



Reference: RVK:ame 15/0456

Contact: Ron Van Katwyk

14 July 2015

The Executive Director –
Resources Industry Policy
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Email: information@planning.nsw.gov.au

Dear Sir/Madam,

Re: Integrated Mining Policy

Reference is made to the 'Integrated Mining Policy' (IMP) prepared by the NSW Department of Planning and Environment that was recently placed on public exhibition. It is acknowledged that the exhibition period finished on the 9 July 2015. However, Council trusts that the Department will still consider the following comments in relation to the IMP.

Mine Application Guideline

Please be advised that Council are generally very supportive of the proposed reforms. It is considered that the new policy will greatly assist in achieving more consistency in the consideration and determination of mining applications. The proposed vehicle also brings the necessity to consider social, economic and cumulative impacts to the fore. Historically, these particular elements have been very poorly handled from both an assessment and policy perspective.

In general, Council is also very supportive of the following draft Policy statement:

"The applicant should consider the capacity for mining to co-exist with surrounding existing and proposed land uses. Factors to consider include:

- *The characteristics of the surrounding environment and community and their sensitivity to impacts (including competing land uses);*
- *The characteristics of the potential impacts, including their predictability;*
- *Potential future mining operations; and*
- *Proposed impact minimisation and mitigation strategies and their effectiveness and reliability".*

Preliminary Environmental Assessments (PEAs)

Council is supportive of the proposed content requirements of Preliminary Environmental Assessments (PEAs), as detailed on page 3 of the *Mine Application Guidelines*. It is considered highly desirable that PEAs are not 'bogged down' with technical content and are able to be readily understood by the community. The project summary information detailed on page 10 of the Guidelines is considered to be highly beneficial. It would be very useful if similar documentation could be developed for dissemination during the formal public exhibition phase of mining proposals (DA exhibition) in a plain English format to facilitate overall community understanding of potential project implications.

LIVERPOOL PLAINS SHIRE COUNCIL

60 Station Street PO Box 152 QUIRINDI NSW 2343 TEL 02 6746 1755 FAX 02 6746 3255
EMAIL lpssc@lpssc.nsw.gov.au WEBSITE www.lpssc.nsw.gov.au ABN 97 810 717 370

Regional Context

It is considered that this component of the Guideline requires further rigour and should be more prescriptive in terms of the requirements imposed on mining companies to clearly articulate and quantify the regional context. This body of work is considered fundamental to allied VPA processes and commitments. It is further contended that joint organisations of Councils (JOs) will have a fundamental and crucial future role in informing regional planning content for these types of proposals and thus, it would be beneficial that JOs be recognised in the Guidelines with an insertion of a requirement that companies formally consult with JOs in respect of major mining projects.

It is noted that no reference is made to Strategic Regional Land Use Plans (SRLUPs) in the Guidelines. If it is the Department's intention that the SRLUPs be replaced by Regional Growth Plans in the future, this should be referenced in the Policy guideline accordingly.

Consultation

It is considered that greater detail is required in this section with the view of ensuring an appropriate level of community engagement is undertaken and in a meaningful fashion. In this regard, it is recommended that separate (best practice) community consultation guidelines be prepared and appropriately referenced in the Policy documentation. It is Council's experience that there is a considerable degree of 'tokenism' in mining-related consultation activities and varying levels of effectiveness of (and commitment to) engagement mechanisms. Such approaches, to date, have often significantly contributed, and indeed sometimes have directly led to, a climate of fear and resentment being fostered within communities with polarising social effects. For these reasons, it is considered imperative that the importance of community consultation and engagement be robustly addressed in the proposed policy framework.

General Comments – Post-Approval Matters

Overall, it is somewhat disappointing that there has been limited attention within the proposed suite of policy documents in respect of post-approval matters. At present, only 'lip service' is provided, within the documentation with the following reference being made, inter alia:

"Post Approval Guidelines

These guidelines are intended to establish a more consistent and less duplicative whole-of-government framework for compliance reporting and auditing. They will include Annual Review Guidelines, Web-Based Reporting Guidelines and Independent Audit Guidelines."

The lack of attention to post approval items is of further concern as these matters are often inherently intertwined with the community consultation component of the mining project. Notwithstanding, it is noted from the exhibition documentation that standardised development consent conditions will be developed. This particular initiative is strongly supported with the view of achieving greater consistency between mining approvals.

It is considered that greater attention could be paid in the policy framework to the following post-approval matters:

- The management and negotiation of voluntary planning agreements (VPAs);
- Road maintenance agreements; and
- The formal recognition of the need for social impact management plans (SIMPs) throughout the life of the development.

Standard Secretary's Environmental Assessment Requirements (SEARs)

General Comments

➤ *Transport*

The delineation of responsibilities of defined transport options should be required to be clearly defined in the EIS. This is particularly relevant for transport matters where there may be prevailing cumulative impact implications, or, that may necessitate (or warrant) rail network upgrades as a result of the proposal.

➤ *Social*

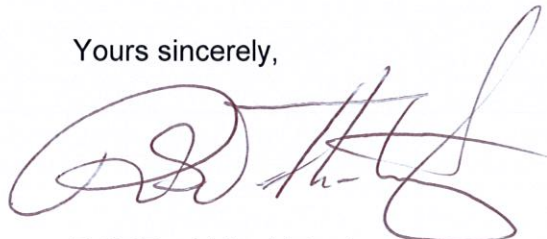
In reference to 'social' matters detailed on page 19 of the SEARs guideline, Council wishes to reiterate the importance and need for social impact guidelines. The advisory information contained on page 19 that this matter is actively under consideration is duly noted. It is considered that this outstanding matter requires urgent consideration.

Biodiversity Offsets for Upland Swamps and Associated Threatened Species

Council have no specific comments to make in respect of the proposed policy framework.

Thank you for this opportunity to provide comment on the IMP. Should have any questions in relation to this correspondence, or wish to discuss further, please contact Council's Environmental Services Department via (02) 6746 1755 or lpssc@lpssc.nsw.gov.au

Yours sincerely,



R S (Ron) Van Katwyk
ACTING GENERAL MANAGER