

# Resources Advisory Forum

Summary Notes – 15 March 2018

## Details

<b>Name</b>	<b>Resources Advisory Forum 8</b>
<b>Location</b>	Department of Planning and Environment Waratah Room, Level 31 320 Pitt Street, Sydney NSW 2000
<b>Date/Time</b>	Thursday 15 March 2018, 2:00pm – 4:00pm
<b>Chairperson</b>	Marcus Ray, Deputy Secretary - Planning Services, Department of Planning and Environment

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## Attendees

Title	Name/Organisation/Role
Attendees	<p><b>Monique Andrew, State Director NSW and SA</b> Cement Concrete and Aggregates Australia</p> <p><b>Clair Doherty, Policy Director</b> NSW Minerals Council</p> <p><b>Owen Hasler, Executive Member and Gunnedah Shire Councilor</b> Association of Mining Related Councils</p> <p><b>Andy Honeysett, District President for Mining South West District</b> Construction Forestry Mining and Energy Union</p> <p><b>David Morris, Chief Executive Officer</b> Environmental Defender's Office</p> <p><b>Michael Hitch, Researcher</b> UNSW The Australian Centre for Sustainable Mining Practices</p> <p><b>Julia Jelbart, Policy Advisor – Environment</b> NSW Farmers</p> <p><b>Kate Smolski, Chief Executive</b> Nature Conservation Council of NSW</p> <p><b>Wendy Timms, Research</b> UNSW School of Mining Engineering</p>

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Title	Name/Organisation/Role
Department of Planning and Environment	<b>Marcus Ray, Chair (MR)</b> Deputy Secretary, Planning Services
	<b>David Kitto (DK)</b> Executive Director, Resource Assessments and Business Services
	<b>Felicity Greenway (FG)</b> ED, Resources and Industry Policy
	<b>Clay Preshaw (CP)</b> Director, Resource Assessment 1Br
	<b>Mike Young (MY)</b> Director, Resource Assessment 1A
	<b>Nathan Laird (NL)</b> Director, Policy
	<b>Brian Cullinane (BC)</b> Technical Specialist – EIA Improvement
	<b>Jodie Healy (JH)</b> A/Stakeholder Relations Manager
	<b>Elsa Baudry (EB)</b> Event Officer

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Title	Name/Organisation/Role
Apologies	<b>Jeff Angel, Executive Director</b> Total Environment Centre
	<b>Chris Berry, District President and National Vice President/Director of Planning and Environmental Services</b> Canberra Region Joint Organisation/Yass Valley Shire Council
	<b>Natalie Collard, Executive General Manager</b> Clean Energy Council
	<b>Gabrielle Cusack, Chief Executive Officer</b> Canberra Region Joint Organisation
	<b>Andrew Hope, Mayor/NAMOI JO Chairperson and Executive Officer</b> Liverpool Plains Shire Council/Namoi Regional Organisation of Councils
	<b>Stephen Hynd, Chairman</b> <b>Kate Aubrey Pioner, Executive Director, Policy and Programs Unit</b> NSW Aboriginal Land Council
	<b>Adair Moar, Policy Director – Environment</b> NSW Farmers
	<b>Cathy Redding, Mayor</b> Narrabri Shire Council
	<b>Dr Malcolm Roberts, Chief Executive Officer</b> Australian Petroleum Production and Exploration Association
	<b>Roger Stephen, Chief Executive Officer</b> Hunter Councils
	<b>Beverly Smiles</b> Total Environment Centre

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s	Description	Actions
<b>1</b>	<b>Welcome – Marcus Ray</b>	
	<p>The Chair welcomed members, new members (David Morris and Monique Andrew), alternate delegates and noted apologies. The Chair reminded members about the Terms of Reference and briefly touched on the agenda for the meeting.</p>	
<b>2</b>	<b>Actions arising from previous meeting</b>	

The Chair confirmed the previous Meeting Summary had been finalised and all actions followed up on this new agenda.

VLAMP exhibition – exhibition closed 16 Dec. The 10 submissions were being reviewed and adjustments to policy considered. It is expected to be several months before policy is finalised and released.

**Q** - Clr Hasler – Request to encourage developers to raise new applications, not modifications, as there is a resource issue for Councils and other organisations to respond to modifications. He queried whether there is a policy for contemporisation and if responses to submissions are provided?

**Response** – To add clarity, DPE updates conditions over time for older consents that do not reflect current compliance and where changes to standards or people’s rights would not change conditions without consultation. The aim is for best practice rather than strict policy. The new Act includes machinery changes, incident reporting and alignment of changes during assessment of mods.

**Discussion:** The Members discussed the issue of applications and modifications and updating old approvals following an application for modification. The Department advised if older consents do not reflect current compliance they can be updated to reflect current compliance requirements, which is ‘best practice’ rather than policy. The Department confirmed it provides submissions reports and the Department will respond to individuals where possible.

Mine rehabilitation discussion paper update – exhibition closed 16 Feb, with 30 detailed submissions. We’re analysing themes and there will be further targeted consultation on proposed next steps.

**Q** - Clr Hasler – Noted modifications should trigger improved rehabilitation requirements.

**Response** - DPE cannot always impose modern requirements on old consents; case law shows development rights cannot be revisited unless there is an application for modification.

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Report on panel reviewing mining in the Special Area of Sydney drinking water catchment Upper Nepean (Woronora and Woronora, Cataract, Cordeaux, Avon). The panel does not include Lithgow mines as it's outside the Special Area.

**Discussion:** Consider difference between past vs potential impacts.

Noted a commitment to protecting Sydney water supply. The panel builds on previous committee work as well as previous audits and reports including Dendrobium Height of Cracking report and NSW Catchment Audit. The Panel has been established with experts to investigate audits and risks in water catchments.

The Chair will be Chief Scientist, with 5 world-leading experts.

Terms of Reference:

- Initial review on water modelling and monitoring for active longwall mines in the Special Area – Dendrobium and Metropolitan
- Full review on all mining in Southern Coalfield
- Ongoing advice to DPE on future mining assessment

Targeted consultation will take place in future process.

**Q** – Clr Hasler - Request for clarity on what is a Special Area.

**Response** – The Special Areas are not set by DPE.

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## 4 Preliminary Regional Issues Assessment (PRIA) – Bancannia and Pondie Range Trough

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Fact sheet provided to attendees.

PRIA fits within Strategic Assessment Framework.

A process to create greater transparency and control over release of exploration areas as well as balance land use conflicts.

An inter-agency advisory body has been created with an independent chair to make recommendations to the Minister for Resources.

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We have undertaken extensive community engagement including councils, aboriginal community, pastoralists, EDO, Lock the Gate and other special interest groups. Received 50 registrations of interest for further involvement.

Mike Young invited to present to stakeholder groups.

**Q** – Clr Hasler – Commented you cannot have a gas field without a pipeline, or solar without transmission towers. Noted they have properties divided in two without compensatory access. Queried if this is being considered?

**Response** – A high-level study about potential release of areas, which is when such queries would be considered, may be undertaken a long time before a specific application is lodged. It is possible different applications would be received at different times so alignment is not always possible.

**Q** – David Morris – The Great Artesian Basin flows through this area but is not included in your list of considerations.

**Response** – This list of waterways is more specific than the Artesian Basin, which covers a wide area. We have engaged an expert to consider the Basin.

**Q** – Wendy Timms - Is there a map showing potential resources across NSW?

**Response** – The PRIA framework only refers to gas and coal. There is no long-term program of sites to be reviewed. A database is available on Resources and Geoscience website <https://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/geoscience-information>

DPE agrees to present PRIA to Association of Mining Related Councils

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5 EP&A Act update

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Act came into effect on 1 March 2018.

Key objectives for review include improved and transparent decision making, strategic planning, enhanced community participation, good design and simpler, faster planning.

A guide to renumbering and section, as well as implementation timeframes, is available on our website: <http://www.planning.nsw.gov.au/Policy-and-Legislation/Environmental-Planning-and-Assessment-Act-updated>

There are also changes to assessments through the Planning Assessment Commission - now the Independent Planning Commission - Sydney District and Regional Planning Panels and Local Planning Panels in Sydney and Wollongong.

**Q** – Clr Hasler – Did you have support from LG NSW? Have you bolstered compliance requirements for multi-developments? And impacts on neighboring residents?

**Response** – Changes to national construction code are on exhibition now. Critical stage inspections are in place in NSW to improve safety, checks and balances throughout construction processes. A compliance levy can be made to resource councils to undertake more inspection and enforcement actions

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6 Cumulative Impact Assessment

Identifies and considers the strategic context a project sits in, including physical and policy contexts. How is that strategic context relevant to the assessment of an application?

We are developing criteria and scope for assessing which projects are included in the cumulative impact assessment.

**Q** – Clr Hasler – How do you deal with larger impacts than anticipated?

**Response** – Currently, a condition of consent for a project can regulate an environmental matter, such as noise, yet an EPL for the same project can also regulate the same matter. This presents potential for confusion and duplication.

Recent amendments to the EP&A Act provide for transferrable conditions, where the regulation of a matter through a condition of consent, such as noise, can be transferred to another licence or permit for that same project, such as an EPL. Conditions of consent are not as flexible as EPLs, which are designed to be able to respond to the ongoing environmental performance of licensed facilities, including situations where an actual impact is higher than what was predicted. Therefore, an EPL will be the appropriate mechanism to manage such situations

DK will undertake targeted consultation in preparing this framework, then exhibition later in the year.

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**7** Renewable Energy Update

### 7.1 Large-scale solar energy guideline update

Submissions closed on 16 February 2018, 25 submissions were received.

Currently analysis of submissions and finalising guidelines.

Themes: importance of transmission lines, types of consultation that should take place, concern about building on farming land, and being clear on rehabilitation.

Expect to finalise policy by mid-2018

Clr Hasler – thanks to Felicity for her presentation to Association of Mining Related Councils.

### 7.2 Renewable energy project assessments

Solar – increase in number of project applications. 11 approvals in past year and 28 proposals under assessment.

Wind – increase in projects. 2 projects currently with Independent Planning Commission under consideration.

Hydro – Snowy Hydro will become Commonwealth project. Declared Critical State Significant Infrastructure. We will be consulting on future environmental impacts.

Growing trend for solar and wind farms to be combined with one grid connections.

**Q** – Wendy Timms – are you investigating pumped hydro?

Response – yes its being investigated further.

**Q** – Kate Smolski – what is the timeframe for pumped hydro sites? Are you looking at guidelines?

**Response** – Amy Kean is reviewing how ready planning system is to consider applications. Creating framework for applications to be made and assessed against.

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### Other business and next steps

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**Q** – Clr Hasler – When will the review of DPE assessment report be ready?

Response - Expected within the next couple of weeks.

**Q** - Monique Andrew – what is an update of the EIA?

**Response** – there are still parts to be engaged on, guidelines will be progressively released.

Proposed agenda items for next meeting:

- State Significant Projects Portal
- Community Participation Plans
- Resources Regulator – Rehabilitation Reform Project

Next proposed meeting date: **21 June 2018**

Meeting closed at 4:00pm