



PO BOX 156  
MUDGEES NSW 2850

86 Market Street MUDGEES  
109 Herbert Street GULGONG  
77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850

Fax: (02) 6378 2815

email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

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Department of Planning and Environment  
c/o [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

Dear Sir/Madam

**INTEGRATED MINING POLICY – SUBMISSION MID-WESTERN REGIONAL COUNCIL**

Reference is made to the exhibition of the Integrated Mining Policy. Council considered a report on the documents included in Stage 1 of the exhibition of the 17 June 2015 and resolved to make the following submission.

In general the exhibited documents appear to provide clarity of the existing processes with little consideration given to any significant variation to the process. Mid-Western Regional Council is concerned regarding the inaccessibility of the process to local communities and the relegation of the affected Council to a role outside of the assessment process. Mid-Western Council considers that the review of the process should be undertaken that provides:

- Greater community consultation at the earlier stages of the process to enable the project to be adapted to address and mitigate concerns raised by the community.
- A role for local government in the assessment of the application beyond that of consultation and making of submissions.
- An all of government approach should be undertaken in the strategic investigation and identification of long term resources. This investigation should include projections for the life of an industry in a particular area and identification of critical infrastructure and funding sources to upgrade this infrastructure where required.

Mining projects have the potential to have considerable impacts, both positive and negative on local communities. It is considered that local government is best placed to provide significant local input into the assessment of application by working directly with the Department's Assessment Team.

Council raises concerns regarding the specific impacts that mining operations have on rural communities, agriculture and the agricultural enterprises that rely on the continuation of agriculture to operate, for example, saleyards. Experience has shown that the introduction of mining into an area reduces the level of agricultural production. This is not only the result of land that is actually mined but also land acquired for the purposes of buffers. The reduction of agricultural production has a direct impact on a number of agricultural enterprises that rely on local production often impacting on threshold levels required to maintain particular services. In assessing an application the full extent on the potential impact on agriculture should be assessed and disclosed.

In addition, Council is concerned regarding the impact on Council's rate based when large offset areas are identified within the LGA and removed from rateable land. The potential impact of offset areas on Council's rateable land should be disclosed and considered as part of the economic impacts of the project.

The following specific comments are provided in relation to the exhibited documents.

### **Mining Application Guideline**

#### ***Section 2.1***

The PEA should give an early indication of an indicative workforce and nominate the potential method and the proposed area for accommodation. This will allow informed consultation with the Council regarding potential impacts on infrastructure including roads, housing and associated infrastructure and community infrastructure.

The EIS should also indicate the fluctuation of employee numbers over the life of the project. This will assist the Council is assessing cumulative impacts of mining on accommodation where a number of mines operate in one LGA.

#### ***2.2 Ancillary developments***

Consideration should be given to identification of any roads closures that may be necessary and identification of approval paths. This should include Council paper roads and Crown Roads.

#### ***3.2 Regional Context***

##### ***Biodiversity, environmental and heritage constraints***

Consideration should be given to the inclusion of heritage items identified in LEPs and areas of outstanding natural scenic amenity.

#### ***3.3 Permissibility and strategic planning***

Experience has demonstrated that the mines are generally unaware of the requirement to gain a Construction Certificate prior to commencing construction of buildings resulting in the necessity for retrospective approval through a building certificate. At some point the proponent should be made aware of the requirement for a Construction Certificate.

In addition, it is considered that regard should be had to local Development Control Plans. Although DCPs may not have statutory standing they are indicative of the Council's and community's expectation in relation to development. Of particular relevance would be provisions included in a DCP relating to Temporary Workers Accommodation (TWA). The State is yet to provide any guideline or policy in relation to TWAs therefore local controls would provide a useful guideline for consideration. DCPs have undergone a legitimate process of formulation and exhibition and should be included in the Guidelines and the SEARs.

#### ***4. Project Rationale***

If a strategic framework was provided as outlined earlier in this submission then it would be appropriate for this framework to be addressed as part of the project rationale.

Mid-Western Regional Council is concerned that insufficient emphasis is placed on the social impacts and mitigating measures that may be included in the project. Consideration of social impact appears to be imbedded in other parts of the Guidelines without being a specific section. The social impacts of mining are considerable and varied. The impacts on the immediate locale include but on not limited to, depopulation, impact on volunteerism, degradation of community, school closures and amenity impacts. Impact on communities hosting mining populations are often arises as a consequence of sudden growth and cumulative impacts. Whilst these include positive impacts there are also concerns regarding traffic, social and community services, education, medical services, infrastructure provision and housing affordability. The

guidelines should provide clarity regarding the obligation of the proponent to address these issues.

#### *6. Consultation*

This section does not address Community Consultative Committees. Consideration should be given to the establishment of these committees at the inception of the project to provide input into the preparation of the PEAs and EIS.

#### **Standard Secretary's Environmental Assessment Requirements.**

In the *General Requirements* Council requests that consideration be given to imposing a 2 year time limit on the completion the Environmental Assessment. Council requests this inclusion on the basis of the uncertainty that can arise for local communities once a project has been announced. A recent example is the Lue Silver mine where on the basis of the proposed mine, land values have been dramatically adversely affected and financial institutions will not support loans to purchase in the area. This uncertainty places considerable stress on local communities. It is requested that the life of the SEARs be limited to assist in reducing the level of uncertainty and require companies to undertake action within a reasonable period.

As stated previously it is considered that the SEARs should include a requirement to address local DCP provisions.

#### *Noise*

Experience has demonstrated that the Industrial Noise Policy is an inadequate standard for the assessment of noise impacts in a rural context. Noise exceedances and the adopted background noise levels under the policy still result in significant impact on surrounding residents. The SEARs need to include a requirement to identify acquisition procedures due to noise impacts and avenues for mediation.

#### *Transport*

The SEARs should be clarified to specify that likely impacts including additional traffic created by employees, and contractors and other traffic generated through construction and servicing the mine. In addition, the SEARs should specify the requirement to consider the cumulative impact on the road network and the likely upgrades that the mines may require to meet their OHS obligations.

#### *Social*

Mid-Western Regional Council is concerned that there is insufficient guidance in the SEARs in relation to the social impacts. It is noted that the NSW Government is considering guidance options addressing social impact. It is requested that once these guidelines have been developed further consultation be undertaken prior to finalisation. In addition, it is considered that guidance show include the potential impact of Temporary Workers Accommodation.

Should you have any queries in relation to this matter please contact Catherine Van Laeren on 63783832.

Yours faithfully



BRAD CAM  
GENERAL MANAGER