

MEETING	Community Consultative Committee (CCC)—Eden Breakwater Wharf Extension Project		
MEETING NO.	32	DATE	Wednesday, 29 August 2018
LOCATION	The Captain's Table—Eden Fishermen's Club	TIME	6.00 pm–7.07 pm
ATTENDEES	John Aveyard, Leanne Scott, Gail Ward, Rob Bain, Richard Lamacraft, Robin Arthur, Dr Denis Lawrence, Andrew Mogg, Andrew Dooley, Mike Crandell, Glenn Vardy, Rob Davis, Tomas Rooney, Coral Reynolds		
APOLOGIES	Debbie Meers, Jenny Robb, Natalie Godward, Simon Wakefield, Tony Matthews, Graham Stubbs, Megan Cleary, Greg Thomson, Isaac Smith		
PREPARED BY	Coral Reynolds		

1. Acknowledgement to Country, welcome and apologies

Mike advised that he was acting on behalf of Simon Wakefield who was on leave and introduced Andrew Mogg, Director Maritime Infrastructure Delivery Office (MIDO) for Roads and Maritime Service (RMS). The CCC members introduced themselves to Andrew M.

Andrew M explained the role of the MIDO and that he has been connected to the project for a number of years as a member of the Project Steering Committee, however, hasn't been able to attend any of the CCC meetings in Eden to date.

Mike thanked attendees for coming to the meeting, noted that the apologies would be included in the minutes, acknowledged the traditional custodians and peoples of the Country, both land and sea, and paid his respects to Elders past and present.

2. Actions from previous meeting

There were no actions from the previous meeting.

3. Post approval update

Mike provided a post approval update as follows:

- The monthly Environmental Representative Report continues to be submitted to Department of Planning & Environment:
 - ER Report was submitted 7 August 2018.
 - No non-conformances / exceedances have been reported.
 - Next ER Report due 7 September 2018.
- No amendments or updates to the CEMP or CEMP Sub-plans have occurred in this reporting period.
- The CCC Annual Report was submitted to Department of Planning & Environment on 16 August 2018. The report will be available to view on the project website.

Mike noted that whilst Simon is on leave Sofie Mason-Jones would be acting in the role of Environmental Representative. Sofie has previously been involved in the project during the early stages.

4. Operational conditions review

Andrew D discussed the following with attendees:

- The Department of Planning & Environment provided Department of Industry with the submissions received in relation to the Modification request regarding the operational conditions on the 3 August 2018.
- 19 submissions were received:
 - 13 were supportive of the proposed modifications.
 - Four confirmed there were no objections to the proposed modifications.
 - One objected to the proposed modifications.
 - The Department of Planning & Environment requested further information and clarification to support the proposed modifications.
- A Response to Submissions Report is currently being prepared to respond to all submissions. This Report will be submitted to Department of Planning & Environment to assist it in making the determination.

Andrew D advised that the CCC will be advised if these submissions will be published on the Department of Planning & Environment website.

Gail asked what the timeframe is for making the determination. Andrew D advised this could take a few months.

5. Development of Operational Environmental Management Plan, sub-plans and associated monitoring programs

Andrew D advised the meeting as follows:

- Tender documents have been placed on the NSW Government eTender website for the preparation of the Operational Environmental Management Plan (OEMP), OEMP sub-plans and associated monitoring programs to operate the new facility for the first 12 months after project completion.
- The tender closes on 10 September 2018.
- The tender evaluation will be undertaken by the NSW Department of Industry with the contract to be awarded in the next few months.
- The preparation of the OEMP process will be similar to the process implemented for the CEMP. The CCC and relevant agencies such as the EPA and Bega Valley Shire Council will be consulted during the development and the Department of Planning & Environment will need to approve the OEMP prior to operation commencing.

Gail asked what the role entailed. Andrew D advised this would consist of two parts; the preparation of all operation phase environmental documents prior to the wharf being operational, and facilities management for the operation of the wharf, for a period of 12 months following commencement of operations, which included conducting the CCC meetings after the project was completed and managing issues and complaints.

Leanne asked why the term of the contract was only 12 months. Andrew D advised that there is an option to extend and that discussions were underway with Port Authority NSW in relation to long term operation of the completed cruise ship facility.

6. Marine structures update—August 2018

Rob provided an update of Stage 2 marine structures as follows:

- Pile installation is continuing with 56 wharf piles completed, 22 wharf piles partially completed and 9 onshore bollard piles completed.
- Offsite works related to the fabrication of the dolphin topsides is ongoing. Support beams being fabricated offsite at Acora in Eden.

- Trimming wharf piles is ongoing.
- Welding temporary supports for piles is underway.
- All 240 deck planks have been poured and stored at the yard in Eden.
- 18 headstocks have been poured with three remaining.
- One fender headstock has been installed on the wharf.
- For the Navigational Aid works removal of rock has commenced with removal of rock armour, piling scheduled to commence next week.

The meeting were shown a photo of the MD3 jacket. It was noted that the base coat is yellow with the top coat to be a neutral grey. This is scheduled to arrive at the end of October. Gail asked where they will be unloaded and Rob advised that it is likely to be at the Navy Wharf.

Robin asked the height of the navigation aid and was advised it will be 13 metres high.

7. Community display

Mike advised the meeting that a community display was held at the Eden Fishermen's Club Auditorium on 26 July from 6pm to 7.30pm. The display was well attended by the community who were interested in both the Eden Breakwater Wharf Extension and Eden Safe Harbour projects. Rob B and Robin advised they appreciated the effort made in preparing the display.

8. Environmental monitoring update—August 2018

Mike provided an update of environmental monitoring as follows:

- Water quality:
 - No complaints or adverse water quality observations were received regarding water quality levels in Snug Cove.
- Noise levels
 - No noise complaints were received.
- Marine mammals:
 - There were no incidents involving marine mammals.

Mike noted that tugs had been moving buoys the previous day ready for whale migration. Rob noted he had seen a whale that day.

- Noise and Vibration Monitoring:
 - Monitoring was ongoing throughout the month of August. No issues were recorded with either noise or vibration levels.
 - Noise monitoring will remain in place for the duration of the project.
 - Noise levels are checked by the site team daily to ensure compliance with approvals.

Mike discussed PEL preparing data for the monthly report.

9. Community complaints—August 2018

Attendees were advised that no community complaints or issues were received in August.

10. Other agenda items

- Videography undertaken on site on 25 June is still in the Department of Industry approval process. Once approved this will be published on the project website—industry.nsw.gov.au/lands/major-projects/infrastructure/eden/updates
- Andrew D reminded the CCC that in accordance with the Terms of Reference, the role and purpose of the CCC must be reviewed and memberships refreshed every 12 months, or as required. Andrew D asked the CCC to review the Terms of Reference and provide

suggestions for improvements prior, or during, the next CCC meeting. Andrew D noted that the existing Terms of Reference will be re-circulated via email for convenience.

Denis stated that he was disappointed that an email sent by a CCC member to the wider Eden community regarding support of the proposed amendments to the Operating Conditions wasn't being discussed at the meeting as he noted the said email contained multiple breaches of the Terms of Reference. Mike advised he hadn't seen the email that had been sent out.

Andrew D advised that the CCC member that sent the email had been given a formal written warning, in accordance with the Code of Conduct protocol defined in the existing Terms of Reference.

Andrew D advised that the breach was good reason for the CCC to re-familiarise itself with, and refresh, the Terms of Reference.

Leanne stated that she was disappointed that the CCC had not been made aware of the email and felt this was unacceptable and the matter has not being dealt with effectively by Department of Industry.

Andrew D asked the CCC for any other viewpoints in relation to the matter. John and Richard advised they were not aware of the issue and had not seen the email that had been sent to the wider Eden community.

Andrew D reiterated that the CCC member that sent the email had been given a formal written warning, in accordance with the Code of Conduct protocol defined in the existing Terms of Reference. Andrew D then read relevant extracts of the Code of Conduct section to the CCC.

Mike noted that he was not aware of the issue, he believed the matter had been dealt with according to due process, and asked the CCC what it believes should happen to resolve the matter.

Leanne advised she hadn't been aware of the formal written warning.

John asked what the email sent was about. Leanne and Denis believed the Department should be explaining this and noted the issue was one of ensuring due process rather than criticising a particular individual.

Denis noted the email contained factually incorrect statements about the role of the CCC and attributed a view to the CCC when, firstly, this should not be done and, secondly, not all CCC members agreed with the view expressed.

Denis also expressed a broader concern that conflict of interest issues were not receiving due consideration by all CCC members. He noted that some earlier comments on the proposed operational condition changes had been presented as a personal view without declaration of coinciding business interests. Denis suggested it might be useful to conduct some training on code of conduct obligations as, while most members were familiar with these, the actions of some members appeared to suggest otherwise. Andrew D noted there is not currently a conflict of interest section in the existing Code of Conduct and agreed that Denis had a good point and suggested that it be added. Leanne noted that all members were required to sign a Conflict of Interest form on joining the CCC. Andrew D agreed but felt that further clarity may be required around conflict of interest processes which could be provided in an updated Code of Conduct.

Mike agreed that the CCC should review conflict of interest process and hold training. Andrew D asked the CCC how they would like to undertake the training. Mike suggested that after the Terms of Reference are reviewed and agreed at the next meeting, the timing and format of this training is determined.

Robin asked what would be required to move forward and suggested as there was misinformation involved possibly an apology was required.

Richard asked if Leanne was unhappy with the Department's response. Leanne advised she believed the CCC should all be made aware of what happened. Leanne advised she incorrectly believed that the issue would have been raised at this meeting with lessons learnt.

John noted that the first thing that needed to be done was to make the members of the committee aware of what the issue is.

Andrew D explained that the Code of Conduct protocol defined in the existing Terms of Reference does not include provision for discussing the details of breaches with the CCC. However if the CCC wishes to add a provision to the Terms of Reference whereby the details of any future breaches are notified and discussed within the CCC, then this can be considered as part of the Terms of Reference annual review which is about to be undertaken as stated previously.

Leanne advised that if there is a breach the CCC should be informed about the breach. Rob B agreed that a summary of the offence should be provided.

Mike said there had been a breach of the Guidelines, that protocol had been followed by issuing a formal written warning and that this action will be recorded in the meeting minutes.

Andrew noted that there is a Dispute Resolution protocol in the existing Terms of Reference if the CCC is not happy with the Departments response. Denis noted this is not a dispute but it is about a CCC member breaching the Guidelines. Mike noted the formal written warning made and if Denis was not satisfied with the protocol that the protocol should be amended.

The meeting agreed the following actions:

- Terms of Reference are to be updated to include the addition of a conflict of interest section and clarity around notification and discussion of breaches
- Training is held following the update to the Terms of Reference - tentatively between the September and October CCC meetings.

Richard Lamacraft noted that the navigation lights that were on the Casilis barge the previous night were not correct. Rob D advised he would investigate this.

11. Community feedback

Mike asked the CCC if they had any feedback to provide the project team of which there was none.

The meeting closed at 7.07 pm.