

Eden Cruise Ship Facility Five-Year Community Consultative Committee Report

December 2024

Document Status

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Acronyms and Definitions

Acronym/Term	Definition
BVSC	Bega Valley Shire Council (BVSC)
CCC	Community Consultative Committee
CCS	Community Communication Strategy
Complaints	A written or verbal expression of dissatisfaction about an activity, or proposed activity, or failure to act by the Operator, Duty Manager Cruise Operations (DMCO) or anyone else directly or indirectly related to the Facility
Council	Bega Valley Shire Council.
Commonwealth DCCEW	Commonwealth Department of Climate Change, Energy, the Environment and Water
NSW DCCEEW	NSW Department of Climate Change, Energy, the Environment and Water
DPE	NSW Department of Planning and Environment (now NSW Department of Planning, Housing and Infrastructure).
DPHI	NSW Department of Planning, Housing and Infrastructure (previously part of DPIE and then DPE)
DPIE	NSW Department of Planning, Industry and Environment (now NSW Department of Planning, Housing and Infrastructure)
Duty Manager Cruise Operations (DMCO)	Manages the operation of the Facility on behalf of the Port Authority of New South Wales (Operator)
EIS	The <i>Eden Breakwater Wharf Extension State Significant Infrastructure – Environmental Impact Statement</i> , dated 3 November 2016, submitted to the Secretary seeking approval to carry out the SSI and as revised if required by the Secretary under the EP&A Act
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment Protection Authority
EPBC 2016/7828	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) Referral Decision, 13 April 2017
Extended Use	Use of the Facility when not occupied by a cruise ship by fishing vessels, tugs, barges, lines boats, yachts and other vessels with sizes up to 100 metres in length
Facility	Eden Cruise Ship Facility, including all infrastructure required to allow cruise ships to berth at the extended Eden Breakwater Wharf and land side areas, facilities and services for management of passenger visitation including disembarkation, embarkation and transport
Infrastructure Approval	Infrastructure Approval (SSI) 7734 issued by the Executive Director, Priority Projects Assessment (as delegate of the Minister for Planning) Department of Planning and Environment under Section 115ZB of the <i>Environmental Planning and Assessment Act 1979</i>

Acronym/Term	Definition
	(NSW), (dated 5 July 2017) as modified on 7 November 2018 (MOD 1) and on 21 October 2020 (MOD 2)
Minister	NSW Minister for Planning and Public Spaces
OEMP	Operational Environmental Management Plan
OCR	Operation Compliance Report, prepared under Condition A21 and A23
Operation	The operation of the Facility in accordance with the SSI Infrastructure Approval (whether in full or in part) for its intended purpose
Operator	The Port Authority of New South Wales is the Operator for the Facility and responsible for overall compliance with the OEMP, and the operational aspects of the Infrastructure Approval and EPBC Act Referral Decision
Proponent	The person/organisation identified as such in Schedule 1 of the SSI approval and any other person carrying out any part of the SSI from time to time
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Relevant Maritime Authority	Harbour Master or authorised officer, as defined in the <i>Marine Safety Act 1998</i> (NSW), or authorised officer or inspector under the <i>Marine Pollution Act 2012</i> (NSW), the Port Authority of New South Wales
Secretary	Secretary of the NSW Department of Planning, Housing and Infrastructure (or nominee, whether nominated before or after the date in which the SSI approval was granted)
SSI	The State Significant Infrastructure, as generally described in Schedule 1 of the Infrastructure Approval MOD 1, and carrying out of which is approved under the terms of the approval

1 Introduction

1.1 Background & context

This Eden Cruise Facility Five-Year Community Consultative Committee (5-Year CCC) Report has been prepared for the Eden Cruise Ship Facility (the Facility) by the owner and operator of the Facility, Port Authority of NSW (Port Authority). The 2023/24 year is within the fifth year of operation of the Eden Cruise Ship Facility.

The construction and operation of the Facility, which is a State Significant Infrastructure Project (SSI no. 7734) under Division 5.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), was approved by the Minister for Planning's delegate under Section 115ZB of the EP&A Act on the 5 July 2017. The Eden Cruise Ship Facility's SSI approval was subsequently modified on 7 November 2018 (MOD 1), on 21 October 2020 (MOD 2) and on 24 May 2024 (MOD 3) (the Infrastructure Approval). The Project was also subject to a Referral decision under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) (EPBC Act), issued by the Commonwealth's Department of the Environment and Energy (DoEE) (now the Commonwealth Department of Climate Change, Energy, the Environment and Water – Commonwealth DCCEEW) dated 13 April 2017 (EPBC 2016/7828).

The Infrastructure Approval was obtained by the former Department of Industry – Lands & Forestry. In September 2019 Port Authority became the owner and operator of the Eden Cruise Facility and holds responsibility for the conditions of approval associated with the operation of the cruise wharf.

Construction of the Facility commenced in August 2017 and was completed in August 2019. The Facility was constructed by the former Department of Industry – Crown Lands. Ongoing operation of the Facility and Operational Environmental Management Plan (OEMP) implementation is undertaken by Port Authority.

This 5-Year CCC Report has been prepared in accordance with the requirements of Condition B2 of the Infrastructure Approval (see Table 1-1 below):

Table 1-1: Five-Year CCC Report Requirements

Condition	Condition requirement	Section of Report that addresses the condition
B1	<p>Prior [...] the Proponent is required to establish a Community Consultative Committee.</p> <p>The Community Consultative Committee is to be established in accordance with the Department's Community Consultative Committee Guidelines for State Significant Projects, dated November 2016, or from an existing group that can be demonstrated to meet the purposes and objectives of the Guidelines as agreed by the Planning Secretary.</p> <p>The committee is to include representatives from port businesses, maritime user groups, residents surrounding the Port of Eden and the Relevant Maritime Authority and is to operate [...] during Operation of the SSI for a period as agreed with the Planning Secretary, but not for less than five years from commencement of operation of the committee.</p>	Section 2.1
B2	<p>A Report endorsed by the Community Consultative Committee is to be submitted to the Secretary five years after commencement of Operation of the SSI, reporting on whether the purpose of the</p>	This report. Section 2, 3 & 4

Condition	Condition requirement	Section of Report that addresses the condition
	<p>Committee has been achieved and completed, and recommending a timeframe for continued operation.</p> <p>Where disbandment of the committee is recommended, it is to be replaced with a community-based forum, as provided for in the Community Communication Strategy, operating for the life of the SSI unless otherwise agreed by the Planning Secretary. The Community Consultative Report recommending disbandment must be submitted to the Secretary for consideration and include:</p> <ol style="list-style-type: none"> a. minutes of the Community Consultative Committee meeting documenting member agreement to disbandment; and b. proposed membership of the community-based forum. <p><i>Note: the community-based forum must include local residents and may be an existing community liaison group.</i></p>	
B3	<p>A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Proponent, the ER, the relevant Council, the Community Consultative Committee and/ or community-based forum, others directly impacted by the SSI during Construction of the SSI and for the life of the Operation of the SSI, unless otherwise agreed by the Planning Secretary.</p>	Section 5

2 Eden CCC

2.1 Establishment & OEMP

The Eden CCC was established in accordance with condition B1 prior to construction and has been active since then during construction and operation.

The OEMP and OEMP Sub-plans, and the Extended Use OEMP were prepared and approved by the Secretary's nominee in accordance with the Infrastructure Approval in correspondence dated 15 September 2019 and 6 November 2020 respectively.

The OEMP was combined with the Extended Use OEMP and updated at the end of 2024 to incorporate consolidated conditions updated with Mod 3, including new and updated OEMP Sub-Plans.

The approved current OEMP and OEMP Sub-plans are available on the Port Authority website:

<https://www.portauthoritynsw.com.au/port-of-eden/port-services-facilities/eden-cruise-wharf/>

2.2 Purpose

The purpose of the CCC is to:

- provide a forum for discussion between Port Authority, community representatives, key stakeholder groups and Bega Valley Shire Council;
- to keep all stakeholders informed about operations and maintenance activities at the Port;
- seek community views and feedback; and

- to provide an opportunity for committee members to seek further information.

The CCC has achieved the above purpose since commencing operation.

2.3 Membership

The CCC comprises an independent chairperson, and community representatives from port businesses, maritime user groups, residents surrounding the Port of Eden and the relevant maritime authority, a council representative, and members of the project team. The Eden CCC is currently chaired by Port Authority. Transport for NSW (TfNSW) is a member of the CCC providing planning, operational and project updates on maritime related matters as needed.

2.3.1 Meeting frequency

The CCC met on a quarterly basis from the start of operation and continues to meet on an approximate quarterly basis. Meeting minutes are available on the project website page <https://www.portauthoritiesnsw.com.au/port-of-eden/port-services-facilities/eden-cruise-wharf/>

2.4 Survey Results

Port Authority surveyed committee members to better understand their expectations for ongoing consultation on port operations and to gain insights into the value of these meetings. Those members who participated in the survey support a forum that allows for continued engagement about port operations.

Port Authority received ten survey responses, and some additional written comments. Survey results were discussed at the September 2024 meeting to help provide insights for future planning. Appendix A has a summary of the survey results, but key themes include:

1. *Very important for meetings continue as the wharf area is of great concern to locals.*
2. *Would welcome more co-coordinated planning, development and management of the area.*
3. *Meetings provide the only opportunity for all government departments overseeing the wharf area to get together with stakeholders and the community.*
4. *Opportunity to seek new community members.*
5. *The purpose of the Eden CCC needs to be revisited as it has evolved over time.*

2.5 Recommendation for continuation or disbandment

Port Authority and the Eden CCC discussed the option to continue or disband the Eden CCC, at the September 2024 meeting.

At the September 2024 meeting, the Eden CCC discussed the continued operation of the Eden CCC as-is, and tentatively agreed to the disbandment of the Eden CCC, to be replaced with a community-based forum. The September 2024 meeting minutes are attached in Appendix B.

Port Authority approached TfNSW Maritime to provide continued involvement in Port of Eden Stakeholder consultation via the formation of a Port of Eden Stakeholder Group. Port Authority developed Terms of Reference (ToR) for the proposed community-based forum, the Eden Stakeholder Group (see Appendix C).

TfNSW has accepted the ToR and has progressed a briefing note to the Maritime Executive seeking endorsement for the proposed coordinated approach to stakeholder engagement in Eden.

Opportunity Benefit

The Port of Eden Stakeholder Group will enable:

- Establishment of good working relations and information sharing with stakeholders through transparent information exchange and meaningful discussion.

- Coordination of simultaneous operations and interfaces where two or more planned proposals, activities, projects or operations may occur around the same time within the Port, on adjacent land areas or associated facilities.
- Consultation on the development of projects and provision of feedback on issues that may arise during development or operations of projects.
- Discussion and the development of mutual understanding and potential solutions concerning developments, operations and potential environmental impacts of activities at the port.
- Opportunities for stakeholders to provide feedback and identification of emerging issues and opportunities for improvement.

Internal consultation within Port Authority supported the formation of a new Eden Stakeholder Group whose membership would include a wider range of stakeholders including port operators, users, land managers, tourism operators to complement the community organisations and individuals.

Although the group is not a decision-making or regulatory body; it performs an advisory role in the sharing of updates and information and consultative function through feedback on project related matters.

At the December 2024 meeting, the Eden CCC:

- endorsed the Draft Five Year Eden CCC Compliance Report,
- agreed to disbandment of the Eden CCC, and
- supported the formation of the new Eden Stakeholder Group and the Terms of Reference for that group (with updates as documented in the December 2024 meeting minutes),

The December 2024 meeting minutes are attached in Appendix B.

3 Port of Eden Stakeholder Group

As required by condition B2 of the Infrastructure Approval, if disbandment of the CCC is recommended, it will be replaced with a community-based forum, as provided for in the Community Communication Strategy, operating for the life of the SSI unless otherwise agreed by the Planning Secretary. As required by condition B2, the community-based forum to replace the CCC must include local residents and may be an existing community liaison group.

3.1 Purpose

The group will facilitate:

- Establishment of good working relations and information sharing with stakeholders through transparent information exchange and meaningful discussion.
- Coordination of simultaneous operations and interfaces where two or more planned proposals, activities, projects or operations may occur around the same time within the Port, on adjacent land areas or associated facilities.
- Consultation on the development of projects and provision of feedback on issues that may arise during development or operations of projects.
- Discussion and the development of mutual understanding and potential solutions concerning developments, operations and potential environmental impacts of activities at the port.
- Opportunities for stakeholders to provide feedback and identification of emerging issues and opportunities for improvement.

Although the group is not a decision-making or regulatory body; it performs an advisory role in the sharing of updates and information and consultative function through feedback on project related matters.

3.2 Membership

Membership of the Eden Stakeholder Group will include a diverse mix of:

- Port users and port industry operators
- Adjacent land managers
- Community group representatives
- Local government or government agency representatives
- Port Authority and TfNSW representatives

Membership is by an Expression of Interest (EOI). In addition, Port Authority and TfNSW will invite stakeholders connected to the port precinct including the Eden Welcome Centre, Eden Local Aboriginal Land Council, Bega Valley Shire Council, port industry operators and adjacent land managers to join the Group.

3.3 Administration

Port Authority and TfNSW will facilitate the group (alternatively at alternate meetings) by providing a meeting chairperson and administrative support. This will include:

1. Providing an appropriate local meeting venue and online meeting option.
2. Advising members of meeting dates and venues.
3. Preparing meeting agendas ten working days before the meeting.
4. Arranging for suitable experts on relevant issues to attend meetings as required.
5. Providing supporting documentation as required.
6. Recording minutes, points of discussion, actions, and recommendations.
7. Agreement of the minutes will be by consensus of the meeting members.
8. Distributing any publicly available information, including meeting minutes and presentations ten working days after the meeting

Port Authority and TfNSW have agreed to chair and take minutes for alternate meetings. Port Authority will co-ordinate the agenda through a pre-meeting and share draft minutes prior to them being distributed to the group. Port Authority have also agreed to Review after 12 months to ensure expectations are aligned.

3.3.1 Meeting frequency

The group will meet quarterly every three (3) months depending on the updates and business to discuss. Where the group agrees that there is insufficient business to discuss, it may hold meetings at intervals of longer than three (3) months. If any urgent business arises between meetings, an urgent meeting may be convened with 14 days' notice.

More details on the proposed Eden Stakeholder Group are provided in the ToR in Appendix C.

4 Submission of decision to Planning Secretary

As per condition B2, this 5-Year CCC Report recommending disbandment will be submitted to the Secretary for consideration and includes:

- a. minutes of the September and December Eden CCC meetings documenting member agreement to disbandment; see Appendix B and
- b. proposed membership of the community-based forum – see Section **Error! Reference source not found. Error! Reference source not found.** and Appendix C.

5 CCS

The Eden Cruise Wharf Community Communication Strategy (CCS) – Operations and Maintenance Phase, May 2023, sets the communications and community liaison activities to be undertaken for the Eden Cruise Wharf from completion of construction and for the life of the operation.

The Eden Cruise Wharf CCS is located on the Port Authority website:

<https://www.portauthoritiesnsw.com.au/port-of-eden/port-services-facilities/eden-cruise-wharf/>

The Eden Cruise Wharf CCS will be updated following submission of this Eden 5 Year CCC Report to the Planning Secretary.

Appendix A Eden CCC Survey Results – August 2024

Appendix B Eden CCC September & December 2024 Meeting minutes

Appendix C Port of Eden Stakeholder Group – Terms of Reference

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