

MEETING	Community Consultative Committee (CCC) - Eden Breakwater Wharf Extension Project		
MEETING NO.	34	DATE	Wednesday, 31 October 2018
LOCATION	The Captain's Table – Eden Fishermen's Club	TIME	6pm –6.30pm
ATTENDEES	Dr Denis Lawrence, Richard Lamacraft, Paul Webster, Gail Ward, Rob Bain, Simon Wakefield, Isaac Smith, Mike Crandell, Rob Davis, Tomas Rooney, Coral Reynolds		
APOLOGIES	Leanne Scott, Robin Arthur, Megan Cleary, John Aveyard, Debbie Meers, Natalie Godward, Jenny Robb, Graham Stubbs, Glenn Vardy, Tony Matthews, Andrew Dooley, Greg Thomson		
PREPARED BY	Coral Reynolds		

1. Acknowledgement to Country, welcome and apologies

Simon 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

Simon advised there were no actions from the previous meeting minutes.

3. Post approval update

Simon 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 on 6 October 2018.
 - The next ER Report is due 7 November 2018.
- No amendments or updates to the CEMP or CEMP Sub-plans have occurred in this reporting period.
- The CCC Annual Report will be available on the project website once publishing approval has been received.
- Two incidents took place in October:
 - On 17 October whales were sighted by a National Parks officer close to the cliff face at the Rotary Lookout during piling activities. No whales were sighted by either of the MMOs during the pre-start observations or piling. It should be noted that the area immediately adjacent to the cliff face at the Rotary Lookout can be a blind spot. The project team investigated and confirmed that there were no whales in the observation or shutdown zones and piling continued. In addition, an underwater noise assessment was recent undertaken and it indicated that there would be minimal impact from piling in that area. In the future, the blind spot will be an area of focus for inspections during piling activities.
 - On 27 October there was an oil leak (approximately 10L spilled to the jack-up barge deck with one to two litres to water) from a hydraulic line failure. Work ceased immediately and the boom was already in operation and pads were used to absorb the oil. Negligible environmental impact occurred.
 - Investigative reports for both incidents have been provided to DP&E, no comments from the DP&E to date.

4. Modification request update

Simon discussed the following with attendees:

- A Response to Submissions Report has been submitted to DP&E.
- Further information has been requested by the DP&E relating to the air quality assessment. Additional information was prepared and submitted to DP&E.

- Draft conditions have been received from DP&E, and are currently being reviewed by the project team.
- Potential modifications include:
 - The CCC is to continue for at least five years during the operations phase.
 - There will be no deck announcements and music from open decks while berthed except for safety announcements.
 - The low sulfur fuel requirement has been removed up to the 1 January 2020 in line with the MARPOL requirement.
 - There will be no more than 20 cruise ships permitted up to 1 January 2020, in line with the modelling undertaken.
 - Real time air quality monitoring up to and including the 2020 cruise ship season is required to identify any non-compliances with air quality guidelines.
 - A detailed complaints procedure is required as part of the Operation Environment Management Plan (OEMP).

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

Simon advised the meeting as follows:

- The tender has been awarded to Cardno.
- DOI is holding weekly meetings with Cardno to oversee the preparation of the plans associated with the operation of the facility including the OEMP and OEMP sub-plans.
- DOI is consulting with Bega Valley Shire Council (BVSC), Environmental Protection Agency (EPA), Port Authority of New South Wales (PANSW), and the Department of Planning and Environment (DP&E) regarding the OEMP and OEMP sub-plans.
- An Extraordinary General Meeting (EGM) is to be held with CCC on 14 November to present review the OEMP and OEMP sub-plans.
- The target submission date of these documents to DP&E is 16 November 2018.
- The target finalisation date of these documents is the end of 2018.

Denis asked what happens with these documents after 14 November. Simon advised that comments from the CCC meeting on 14 November will be incorporated into the submission.

Isaac advised the EGM will be facilitated by Cardno.

Denis asked if DP&E will be calling for public submission during their review. Simon advised there will not be a public submission period, input will be through consultation at the EGM.

6. Marine structures update

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

- The dolphin jackets arrived on 19 October and were unloaded on the Breakwater Wharf.
- Piling:
 - Installation is continuing with 59 wharf piles completed
 - 19 wharf piles partially completed
 - 9 onshore bollards completed
 - 13 dolphin piles installed
 - The navigation aid piling was undertaken on 27 September and was partially driven. The date for the pile to be driven to its final depth is yet to be determined (another 2.5m is to be driven)
 - Trimming piles is ongoing
- 11 headstock troughs have been installed.
- 84 of 240 deck planks have been installed.
- Currently installing anodes and pile jackets.
- One third of the wharf deck concrete (approximately 235m³) was poured on 30 October.

Rob D advised each mooring dolphin weighs approximately 91 tonnes and will be installed once the piles are ready to receive these.

Richard asked if the navigation aid pile was deliberately on an angle. Rob advised there were unexpected rocks when they piled and that it was not deliberately on an angle, however the pile will be suitable for the navigation aid foundation and within the allowable tolerance for the rake angle of the pile.

Denis asked when piling will be finished. Rob advised the frequency will reduce but it is likely that piling will continue until Christmas. Denis noted that earlier in the year piling was scheduled to be completed by the end of September and that the program was behind schedule. Rob noted that whilst piling had been delayed due to weather and marine mammal activity the piling work had been re-sequenced and the overall project program was not delayed. Denis noted that piling was taking three months longer than residents had been told it would. Rob agreed this was the case.

7. Environmental monitoring update

Isaac 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.
- Marine mammals:
 - 51 whales have been sighted this month. 91 whales have been sighted since 1 May 2018.
 - Incident on 17 October as discussed in post approval update section.
- Noise monitoring:
 - Monitoring was ongoing throughout the month.
 - No issues were recorded with noise 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.

8. Community complaints

Attendees were advised that no community complaints were received or raised in October 2018 and that both incidents have been entered into the Project's Issues Register.

9. Updates to CCC Terms of Reference

Simon discussed with attendees the following:

- Final Terms of Reference (TOR) were sent to CCC members on 23 October 2018.
 - Purpose of the Terms of Reference – new section.
 - Pecuniary and other interests – updated section.
 - Code of Conduct – includes breach management.
- No comments were received from CCC members.
- Final TOR will be distributed to CCC members.

Denis noted that the TOR circulated on 19 September 2018 was different to the one sent on 23 October 2018. Denis noted that his comments hadn't been included and that he hadn't had any response.

Denis noted that the fourth paragraph in the Conflict of Interest section was unsatisfactory and didn't address the main issue that had been identified in the August meeting – that CCC members that had personal and business interests that stood to benefit from the project be required to declare those interests before expressing personal views. Denis stated he felt the Conflict of Interest section was far too narrow and focussed only on corruption aspects and not on the broader aspect of the need for members to declare related business interests before expressing personal views. Denis also noted that he was the only CCC member who had proposed any changes and so was surprised he had heard nothing in response from the Committee's secretariat.

Denis also noted that significant changes had been made from the first to the second version of the Code of Conduct relating to how the CCC is notified of breaches. Simon noted that only one paragraph had been changed. Denis stated that he felt the second version was far too vague and removed the definite process identified in the draft of 19 September. Denis stated that in the fourth paragraph of the latest draft the Independent Chair “may” notify members of a breach if it is “considered beneficial to the CCC” whereas in the first draft the CCC was definitely notified and lessons learnt discussed with the CCC. Denis asked why that change was made and could Simon provide an example when it would be considered detrimental for the CCC to be notified. Simon noted that he believed if something was of a confidential nature it would be better to remain confidential. Denis advised he was unable to accept this and thought it was too discretionary. Denis considered it gave too much scope for the CCC to be kept in the dark and/or for the Code of Conduct to be only selectively applied. Simon noted he would consider this and if possible would like to meet with Denis about this separately.

Mike asked if there was a standard set of guidelines from the NSW Government regarding CCCs. Simon advised the meeting that the NSW Department of Planning and Environment Community Consultative Committee Guidelines (Nov 2016) were used to prepare the TOR but these changes were additional to the guidelines.

10. CCC training session

Simon discussed the proposed CCC training session as follows:

- CCC to determine the timing of training – tentatively 28 November 2018.
- Training will consist of a review of a recent breach and discussion of lessons learnt including areas for improvement and what could be done differently.
- The training session is expected to take approximately 30 minutes prior to the next CCC meeting.

11. Other agenda items

Isaac advised that:

- Videography was undertaken on site on 19 October 2018 and included the unloading of the dolphin jackets to the Breakwater Wharf. Additional filming will be undertaken in the next few weeks to include dolphin jacket installation and interviews of project personnel.
- The project will have an information stand at the Eden Whale Festival on Saturday 3 November 2018.
- The NSW Skills Board visited the project on 25 October 2018. Glenn Vardy gave a presentation which included a project overview and information regarding local small and medium enterprises engaged on the project, Aboriginal Participation in Construction and training which was well received.

12. Community feedback

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

The meeting closed at 6.30pm.