

04 April 2020

The Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Email: compliance@planning.nsw.gov.au

Dear Sir/ Madam,

Re: Pacific Blue Metal 2019 IEA

As per the Departments request in its letter dated 24 February 2020, Section 3.12 Areas of Non-Compliance Issue N-05 has been amended and a revised IEA has been submitted to the Major Projects Portal.

In addition, please find below Pacific Blue Metal's response to the questions raised in the Departments letter regarding the 2019 IEA, specifically the Community Consultative Committee.

- 1) *Appendix B – Schedule 5, Condition 6 (Community Consultative Committee) – the Department notes the contradictory audit findings 'Meetings are conducted annually', and 'the committee had not met since November 2017'. Given the preceding, please provide further details on the compliant status given to this condition;*

MidCoast Council (MCC) is the operator of the CCC and has been since its inception stemming from the 1998 consent. MCC appoint a Councillor to the position of chairperson and a MCC staff member as minute taker.

The last meeting of the CCC convened by MCC was held on 29 November 2017. PBM has not received minutes from this meeting. PBM emailed MCC in both November 2018 and December 2019 to request a meeting of the CCC. An affirmative response was not received.

- 2) *Appendix B – Schedule 5, Condition 6 (Community Consultative Committee) – in November 2016 the Department released updated Community Consultative Committee Guidelines (2016 CCC Guidelines). Please provide an assessment of compliance against the requirements of the 2016 CCC Guidelines; including, but not limited to the following requirements:*
 - a. *The Chairperson must report annually to the Department on the operation of the committee; PBM is unaware of the status of the current Chairperson's reporting to the Department.*
 - b. *The committee should determine the frequency of meetings; At the CCC meeting*

held 29 November 2017, the committee determined that CCC meetings would be held on an annual basis. PBM has not received minutes of this meeting. MCC has not convened the annual meeting since this time, despite email prompts from PBM to do so.

- c. *All members of the committee must sign a code of conduct, PBM submitted the 2016 CCC Guidelines to the committee during General Business at the meeting held 29 November 2017. PBM provided an overview of the Guidelines including items such as Code of Conduct, declaration of interests, committee membership and the Departments' role in appointing a Chairperson. It was agreed that MCC staff were to review and act on the guidelines to ensure the CCC was operating as per the Guidelines. Minutes of the meeting have been not received.*
- d. *All members of the committee must sign a declaration of pecuniary and non-pecuniary interests; and see c) above*
- e. *The name, credentials and (if the member agrees) contact details of all members of the committee must be published in a prominent position on the proponent's website. see c) above*

It is critical to note that despite the current consent requiring PBM to operate a CCC – this is simply not achievable given the existing structure of the CCC. The CCC has been operated by Council since the 1998 consent, and we are in NO position to simply take control and begin operation of this committee. PBM is not the operator of the CCC. This has been previously raised with DPIE.

A copy of the revised IEA has been submitted to the DPIE Major Projects Portal.

Should you have any queries please do not hesitate to contact me on 6554 3206 or gse@pacificbluemetal.com.au .

Kind regards,

Stacey Tyack
QSE Manager
Pacific Blue Metal