

MEETING	Community Consultative Committee (CCC) - Eden Breakwater Wharf Extension Project		
MEETING NO.	33	DATE	Wednesday, 26 September 2018
LOCATION	The Captain's Table – Eden Fishermen's Club	TIME	6.05pm –6.50pm
ATTENDEES	Jenny Robb, Natalie Godward, Gail Ward, Rob Bain, Andrew Dooley, Isaac Smith, Mike Crandell, Glenn Vardy, Rob Davis, Coral Reynolds		
APOLOGIES	Leanne Scott, Robin Arthur, Megan Cleary, Debbie Meers, John Aveyard, Dr Denis Lawrence, Richard Lamacraft, Simon Wakefield, Kell Dillon, Tomas Rooney, Tony Matthews, Graham Stubbs, Greg Thomson		
PREPARED BY	Coral Reynolds		

1. Acknowledgement to Country, welcome and apologies

Mike thanked attendees for coming to the meeting, 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

Mike discussed the actions from the previous meeting minutes as follows:

- CCC Terms of Reference to be updated to include the addition of a conflict of interest section and clarity around notification and discussion of breaches (to be discussed prior to Other Agenda/General Business items).
- CCC to determine the timing of training following the update to the Terms of Reference - tentatively between the September and October CCC meetings (to be discussed prior to Other Agenda/General Business items).
- Investigation of navigation lights on the Casilis barge. Rob D advised that this had been rectified.

3. Post approval update

Mike provided a post approval update as follows:

- The monthly Environmental Representative Report continues to be submitted to the Department of Planning and Environment (DP&E):
 - ER Report was submitted 7 September 2018.
 - No non-conformances / exceedances have been reported.
 - Next ER Report due 5 October 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 DP&E on 16 August 2018. The report will be available to view on the project website.

Mike advised there had been an independent third party environmental audit by an external auditor who reviewed all the project documentation and met with some of the project's key stakeholders. Mike noted that the audit went well and that the project was meeting all environmental management requirements.

4. Modification request update

Andrew discussed the following with attendees:

- A Response to Submissions Report has been prepared to respond to all submissions and submitted to DP&E to assist in making the determination.
- The NSW Department of Industry is awaiting DP&E's determination of the Modification Request.

Andrew advised the meeting that DP&E are expected to provide a determination within the next two weeks. Nat asked if this will be sent to the CCC. Andrew advised this will be provided to the CCC once the Modification Request has been finalised.

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

Andrew 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 closed on 10 September 2018. The preferred tenderer has been identified and the tender will be awarded within the next week.
- 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 DP&E will need to approve the OEMP prior to operations commencing.

Andrew advised the focus is on achieving operational readiness to meet the construction completion date of 15 February and preparing for the first cruise ship to berth at the wharf in March.

Andrew noted an extraordinary session will be held with the CCC to give the CCC opportunity to comment on the suite of plans being developed the same as what occurred prior to construction on the project. This session is likely to be held in October. It is anticipated that the successful tenderer will be introduced to the CCC at the next CCC meeting. It was noted that the successful tenderer will chair the CCC meetings during the operational phase, manage the complaint handling process, undertake communications and stakeholder engagement activities as well manage the new facilities.

Nat advised she will send Andrew the OEMP for White Bay.

Andrew noted the successful tenderer will develop a port-wide management plan which may include the navy wharf and woodchip berth. This will include a clarification of each government agencies' role in the port for example NSW Port Authority will manage port operations including pilotage and security, Roads and Maritime Service will manage recreational boating and Crown Lands will be the owner of the port assets. It will also include the roles of other key stakeholders such as Water Police and Borderforce.

It was noted the OEMP Sub-plans will include air quality management and an air quality monitoring program, traffic management and noise management.

6. Marine structures update – September 2018

Rob D provided an update of stage two marine structures as follows:

- Pile installation is continuing with 56 wharf piles completed, 22 wharf piles partially completed and 9 onshore bollards completed (no change from the last meeting).
- Piling for dolphins has commenced with the ninth pile driven that day.
- Trimming piles is ongoing.
- Offsite works related to the fabrication of the dolphin topsides is nearing completion. The ship is leaving China on 28 September and is expected to arrive in Eden between 15 and 20 October with the dolphins to be unloaded at the Navy Wharf.
- 21 of 21 headstock troughs have been fabricated.
- Seven headstock troughs have been installed.
- Establishing formworks for the transition between the old wharf and new wharf is underway.
- Anti-corrosion treatment of deck panels is also being undertaken.
- The piling for the Navigational Aid works will be undertaken on 27 September and will take one day to complete.

Gail asked how many piles there are per dolphin. Rob D advised there are six piles per dolphin.

The meeting discussed how piling activities can be heard in Eden.

Jenny asked what the height of the navigational aid is and was advised it will be 13 metres high.

7. Environmental monitoring update – September 2018

Mike provided an update of the 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.
- Noise and vibration monitoring:
 - Monitoring was ongoing throughout the month. 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 reiterated the success of the external audit as discussed earlier in the meeting.

Jenny asked if any whales had been seen in the construction area. Rob D advised that whales have not been coming near the work area to date and that May was the only time the work needed to be delayed due to whales coming in close. Rob D advised the whale exclusion zone had been increased to 2.2 kilometres. Jenny noted that Southern Right whales tend to come in close to shore but that this did not happen often.

8. Community complaints – September 2018

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

9. Updates to CCC Terms of Reference

Andrew discussed with attendees the following:

- The need to review the Terms of Reference (TOR) annually.
- The current TOR had been developed originally in consultation with the CCC in 2017.
- The existing TOR requires more clarity around conflict of interest, and the notification and discussion of breaches.
- Although Code of Conduct declarations had been signed by the CCC in 2017 there was nothing in the TOR themselves about Pecuniary Interest. It was noted that the updated Pecuniary Interest section had been transferred across from the CCC Guidelines to the TOR.
- It is proposed to update the existing Code of Conduct section and include a new Conflict of Interest section, with wording to be determined, and agreed upon, with the CCC:

Andrew discussed the proposed amendment to the Code of Conduct:

“The Independent Chairperson must also advise the other members of the committee of any breach of the code at the CCC meeting following the breach occurring, including a summary of the offence, the actions taken against the person/s concerned and discussion of lessons learnt. If any additional training is identified as required for committee members this will be discussed and determined with the committee and arranged by the Independent Chairperson.”

Andrew noted that discussing lessons learnt is valuable for continuous improvement.

Andrew discussed the proposed amendment to the Purpose of the Committee:

"These Terms of Reference have been developed in accordance with the NSW Department of Planning and Environment Community Consultative Committee Guidelines State Significant Projects (November 2016)

(<http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/community-consultative-committee-guidelines-state-significant-projects-2016-10.ashx>) and the requirements of the Community Consultative Guidelines still remain applicable for this committee."

Andrew noted that the conditions of the CCC Guidelines are still applicable to the CCC. Andrew asked for the CCC to provide comment on this.

Attendees asked if the updated TOR had been sent to the CCC. Coral advised she had sent this in an email to the CCC and she would resend this email with the TOR to all CCC members.

Andrew discussed the proposed amendment to the Conflict of Interest:

"All members must sign a declaration of pecuniary and non-pecuniary interest before they join the committee, and keep this declaration up to date while they are members of the committee. These declarations should include any pecuniary or other interest (including any payment, gift or benefit) intended or likely to influence – or that could be reasonably perceived by an impartial observer as intended or likely to influence the member to:

- Act in a particular way (including making a particular decision);
- Fail to act in a particular circumstance; and/or
- Otherwise deviate from the proper exercise of their duty as a member.

Examples of pecuniary or other interests include holding shares in an entity carrying out the project, holding a private contract with the proponent, holding voluntary acquisition or mitigation rights under the proponent's consent, or receiving sitting fees or payments of personal expenses from the proponent; and if the member represents a stakeholder group, if the stakeholder group has received funding or a grant from the proponent.

These guidelines establish no requirement in respect of personal interests other than the declaration. However, the committee may determine that a personal interest is sufficient that a member should withdraw from discussion on a particular issue."

Andrew noted that one suggestion had been received from a CCC member to amend this last paragraph, however, he would like all CCC members to provide comment on suggested amendments.

10. CCC training session

Andrew discussed with the CCC the timing of training following the update to the Terms of Reference - tentatively 10 October (midway between the September and October CCC meetings). Training will consist of a review of the proposed amendments to the TOR, review of the recent breach and discussion of lessons learnt including areas for improvement. The training session is expected to take approximately one hour.

The meeting discussed holding this session prior to the October CCC meeting.

Rob noted the CCC should be careful about the TOR being too prescriptive and the best approach would be to have an understanding that issues could be discussed openly amongst the CCC who would exercise sound judgment.

Jenny advised she had previously spoken to Andrew and would like her email breach to be used in the training session highlighting errors of judgment through incorrect and poor choice of language.

Andrew noted once the TOR have been finalised and a new Code of Conduct form is to be signed by CCC members.

Andrew advised that as the construction phase of the project is nearing completion it is an opportunity to update the membership of the CCC as the CCC will be functioning for at least five years in the operations phase. Other organisations and members of the community will have an interest in the operations but may not have had an interest in the pre-construction and construction phases. The meeting discussed calling for Expressions of Interest and Mike advised including this in the next CCC meeting.

It was agreed that Coral would send an email to CCC members to see if they are interested in remaining on the CCC.

Mike advised that as Simon Wakefield, the Independent Chair, has been on leave, Simon will need to review the suggested changes to the TOR, endorse any changes, distribute to the CCC and determine calling for Expressions of Interest for new members going into the operations phase.

11. Other agenda items

Mike advised that the videography undertaken on site has been approved and published on the project website – <https://www.industry.nsw.gov.au/lands/major-projects/infrastructure/eden/updates>. The next project videography will include the arrival of the dolphins which is scheduled in mid-October. The meeting discussed the length of time that had been taken for this approval. Coral advised that during this period the NSW DOI Director Media and Director Publishing and Marketing had both resigned which had caused the delay.

Isaac discussed the Aboriginal Participation in Construction rates for the project to date as follows:

- The project has been supportive of local Aboriginal businesses with Eden Local Aboriginal Land Council and Mundabaa Constructions services utilised.
- The project has employed up to 19 Aboriginal workers, providing both skilled and semi-skilled labour. Several have been trained as Marine Mammal Observers and are currently employed on the project, and cultural awareness training has been provided for project personnel.
- Other indirect project initiatives included the construction of a viewing platform on the Bundian Way, the provision of a vehicle and trailer to Mundabaa Constructions.
- The project has identified an additional opportunities with suppliers and will continue investigating other options as the project progresses.

Nat asked what this value was and Mike advised this was a percentage of the project's capital costs.

Isaac discussed the Giiyong Festival which was held at Jigamy Farm on 22 September:

- The project and Waterways had both sponsored the Giiyong Festival.
- The Festival was the first cultural festival to be held in the South Coast region in Yuin Country (Yuin country stretches from the Shoalhaven River down to the Victorian border and west to the Great Dividing Range).
- The Festival celebrated local Aboriginal performers, artists and cultural producers.
- The sponsorship provided training, skills development and employment to local Aboriginal artists and festival staff leading up to and on the day of the Festival, and will lead to long-term employment and training opportunities for local Aboriginal people in the region.

The meeting discussed how successful the Festival was, being family friendly, highly professional and well attended, and in future it would be ideal to align a cruise ship visit with the Festival.

Glenn congratulated Waterways for being one of the initial sponsors.

12. 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 6.50pm.