

Resources Advisory Forum

Summary Notes – 21 June 2018

Details	
Name	Resources Advisory Forum 9
Location	Department of Planning and Environment Coolabah and Geebung Rooms, Level 29 320 Pitt Street, Sydney NSW 2000
Date/Time	Thursday 21 June 2018, 2:00pm – 4:00pm
Chairperson	Marcus Ray, Deputy Secretary – Planning Services, Department of Planning and Environment

Attendees

Title	Name/Organisation/Role
Attendees	Chris Berry, District President and Director of Planning & Environmental Services Canberra Region Joint Organisation and Yass Valley Shire Council
	Clair Doherty, Policy Director NSW Minerals Council
	Owen Hasler, Executive Member and Gunnedah Shire Councillor Association of Mining Related Councils
	Andy Honeysett, District President for Mining South West District Construction Forestry Mining and Energy Union
	David Morris, Chief Executive Officer Environmental Defender's Office
	Andrew Stanton, Executive Director of Policy and Programs Unit NSW Aboriginal Land Council
	Marcus Ray, Chair (MR) Deputy Secretary, Planning Services
Department of Planning and Environment	Michael Wright (MW) A/Deputy Secretary, Division of Resources and Geosciences
	Oliver Holm (OH) ED Resource Assessments and Compliance
	Anthony Keon (AK) Chief Compliance Officer, Resources Regulator

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Title	Name/Organisation/Role
	David Kitto (DK) ED Resource Assessments and Business Systems
	Anthea Sargeant (AS) ED Key Sites & Industry Assessments
	Stephen Barry (SB) Director, Resources Policy
	Amy Kean (AmK) Renewable Energy Advocate
	Erica Van den Honert (EVDH) Director, Assessment Practice
	Mari Koeck (MK) Communications and Engagement Manager, Resources & Energy
	Evelina Hendry (EH) Senior Communications Advisor, Resource & Energy Assessments, Compliance & Business Systems
	Elsa Baudry (EB) Communications Advisor
Apologies	Monique Andrew, State Director NSW and SA Cement Concrete and Aggregates Australia
	Cathy Redding, Mayor Narrabri Shire Council
	Beverley Smiles, Volunteer Total Environment Centre
	Kate Smolski, Chief Executive Nature Conservation Council of NSW
	Wendy Timms, Researcher UNSW School of Mining Engineering

Notes

No.	Description	Actions
	Welcome – Marcus Ray	
	<p>The Chair welcomed members, noted apologies and introduced all Departmental presenters. The Chair gave an acknowledgement of country and outlined the agenda for the meeting.</p>	
1	Actions arising from previous meetings – Marcus Ray	
	Updates on:	
	<ul style="list-style-type: none">• 1.1 Energy from Waste – Anthea Sargeant• 1.2 Cumulative Impact Assessment – Erica Van den Honert• 1.3 Voluntary Land Acquisition and Mitigation Policy – Stephen Barry• 1.4 Rehabilitation Framework – Stephen Barry	
	<p>Presentation to Association of Mining and Energy Related Councils on Preliminary Regional Issues Assessment (PRIA) – <i>Complete</i></p> <p>Targeted consultation on Cumulative Impact Assessment framework - <i>Complete</i></p> <p>Updates on:</p> <p>1.1 Energy from Waste – Anthea Sargeant</p> <p>The first Energy from Waste project was assessed by the Department and was not recommended for approval. The site would incinerate 550,000 tonnes of waste and would produce 68MW of energy and would be located approx. 1.0km from residential/industry areas. The project was assessed against the EPA Energy from Waste policy (2015). Consequently, with no reference facility that treated like for like waste streams as required under the policy, the Department recommended the project be refused as the risk to human health was considered unknown and the proposal is inconsistent with EPA policy, hence it is not in the public interest. This project is now with the Independent Planning Commission (IPC) for determination. 950 submissions opposing the project were received.</p> <p>Discussion: Questions were raised about the potential for other energy from waste projects in a different location and clarification about the nature of the project. The Department confirmed that location, nature of the waste stream and compliance with the EPA policy framework will be key considerations going forward.</p>	

1.2 Cumulative Impact Assessment (CIA) – Erica Van den Honert

The Department has consulted with agencies and stakeholders on the approach to CIA and engaged specialists to prepare technical notes for air, noise, water, biodiversity and traffic. The team will then further develop the guideline and technical notes to provide clear rules and clarity for industry and the community.

Discussion: Questions were raised regarding the scope of the Cumulative Impact Assessment and the nature of changes from previous versions. The Department confirmed that guidelines clarify what to include in project assessments and noted that the guidelines will go on exhibition when finalised.

EVDH to circulate draft CIA documents to RAF when finalised.

1.3 Voluntary Land Acquisition and Mitigation Policy (VLAMP) – Stephen Barry

The VLAMP is being revised to incorporate changes to EPA's air and noise pollution standards. These changes have been exhibited and an updated policy is expected to be implemented in the next quarter.

Discussion: It was noted that the balance of power between miners and landholders, especially farmers, is an issue. SB confirmed that the revised policy improved clarity around acquisition and mitigation processes and responsibilities and other work on negotiated agreements and dispute resolution aims to address this issue more broadly.

SB to circulate VLAMP documents to RAF when finalised.

It was also pointed out that landholders can seek independent advice which the proponent must pay for. Also, the Secretary of Planning is the arbitrator for any dispute in terms of compensation and negotiated agreements.

1.4 Rehabilitation Framework – Stephen Barry

The Department is progressing with the policy and targeted consultation on the draft policy is anticipated in the next quarter.

SB to include RAF on consultation notification for the Rehabilitation Framework.

2 Division of Resources and Geoscience Update – Michael Wright

2.1 Outcomes of Functional Review

2.1 Outcomes of Functional review

A functional review was conducted following the transition of the Division of Resources and Energy (DRE) from the Department of Industry to the Department of Planning in April 2017. DRE was split into 3 branches: 1) Resources and Geoscience 2) Energy, Water and Utilities and 3) Resources Regulator. These functions are under the oversight of 3 different Deputy Secretaries.

Key changes for the Division of Resources and Geoscience include the expanded executive team to cover the 3 functional areas: Geological Survey, Resource Operations and Resources Policy, Planning and Programs as well as the

implementation of improved systems for quality management, titles management and conditions tracking and management.

These changes will deliver additional capacity, improved systems and new executive firepower to deliver the vision of the Division of Resources and Geoscience:

Excellence in growing our geoscientific knowledge and facilitating the ecologically sustainable development of geological resources to benefit the people of NSW.

3 Post Approval Update – Oliver Holm and Erica Van den Honert

- **3.1 Post Approval Requirements**
- **3.2 Conditions of Consent**
- **3.3 Post Approval Requirement Documents**
- **3.4 Next Steps**

3.1 Post Approval Requirements (PARs)

Since the last update to the RAF, the Assessment Practice and Post Approval Teams have finalised the standard conditions and post approval documents and have conducted extensive internal and external briefings in quarter 2 of this year.

3.2 Conditions of Consent

Key changes in the Conditions of Consent focus on consistency and clarification about definitions, timeframes and obligations.

Discussion: The members discussed historical conditions and the implications of the new requirements. The alignment with guidance from other agencies (e.g. EPA) was discussed and the Department noted that this is being taken into account.

3.3 Post Approval Requirement Documents

The Post Approval Requirement Documents for Compliance Reporting and Independent Audits have been finalised. For compliance reporting, it was noted that there is a self-reporting mechanism requiring someone to sign a declaration. For the independent audits, it was noted that the document identifies the skills required for auditors, it defines the expectations of independence and it utilizes the same compliance terminology as the compliance reports. These requirements apply to new State Significant applications. It was noted that the new requirements do not replace the Integrated Mining Policy (IMP) requirements for mining at this stage. New mining projects may continue to use the IMP. Existing projects can choose to apply to modify their conditions to use the new PARs or voluntarily use them as long as their current conditions are still complied with.

EVDH to consider VIC comparable examples and circulate PAR documents to RAF when finalised.

3.4 Next Steps

The next steps for the Post Approval Team are to finalise the Environmental Management Plan Guideline, review and publish the post approval timeframes and to provide greater clarity around the use of the term “consult with.”

4 Resource Regulator Update – Anthony Keon

4.1 Outcomes of Functional Review

4.1 Outcomes of Functional Review

The background of the Resources Regulator highlighted the establishment of the Resources Regulator in 2016 as the independent regulator of compliance activities under the *Mining Act*, including rehabilitation, safety and health performance at New South Wales mines and petroleum sites. It was noted that their role in enabling and supporting industry to fulfil their obligations has remained the same and their movement from the former Division of Resources and Energy to a separate branch has strengthened the independence of the Regulator.

Discussion: Members discussed the role of the Department in setting the requirements and ensuring this is carried out and the differences between extractive industries (eg coal and gas) and other proposals (eg wind and solar farms).

5 Renewable Energy Update – Amy Kean

- 5.1 Energy market in transition
- 5.2 Transmission Strategy
- 5.3 Energy Security SEARs requirement
- 5.4 Pumped Hydro

5.1 Energy market in transition

Changing trends regarding the reduction in thermal energy generation and the increase in renewable energy generation were noted.

5.2 Transmission Strategy

The updated transmission strategy was outlined regarding how to bridge the gap from the original electricity grid that was developed in the 1950s. 3 new energy zones have been identified for transmission infrastructure and renewable generation. This plan aims to ensure a smooth transition to a reliable, affordable and modern energy system. This plan complements AEMO’s Integrated System Plan which was a recommendation from the Finkel Review and supports the work of NSW Energy Security Taskforce. It was noted that the Department is working closely with regulatory bodies to support the Integrated System Plan for energy transmission and distribution improvements and modernisation.

5.3 Pumped Hydro

A brief update was given on the future of pumped hydro and the role it plays in ensuring on-demand energy supply to improve the resilience of the grid and complement the growth of variable energy sources such as wind and solar.

5.4 Energy Security SEARs requirement

It was noted that the security and resilience of the energy grid is being considered from every angle, notably through the introduction of the Energy Security SEARs requirements, to ensure proponents address measures for storage and dispatchability in all new energy applications.

Discussion: Members discussed areas where mines and wind/solar projects currently exist and the relationship between prime agricultural land, flood plains and energy generation projects. It was acknowledged that land use arrangements are complex, but the applications would be market driven and managed through appropriate planning processes. Voluntary Planning Agreements (VPAs) and consent conditions for renewable projects were also discussed.

6 Snowy Hydro 2.0 Update – David Kitto

A verbal updated was provided, noting that the project could significantly increase the reliability of energy supply in the National Electricity Market, could deliver up to 2,400MW of electricity, would cost around \$6 billion, and could directly employ up to 2,000 people during construction. In March 2018, the Minister declared the project to be Critical State Significant Infrastructure (CSSI). This means the Minister will make the final decision on the project.

DK to include the RAF on the notification list for consultation.

There are likely be two proponents for the project (Snowy Hydro and Transgrid), and there may be up to five applications. Snowy Hydro lodged an application with the Department for Exploratory Works in April 2018. The application is seeking approval for an exploration tunnel up to 4km long and 8m wide, a construction compound with workers accommodation, road upgrades, new barge infrastructure at Talbingo Reservoir, and the storage, handling and disposal of spoil.

The Department issued requirements for the Environmental Impact Statement for the application in May 2018, and expects to get the detailed EIS in July/August 2018. Once it is received, the EIS will be exhibited for public comment. It was noted that Commonwealth is still deciding whether the Exploratory Works will be a “controlled action” under the Environment Protection & Biodiversity Conservation Act, and that this decision could affect the timing of the next steps in the assessment process.

7 Other business and next steps – Marcus Ray

Proposed agenda items for next meeting:

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

Next proposed meeting date: **18 October 2018**

Meeting closed at 4:00pm