

MEETING SUMMARY

RESOURCES ADVISORY FORUM

MEETING	Number 3
DATE	Thursday 16 June 2016
TIME	1:30 – 4:00pm
VENUE	Christie Conference Centre, 3 Spring Street, Sydney – Han Room

MEETING ATTENDANCE LIST

Chair: **Marcus Ray, Deputy Secretary, Planning Services, Department of Planning and Environment**

Mayor Owen Hasler	Association of Mining Related Councils (Alternate)
Chris Berry	Canberra Region Joint Organisation (Alternate)
Todd Hacking	Cement Concrete and Aggregates Australia
Alicia Webb	Clean Energy Council
Andy Honeysett	Construction Forestry Mining and Energy Union
Sue Higginson	Environmental Defender's Office
Mayor Col Murray	Namoi Regional Organisation of Councils
Kate Smolski	Nature Conservation Council of NSW
Lesley Turner	NSW Aboriginal Land Council
Claire Doherty	NSW Minerals Council
Jeff Angel	Total Environment Centre
Assoc Prof Michael Hitch	UNSW School of Mining Engineering (Alternate)

Apologies: Carolyn McNally Secretary, Department of Planning and Environment
Dr Malcolm Roberts Australian Petroleum Production & Exploration Association
Gabrielle Cusack Canberra Region Joint Organisation
Roger Stephen Hunter Joint Organisation
Adair Moar NSW Farmers
Dr Wendy Timms UNSW School of Mining Engineering

Department of Planning and Environment

Alison Frame	Deputy Secretary, Policy and Strategy
Alex O'Mara	ED Resources and Industry Policy
David Kitto	ED Resource Assessments & Business Systems
Oliver Holm	ED Resource Assessments and Compliance
Oona Nielssen	ED Media, Community and Stakeholder Engagement
Michelle Wood	A/ED, Planning Policy Project
Kirsty Ruddock	Director, Compliance and Post Approvals
Stephen Barry	Director, Resources Policy
Erica van den Honert	Director, Business Systems
Peter Holt	A/Director, Legislative Updates Project
Nina Blunck	Stakeholder Relationships Manager

ITEM	ACTIONS
<p>1. Welcome</p>	
<p>The Chair welcomed members and alternate delegates and noted apologies. The Chair reminded members about the Terms of Reference and briefly touched on the agenda for the meeting.</p>	
<p>2. Actions arising from previous meeting</p>	
<p>The Chair confirmed that the previous Meeting Summary had been finalised and published on the Department's website. The Chair ran through the actions from the previous meetings, noting two open items: consultation on draft Proponent Engagement Guidelines and further discussion on the EIS. The timing for initial consultation on these items is to be carried out with members prior to the October meeting.</p>	<p>Members to be consulted on open action items prior to 20 October meeting.</p>
<p>3. Legislative updates</p>	
<p>The Department provided an overview of the targeted consultation that has taken place since Minister Stokes briefed stakeholders about his intention to update the Environmental and Planning Assessment Act 1979 on 5 May. Ten Stakeholder Advisory Forums have been held around NSW to co-design policy, within the Minister's agenda. Public consultation will take place in the second half of 2016 when the Draft Bill is published.</p> <p>Of particular interest to members are the following elements.</p> <p>1. Community participation</p> <p>The Department explained the importance of community participation in good decision-making and ensuring confidence in the planning system. Community participation was a key issue for stakeholders during the White Paper and Planning Bill 2013 process and there was a lot of interest from stakeholders during the Forums. The 2013 charter remains a key option under consideration but there are other issues to talk through before progressing.</p> <p>Members were asked for feedback on community participation including a charter. Comments included:</p> <ul style="list-style-type: none"> • Enforceability; • External review of Community Participation Plans; • Best practice and practical guidance; • Defining community; 	

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<p>The Department explained that recognition of the importance of compliance has led to an increase in staff and expanded operations. In 2015, compliance staff doubled from 8 to 16, working across the State and closely with other regulators, as well as the community and industry.</p> <p>A strategic risk assessment approach to investigations is the focus for the team along with consistency and transparency. The educational role is also important, alongside monitoring and enforcement. There's been a new approach overall to compliance.</p> <p>Compliance is monitored in four ways:</p> <ul style="list-style-type: none"> • Self monitoring; • Compliance audits; • Inspections; and • Active monitoring. <p>Investigating breaches</p> <p>The Department has powers to conduct site inspections and audits on a proactive basis and investigate issue specific breaches of the Act. The team investigates potential non-compliance and if a breach is determined, the team assesses the breach against the updated Compliance Policy to determine the outcome.</p> <p>In particular, the Department looks at the significance of the breach and the culpability of the offender. When determining the response, the Department considers the principles of natural justice to ensure a proponent is given an opportunity to respond to the allegations and put their case.</p> <p>Strategic campaigns</p> <p>A strategic campaign selection process has been developed and implemented, targeting high risk regions, sectors and projects. Campaign audits are often selected in conjunction with other agencies. 2015/16 audits include sand mines, hard rock quarries and biodiversity audit.</p> <p>Educations campaigns has also been a focus, involve educating proponents on the need to comply with their conditions of approval.</p> <p>Members were asked for their views on any emerging issues and compliance generally. Comments included:</p> <ul style="list-style-type: none"> • Coordinate investigations and campaigns with agencies; • Reputational risk is a powerful deterrent; • Increase in penalties has had an impact on proponents' behaviour; • Combination of education and enforcement leads to improvements; • Increased compliance presence has been noticed by industry; • Proactive inspections can be an important education tool; • Use themes uncovered during campaigns to make improvements; 	<p>The Department to meet with the NSWALC to discuss compliance.</p>

ITEM	ACTIONS
<ul style="list-style-type: none"> Concern that Aboriginal culture and heritage areas still being destroyed; and Launch a “Rehab Ready” campaign, to assist mines to get rehabilitation right. 	<p>Members to contact Oliver Holm at the Department for any further inputs on compliance.</p>
<p>5. Website improvements</p>	
<p>The Department provided an overview of how it is improving the structure and content of major development assessment information on its websites. The improvements are grouped into three areas:</p> <p>1. Contextual improvements</p> <p>New content aims to improve the development assessment information available. The content will be structured under these broad headings: Statutory and Policy Framework; Role of key bodies; Guidance for Proponents; Guidance for Public.</p> <p>2. Transactional improvements</p> <p>The Department is looking to improve the transactional experiences that take place during the assessment process. This includes searching for project information, requesting updates on projects, making a submission and lodging an application. State Significant Development sites will also soon be added to the Planning Viewer which will help put the site in context.</p> <p>3. Reporting on performance</p> <p>The Department plans to commence public reporting on major projects. This will include information on decisions made and information on performance against assessment timeframes.</p> <p>Members were asked for their views on the proposed improvements. Comments included:</p> <ul style="list-style-type: none"> Clear explanation of the assessment processes; Timeline of projects, include detailed interim steps; Relevant project information should be in the same place; Provide status updates at key stages of the assessment process; Ensure that options are available for those not online; and Ease of use and accessibility. 	<p>The Department to contact members to gauge interest in further discussions on the website out of session.</p> <p>Members can also contact Erica van den Honert at the Department for any further inputs on website improvements.</p>
<p>6. Updates</p>	
<p>The Department provided a brief update on the following topics which were discussed at previous meetings.</p> <p>Social Impact Assessment</p> <p>Members were emailed a summary of the feedback from the Social Impact Assessment stakeholder engagement that took place in May 2016. Next</p>	<p>Members to contact Alex O’Mara with any suggestions about the July regional and remote community sessions</p>

ITEM	ACTIONS
<p>steps include engaging with local mining communities in remote and regional areas. Once the locations are confirmed the Department is keen to seek members' advice on the invitees.</p> <p>Community Consultative Committee Guidelines</p> <p>The Department provided an update on the revised Community Consultative Committee Guidelines that were recently out for consultation. Over 100 submissions were received with general support for revising the Guidelines. Many of the comments focused on the selection of the independent Chair and members. The Guidelines will be finalised in the coming months.</p>	<p>on social impact assessment, including advice on local invitees.</p> <p>The Department to follow up directly with members based in the proposed locations.</p> <p>The Department will update members when the revised Guidelines have been finalised.</p>
<p>7. Any other business</p>	
<p>The Chair confirmed that the next meeting will include an item on Strategic Planning and Measures of Success – Annual Review.</p>	
<p>8. Next steps</p>	
<p>The next meeting will be held on 20 October 2016. The Chair advised that the venue will change as the Department is moving to Pitt Street, Sydney.</p> <p>Key Department contacts will be provided for out of session inquiries.</p>	<p>New meeting location to be advised.</p> <p>Department contacts circulated to members on 17 June.</p>