

# Resources Advisory Forum

<b>Name</b>	<b>Resources Advisory Forum 10</b>
<b>Location</b>	Department of Planning and Environment Waratah Room, Level 31 320 Pitt Street, Sydney NSW 2000
<b>Date/Time</b>	Thursday 18 October 2018, 2:00pm – 3:30pm
<b>Chairperson</b>	Marcus Ray, Deputy Secretary – Planning Services, Department of Planning and Environment

## Attendees

Title	Name/Organisation/Role
<b>Attendees</b>	<b>Chris Berry, District President and Director of Planning &amp; Environmental Services</b> Canberra Region Joint Organisation and Yass Valley Shire Council
	<b>Andrew Abbey, Policy Director (alternate)</b> NSW Minerals Council
	<b>Owen Hasler, Executive Member and Gunnedah Shire Councillor</b> Association of Mining Related Councils
	<b>Andy Honeysett, District President for Mining South West District</b> Construction Forestry Mining and Energy Union
	<b>Cathy Redding, Mayor</b> <b>Daniel Boyce, Planning Officer</b> Narrabri Shire Council
	<b>Andrew Stanton, Manager, Strategy and Policy</b> NSW Aboriginal Land Council
	<b>Rachel Walmsley, Director Policy &amp; Law Reform (alternate)</b> Environmental Defenders Officer

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Title	Name/Organisation/Role
	<b>Beverley Smiles</b> Total Environment Centre
	<b>Cerin Loane, Policy Coordinator (alternative)</b> Nature Conservation Council of NSW
	<b>Robert Hardie</b> <b>Courtney Dill</b> NSW Farmers
Department of Planning and Environment	<b>Marcus Ray, Chair (MR)</b> Deputy Secretary, Planning Services
	<b>Clay Preshaw (CP)</b> Director, Resource Assessment
	<b>Chris Rudens (CR)</b> Manager, Environmental Projects
	<b>Chris Cooper (CC)</b> Principal Officer, Exploration Approvals
	<b>Stephen Barry (SB)</b> Director, Resources Policy
	<b>Nathan Laird (NL)</b> Director, Policy
	<b>David Mooney (DM)</b> Principal Policy Officer, Resources Policy
	<b>Evelina Hendry (EH)</b> Senior Communications Advisor, Resource & Energy Assessments, Compliance & Business Systems
	<b>Elsa Baudry (EB)</b> Communications Advisor

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Title	Name/Organisation/Role
Apologies	Katherine Hole
	ED Policy and Strategy
	David Kitto
	ED Resource Assessments and Business Systems

## Notes

No.	Description	Actions
	<b>Welcome – Marcus Ray</b>	

- The Chair welcomed members, gave an acknowledgement of country and outlined the agenda for the meeting.

<b>1</b>	<b>Actions arising from previous meetings – Marcus Ray</b>	
	<b>Updates on:</b>	
	1.1 EIA– Marcus Ray	
	1.2 VLAMP – Stephen Barry	
	1.3 Snowy Hydro 2.0 – Clay Preshaw	

Circulate PAR document now on website – complete

1.1 EIA

- The first round of draft documents has been released with some still undergoing finalization.
- All documents will be reviewed in November with the opportunity for further edits until February 2019.

1.2 VLAMP

- VLAMP published 21 September 2018 to incorporate EPA changes.

Discussion:

- EPA changes failed to improve landholder rights in relation to multinational developments.

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- Landholders are pessimistic towards community consultation and the prospect of enacting community-centric change. Negotiations are ongoing.
- Mr. Barry confirmed that the Department is cognisant of landholder concerns and is currently working towards addressing landholder concerns.
- Subsequent discussion will continue offline.

## 1.3 Snowy Hydro 2.0

Mr. Preshaw provided an update for this project, noting that in its current stage it is receiving submissions for exploratory works.

The Department is working with other agencies to prepare requirements for the projects subsequent developments.

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## Policy Update

- 2.1 Rehabilitation Reform – Chris Cooper/Chris Rudens

### 2.1 Rehabilitation Reform

- The Resource Regulator was formed in 2016 and is responsible for mine safety, compliance enforcement, site operations and the rehabilitation of mining sites.
- It ensures safe and innovative practices that enforce sustainable mining across extractive and petroleum industries in NSW.
- The team provides guidance on safety information, as well as environmental and protective regulatory obligations that seeks to support industry workers, communities and the state.
- In the last two years, the Resource Regulator has provided a clarified understand of mining regulation, which has proffered the RR's ability to enforce regulatory obligations.
- Our approach includes educating industry and communities on 'optimal practice' and suitable frameworks. Education on troubleshooting tools enables innovative resolution prescriptive solutions regarding land use outcomes.
- The Rehabilitation Reform aims to enable progressive (land) rehabilitation, sustainable final land use outcomes, and financial restitution for rehabilitative costs. These amendments to the Reform seek to enforce an ethical relationship between industry and stakeholders.
- The Operational Rehabilitation and Reporting Reforms aim to improve the regulation of mining rehabilitation through a focus on sustainable land use outcomes.
- By ensuring that the costs of rehabilitation are covered by industry, not the state of NSW, the reforms seek to reinforce the industry's ethical standing.

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- Mr Cooper and Mr Rudens provided a demonstration of the Rehabilitation GIS portal to the RAF.

## Discussion:

- The process of information collection and the process of land rehabilitation were queried.
- The Department advised that such processes haven't changed, and that information checks and verification is still carried out on behalf of the Department (?).
- Regulation involves the setting of specific KPI's that allow the Department to accurately quantify a mines rehabilitation progress.
- This information allows the Department to monitor mine rehabilitation progress state-wide as well as the ability to identify and intervene with issues of non-compliance. Biodiversity within communities must be considered in relation to mine rehabilitation. Forum attendees queried how these issues are being considered.
- Discussion to be continued offline.

## 3 Community Participation Plans Nathan Laird

- 3.1 Community Participation Plans

Updates to the Environmental Planning and Assessment Act 1979 (EP & A Act) came into effect on 1 March 2018.

- A key objective of the EP & A Act is to provide increased opportunity for community participation in environmental planning and assessment.
- A measure to support this objective is the new requirement for all NSW planning authorities to prepare a community participation plan by December 2019.
- The draft CPP will go on public exhibition shortly and will be on exhibition for 6 weeks.
- The Department will take into consideration community feedback and will supply guidance documents by late 2018.
- Through ongoing community consultation, the Department has strived to involve communities in the planning process.

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- Consults thereby aim to produce policy that mutually benefits both communities and the state.
- The Department's approach is governed by a philosophy that aims to consult, inform and engage by notifying communities of decisions affecting proposals and aiming to incorporate local views into the decision-making process.

Discussion:

- The Corbyn review detail several issues of concern including the need for more respect towards councils and communities.
- The need for 'meaningful engagement' between the public and government entities is currently being considered by the Secretary of the Department.
- The CPP will provide high-level support for this initiative through better practice instigated by new processes, i.e. it is clear that companies must engage and assess community interests earlier thereby instituting greater confidence from communities in corporate and state processes.

## 4 Renewable Energy Update – David Mooney

- 4.1 Solar Energy Guideline
- The guidelines are for State Significant Development projects with a value of \$30m+. The guidelines will include provisions for early stakeholder engagement, areas of constraint for site selections, and key assessment issues.
- The draft guidelines were released in November 2017 and submissions closed on 16 February 2018 with 25 submissions received.
- The Department is currently finalising the guidelines and incorporating comments from submissions.

Discussion:

- Key themes from submissions include: solar projects ought not be built on farming land, proximity of residents to transmission should be of high priority.
- Council and industry believe that consultations should operate concurrently with each stage of solar project development.
- The Department is incorporating comments from submissions and will seek to clarify the Large Scale Solar Policy and its processes.

## 5 RAF Member Feedback – Marcus Ray

Discussion:

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- Mr. Ray stated that feedback from stakeholders on difficult policy issues is welcomed by the Department and that he welcomes community-based open discussions around high-level policy issues including, but not restricted to: cumulative impact guidelines, health and social concerns, EIA/SIA guidelines.
- Stakeholders expressed a desire for more open-format consultations with government officials ie – Mayor’s Office representatives.
- Otherwise, the opportunity to meet with senior departmental staff would suffice
- Members agreed that meetings have proved to be beneficial in achieving progress.
- The Department confirmed that it will welcome topic suggestions from RAF members in 2019 meetings.

## 6 Review of RAF Member Survey

Discussion:

- Surveys reviewed indicated that the RAF external stakeholders would like more time for discussion, more input into agenda setting and the inclusion of an MO representative.
- Based on surveys, the Forum agreed that the Department will conduct 3 meetings a year.

## 7 Other business and next steps – Marcus Ray

- No meeting date was set as the next meeting would fall in the caretaker period for Government due to the election.
- RAF members will receive information about 2019 meetings early in the new year.

Meeting closed at 3:45pm