department nor the Independent Chairperson has any control over who is nominated by the developer or by the local council. Likewise they should have no control over the appointment of community representatives if a significant number of local landholders consider the project contentious.

The Department has shown itself repeatedly ineffectual at protecting the interests of local communities and indeed, as the Department's draft of these guidelines demonstrates, it resists acknowledging that local communities and their members have interests at least as important as those of developers.

Company and Council representatives

Company and local council representatives will be appointed to the Committee directly by the Company and the local council respectively.

Alternate representatives

~~The Secretary (or a nominated representative) may appoint alternative community representatives to the Committee. These representatives may act as a substitute for a community representative of the Committee if a member is unable to attend a meeting.~~

Community representatives may appoint another member of the affected community to attend a CCC meeting as alternate for them in their absence.

Alternate representatives for Company and local council members may be appointed by their organisation and similarly may substitute for

The existing windfarm and mining CCC guidelines state that a representative can appoint an alternate themselves, which is normal practice at most meetings that allow for alternates, as is currently the case and still proposed by the Department for council and developer representatives. It is only the community representatives which the Department believes it should be able to control.

Each community representative knows who lives in their vicinity, who has views similar to their own about the project, who is in a position to communicate well not only with them but with other community members whose views they represent. The Department has none of this knowledge and should have zero involvement in determining who should be an alternate for either an elected or appointed community representative.

This is just an attempt by the Department to control who is able to speak on behalf of the local community. Whether this is just the inherent anti-democratic bias of a Sydney-based public servant or an attempt to maintain developer-friendly community representation on CCCs is unclear.

Committee meetings

Timing and location of meetings

In some cases, the Secretary's environmental assessment requirements for a project or the conditions of an approval may stipulate a minimum number of meetings.

However, if there are no express requirements, each Committee shall determine the frequency of its meetings. It is suggested that the Committee meets at least **bimonthly before a decision is made to approve or reject the project**, four times a year during the construction period of a project, and during the first two years following commencement of operations. In some cases there may be a need for the Secretary to stipulate the number or frequency of meetings.

For a project deemed *contentious*, at least 6 meetings must be held, over a period of at least 6 months, before an EIS can be submitted.

Any member of the Committee may ask the Independent Chairperson to convene an Extraordinary Meeting of the Committee at any time to discuss important and urgent matters warranting consideration. The Independent Chairperson shall determine whether an Extraordinary Meeting is warranted.

At least four weeks' notice must be given to all members of any meeting of the Committee (except Extraordinary Meetings where two weeks' notice can be given). Meetings should be held at a time and place generally convenient to all Committee members.

The Company shall provide facilities for Committee meetings if required to do so by the Committee.

If there are a number of Community Consultative Committees within a Local Government Area or region, consideration can be given to establishing a regional Committee, or holding periodic, region-based community information sessions or similar, to consider and discuss cumulative impacts in areas with a high concentration of State significant projects.

Meeting proceedings

The Independent Chairperson shall convene and chair all meetings of the Committee. As the Committee is not a decision making body, it is not a requirement that consensus be reached on issues discussed at meetings.

The Independent Chairperson shall determine the agenda items and produce the agenda for each meeting. Any member may propose a matter for inclusion on the agenda, either before or during a meeting, providing the matter is within the scope of the Committee.

The Independent Chairperson should ensure that issues of concern raised by community representatives on behalf of the community are properly considered. Late items may be deferred to a following meeting.

The Independent Chairperson shall:

- formulate meeting agendas;
- convene and run meetings in a fair and independent manner;
- facilitate discussion to ensure all members are provided with an opportunity to speak and share their views;
- identify any items of a confidential nature so that Committee members understand how this information may, or may not, be used;

- support constructive dialogue; and
- resolve disagreements or differences of opinion in a fair, transparent and mutually-supportive manner. The Committee may decide to undertake its regular inspections of the project in conjunction with its meetings, or at other times convenient to it.

Committee meeting agenda items would normally be expected to include:

1. Apologies.
2. Declaration of pecuniary or other interests.
3. Business arising from previous minutes --- response to issues raised or provision of additional information requested.
4. Confirmation of the minutes of the previous meeting.
5. Correspondence.
6. Company reports and overview of activities:
 - progress of the project;
 - communications to and from the Department and other government agencies;
 - issues arising from site inspections;
 - monitoring and environmental performance;
 - community complaints and response to complaints; and
 - information provided to the community and any feedback.
7. General business.
8. Next meeting.

The Department's drafters again show their pro-developer bias with the assumption that CCCs exist only in relation to approved projects – and that all projects will be approved. The most important time for the operation of a CCC is during the assessment period for a project, particularly if it is a contentious project. During that period meetings should be at least bimonthly and there should be at least 6 of them, over no less than 6 months, before an EIS can be submitted.

Minutes of meetings

Minutes must be kept of all Committee meetings. The minutes shall record issues raised and actions to be undertaken, who is responsible for carrying out those actions and by when. If a member so requests, then the minutes shall record that member's dissenting views on any matter.

The minutes are normally to be recorded by ~~the Company~~ the Independent Chairperson and draft minutes must be distributed to all Committee members as soon as practicable after the meeting. The Company shall ensure that a copy of the draft minutes is made available on the Company's website within 28 days of each meeting.

The minutes must be endorsed by the Independent Chairperson prior to them being distributed to members or placed on the Company's website. The draft minutes must then be considered and endorsed by the Committee at its following meeting. If the minutes are amended by the Committee, then the amended version must be placed on the Company's website.

Recording of meetings --- by recording device, telephone or any other electronic device --- is only permitted with the prior agreement of the Independent Chairperson and the Committee.

Conduct of Committee members

Meetings of the Committee should follow good meeting practice.

The Committee may agree to adopt any particular set of standard meeting practices it wishes.

However, as a minimum, Committee members and alternates are expected to:

- regularly attend meetings;

- advise the Independent Chairperson in advance if they are unable to attend meetings;
- contribute to an atmosphere of open and constructive participation;
- abide by the **legitimate** directions of the Independent Chairperson;
- immediately advise the Independent Chairperson of any potential or actual conflicts of interest relating to matters under discussion;
- ~~• perform their functions impartially and in the best interests of the local and broader communities;²~~
- communicate concerns, interests and ideas openly and make reasons for any disagreement clear in a constructive and thoughtful manner;
- engage with other members of the Committee respectfully;
- maintain confidentiality where a request has been made and agreed to by the Independent Chairperson;
- put forward their views but also remain committed to open and shared dialogue; and
- not interrupt when another member is speaking.

Committee members and alternates are expected to sign a code of conduct agreement prior to joining the Committee. This code of conduct agreement should clearly identify the standard meeting practices of the committee and expected behaviors of Committee members (refer to Toolkit).

The Independent Chairperson should bring any breach of the above requirements or a code of conduct agreement to the attention of the persons concerned. This may take the form of verbal warnings given during the meeting (and formally recorded in the meeting minutes) or a written warning following the meeting.

Following three warnings, either verbal or written, the Independent Chairperson may ask the:

- Department (in the case of a community representative); or
- organisation which appointed them (in the case of a Company or local council representative or alternate representative)
- to replace the member or alternate representative.

The Independent Chairperson may similarly request the replacement of any member who fails to attend Committee meetings regularly.

Most of the conduct points above are just bureaucratic blather, much of it open to subjective interpretation.

- Except for the Independent Chairperson (if actually selected so as to be independent), none of the participants are impartial or can be expected to be impartial. The company representatives are there to represent the interests of the developer. The community representatives are there to represent the interests of the community. Those interests are usually in conflict. It is disingenuous for the Department to pretend otherwise.
- The Independent Chairperson is not supposed to be a dictator. Participants should be obliged to follow only directions of the Chairperson that are **legitimate** in a chairing role.
- The appropriate conduct should be simply to:
 - attend meetings
 - advise of any conflicts of interest
 - comply with normal meeting procedure
 - behave civilly to other participants

The Department should not be requiring participants to sign a “code of conduct” which would be rejected by MPs or councillors in relation to their own actions as part of Parliament or Councils.

One expects public servants to know the power of being the person who writes the minutes of a meeting. The developer should have no hand in that. It should be done by the one person who is expected to be impartial (as it is for the Jupiter CCC), i.e. the independent chairperson or their staff.

Attendance by non-Committee members

All members of the local community have the right to attend Community Consultative Committee meetings as observers provided they notify the Chairperson in advance.

Invitations for **other** non-Committee members to attend Committee meetings **as observers or to provide advice to the Committee** may only be made by the Independent Chairperson. Such invitations may be issued to:

- Company representatives providing specific project or technical advice;
- technical experts or consultants;
- State Government agencies; and/or
- members of the general public.

Again, the Department's anti-democratic instincts are on display as it attempts to restrict the right of local community members to attend meetings as observers. The CCC exists to protect the rights of the local community and members of that community should be free to attend to observe what is happening and how the various parties, including the developer, the chairperson and **their own representatives** behave. The only legitimate reason for advising the chairperson in advance is to ensure adequate accommodation for those attending.

Committee funding and remuneration

~~The Committee may seek annual or one-off funding from the Company for activities related to its purposes. It is up to the Company whether or not it agrees to such requests.~~

~~The Independent Chairperson may seek payment of sitting fees and/or personal expenses from the Company. It is at the discretion of the Company~~

~~Community representatives are not eligible to receive sitting fees from the Company, but may seek reimbursement of personal expenses. Again, it is at the discretion of the Company whether or not it agrees to such requests.~~

~~If such fees or expenses are paid to either the Independent Chairperson or to community members, then the fact that a payment is being made (and not the actual amount) should be declared as a pecuniary interest and recorded in the minutes of the meeting in order that the broader community remains fully informed.~~

~~The Company will pay all costs of conducting committee meetings.~~

~~The Company will pay the Independent Chairperson a fee at a rate determined by the Department, and on conditions determined by the Department, including for the person's direct role in acting as Chairperson and for the recording and preparation of minutes and any other costs incurred in that role; and the Chairperson will provide the Department with a full record of all payments billed to and received from the Company.~~

If the chairperson is paid at the discretion of the developer, and on conditions that the developer may determine, the chairperson is not independent and will certainly not be considered independent by any local community. The fact that the Department would even consider fees and conditions for the chairperson being at the discretion of the developer again illustrates the Department's blindness about its own pro-developer and anti-community bias.

Responsibilities of the Company

The Company shall regularly provide the Committee with timely, accurate and comprehensive reports on the state of a project, including the development of the project, any operations, environmental performance and community relations.

The Company shall also provide the Committee with copies of:

- all documents submitted to government agencies;
- the project's conditions of approval, and other relevant documentation including management plans;
- monitoring results;
- annual review reports;
- audit reports (including audits required as a condition of consent);
- reports on community concerns or complaints and Company responses; and
- any other information specified by the Secretary.

Annual review reports, audit reports, monitoring reports and so on are to be distributed to Committee members at the same time as they are submitted to agencies. These documents should be easy to understand and written in plain English.

The Company shall consult with the Committee prior to seeking approval for a modification to its conditions of consent, to change operational requirements or to expand its operations.

The Company shall respond in a timely fashion to any questions asked or advice given by the Committee about the Company's environmental performance or community relations.

The Company shall forward to each Committee member within 28 days of the Committee's meeting:

- a copy of the draft minutes (if they are recorded by the Company);
- the Company's response to any questions or advice by the Committee; and
- any information requested at the meeting by the Independent Chairperson.

The Company shall organise regular inspections of the project for the Committee. The frequency of inspections is to be determined by the Committee, but the inspections should usually be undertaken in conjunction with committee meetings.

In addition, the Company shall accommodate any reasonable request by the Independent Chairperson for the Committee to undertake additional inspections, provided at least 48 hours' notice has been given to the Company by the Independent Chairperson.

At the request of the Committee or any sub-committees, the Company will provide **full** data from and description of procedures employed in monitoring results and in producing any audit reports, and any communications between the Company and those parties engaged to do the monitoring and auditing. All such data is to be provided in electronic form and be available to the community to have inspected and validated by other professional parties, and accompanied by a statutory declaration that it constitutes all of the data collected for and during the process.

Production of the minutes should be the responsibility of the Independent Chairperson, not the party which has a visible interest in producing minutes shaped to support its commercial activities and in diminishing any contrary questions, comments, etc by community representatives.

Under the Department's current policies, monitoring and auditing of a developer's activities and operations are done by parties paid by the developer. There is not arm's length independent monitoring and auditing. The affected community should have the right to fully inspect how monitoring and auditing has been done, and the data used for that purpose in a form that the community can have verified to confirm the advice provided.

COMMENTS ON THE DEPARTMENT'S DEFECTIVE DRAFT CCC GUIDELINES

The Department has a dismal track record of protecting local community interests, and of accepting advice from developers that has turned out to be false. The community, through the CCC needs to be in a position to fully protect its interests.

Dr Michael Crawford, for
Residents Against Jupiter Wind Turbines

8th March 2016