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Department of Planning
Received
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Scanning Room

Dear Sir/Madam

**Re: Community Consultative Committee Guidelines,
State Significant Projects**

I note the proposed new guidelines for community consultative committees (CCC) and make the following comments.

I chair a number of community consultative committees in various parts of NSW and as such have had recourse to regularly examine the guidelines for community consultative committees (CCC).

It appears that the new guidelines have a strong element of the 2007 guidelines with some refinements.

I make some observations as follows:

- 1) It is noted under "Purposes of the Committee" that "a community consultative committee is not a decision-making body and performs an advisory role only".

However, in the "Introduction", at dot point (2), it notes the "community and key stakeholders" are "consulted" and at dot point (3) ("are) involved in resolving key issues that may arise during the development or implementation of projects".

Although the dot points in the introduction referred to appear to relate to the wider community, they link the CCC later in the introduction and therefore there is a presumption that the CCC would be "consulted on the development of projects, proposed changes to approved projects and the development of management plans", and "involved in resolving key issues that may arise during the development or implementation of projects".

Likewise, at item (2) "Purpose of the Committee" (at the foot of page 2), "The committee may: (2) Identify key issues for the assessment of projects".

I wonder whether, as there are statutory requirements to all the above procedures and to assessing projects, that the involvement of CCC's in such matters may be encroaching on the compliance area.

Also, at (4) in the same section: "(4) Review draft management plans and provide suggestions for improvements", I can see some merit in this, but how binding is an advisory committee's "suggestions for improvements".

The use of a CCC in the matters mentioned above might create a presumption that the CCC has a higher role than an advisory role and may be edging towards the compliance area which remains the domain of the relevant state agency. (page 3: "Responsibility for the oversight of the project's compliance with the condition of any government approvals remains with the relevant government agencies). Thus it could be, as mentioned above, that in considering the matters mentioned above, the CCC is at odds with the comment on page 6 under "Meeting procedures" "the Committee is not a decision making body...." and could possibly be seen as entering compliance and approval areas.

- 2) I note at "Members of the Committee", it states "state government agencies will not be represented on the committee" etc.

I have chaired a number of CCC meetings where state government agencies personnel have simply appeared. This can be somewhat disconcerting as members of the CCC and indeed myself, are not sure exactly why they are there.

- 3) In relation to "community representation", I fully understand why "employees or contractors of the company are not eligible to be appointed as community representatives". However, often in small communities where mines are the dominant employer, an eminently qualified person to otherwise be on a CCC is barred because of this requirement. I am not sure how this might be overcome but it could (and has, in my view, in one particular case) disqualified a person who could perform the role of CCC perhaps in preference to others.
- 4) In relation to the appointment of "a representative of a recognised environmental organisation", I believe the guidelines should, to avoid any ambiguity, contain a definition of a "recognised environmental organisation". Likewise, in the same section, "broader community" should also be defined.

Also as CCC predominantly represent the local community and the interaction of that community with a specific operation, perhaps there should be some definition of what might connote the "concerns of the broader community" (page5).

Further in relation to the appointment of a "representative of a recognised environmental organisation", as an example of the need to define both the organisation and the broader community concept, one CCC I chair was required to have a recognised environmental organisation nominee appointed. Two applications were received, one from a Land Care group from a town near the mine and the other from an environmental group from a

regional city 220 km from the coal mine. That group had no affiliation with the area and indeed its name carried the name of the regional city as an identifier.

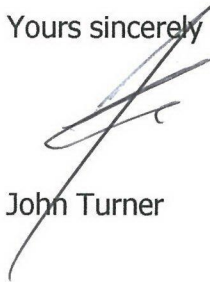
Some of the community members of the CCC who live in the area of the mines operations were at a loss to understand how an 'outside' group could be selected in preference to what appeared to be a qualified 'local' group.

- 5) I note that the independent chair will appoint the community members who will be approved or not by the secretary (or a nominee).

However, the secretary (or nominee) appoints the alternative community representative. I am not sure why the difference of the independent chair selecting the full time community member and the secretary selecting the alternative should occur.

- 6) Under "meeting proceedings", page 6, third paragraph, it states the "independent chairperson should ensure that issues of concern raised by community representative on behalf of the community are properly considered". There is no reference to issues raised by the representative of a recognised environmental group in this section.

Yours sincerely

A handwritten signature in black ink, appearing to be 'John Turner', written over the printed name.

John Turner