

ATTACHMENT 1

Summary of issues raised and requested responses contained in the submission

Section of the draft submission	Subsection of the draft submission and proposed Requirements for EIS's	Summary of requested response by the NSW Department of Planning and Environment detailed in the draft submission	Form of requested response		
			SSEAR Guideline	DP&E action	Record Council position
Part A: Background Information					
	Adequacy of the current legislative and policy framework for mining developments.	The following action by the DP&E is recommended to address deficiencies experienced in the current framework by Council and the local community: • The Requirement for proponents to consider the Resource Significance Amendment be deleted from the Guidelines. • Procedures to achieve independent funding of Environmental Assessments such as the establishment of a levy funded by mining companies be investigated and implemented. • Mandatory requirements for consultation with government and the local community during the assessment, application and determination process be enshrined in the legislation and policy framework for State Significant Developments.	✓	✓	
Part B: General comments on the exhibited Integrated Mining Policy					
Adopted process for the preparation of the IMP.	Preparation Process	The DP&E is requested to note the resolution of Council at its meeting on 20 July 2015 (in part) to send “correspondence to the NSW Minister for Planning which advises that the provision of any support by Council is withheld until all documents that are intended to form part of the Policy have been publicly exhibited and reviewed”.			✓
Application of the IMP	Existing mining projects	The DP&E is requested to provide Council with details on the application of the IMP to existing mining projects as well as intended transition arrangements.	✓	✓	

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General comments on the Application and SSEAR Guideline.	Application to Coal Seam Gas Projects.	The DP&E is requested to note the adopted preferred viewpoint of Council that the IMP be expanded to encompass aspects of the current policy and regulation of coal seam gas operations.		✓	
	Scientific basis of the IMP.	The Guidelines be amended to require as mandatory that EIS's be consistent with relevant policies as well as scientific research instead of the current requirement that "EIS's must consider any relevant government policies".	✓		
	Consistency of the IMP with ESD Principles.	The Guidelines be amended to specifically require that applicants and consent authorities apply the Precautionary Behaviour principle when preparing and assessing mining applications respectively.	✓		
	Consistency with the Strategic Regional Land Use Policy (SRLUP).	The DP&E is requested to provide Council with its viewpoint over the relationship between the IMP and SRLUP.		✓	
		The DP&E is requested to provide Council with clarification over whether all mining developments will be required to comply with the full requirements of the Aquifer Interference Policy under the IMP.		✓	

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COMMENTS AND REQUESTED DP&E RESPONSE IN REGARD TO THE MINE APPLICATION AND SSEAR GUIDELINE					
Project description	Level of detail within lodged mining development Applications.	The DP&E is requested to amend the Guideline to stipulate as mandatory that EIS's contain details of all components of a mining development.	✓		
		The DP&E is requested to restrict the duration of Approvals granted to mining developments as a means of obtaining greater detail on projects and assessment of impacts within lodged applications.		✓	
Strategic context (Biophysical constraints)	<u>Proposed information to be contained in EIS's</u> Matters of national significance identified at a regional scale.	<u>Recommended alternate information to be contained in EIS's</u> Areas containing Endangered Ecological Communities and flora and fauna species listed under NSW and Commonwealth biodiversity related legislation.	✓		
		Water sources for catchments, rivers and aquifers.	✓		
Strategic context (land use constraints)	<u>Proposed information to be contained in EIS's</u> Proximity to existing and proposed development.	<u>Recommended alternate information to be contained in EIS's</u> Overview of potential impacts to existing and proposed development which may provide a constraint to a proposed mining development.	✓		
		Competing rural land uses.	✓		
Rehabilitation	Rehabilitation of impacts potentially attributable to underground coal mining operations.	The applicable Requirements be amended to ensure that EIS's contain details of intended rehabilitation measures to natural and/or cultural features as well as built features in the event of subsidence impacts potentially attributable to mining operations.	✓		

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Land and soils	<u>Proposed Requirements</u> Soils should be characterised in accordance with the NSW Government's Biophysical Strategic Agricultural Land Verification Protocol (BSAL Protocol).	<u>Recommended Amendment to Requirements</u> The Requirement be amended to stipulate that relevant EIS's contain a soil assessment that is carried out by a National Association of Testing Authorities accredited authority.	✓		
	The EIS must include an Agricultural Impact Study (AIS).	The Requirement be amended to specify issues that must be addressed by AIS in terms of both impacts to agricultural activities as well as rural landholders.	✓		
Water sources	<u>Proposed Requirements</u> Description of relevant groundwater and surface water resources.	<u>Recommended Amendments to Requirements</u> The Requirement be amended to require that the description of relevant groundwater and surface water resources by EIS's be consistent with current scientific research as well as relevant scientific investigations.	✓		
	Consider relevant Government Policies including the Water Sharing Plan and Aquifer Interference Policy.	The Requirement be amended to stipulate that the compliance of the assessment of potential water related impacts by EIS's with all relevant Government Policies be mandatory.	✓		
	Assess the potential direct and indirect geological, hydrological and ecological impacts of the predicted subsidence in the short, medium and long-term.	The Requirement be amended to stipulate that the assessment of potential direct and indirect geological, hydrological and ecological impacts of the predicted subsidence by EIS's be based on modelling of groundwater behaviour as well as extensive monitoring.	✓		
	Demonstrate that all practical options to avoid discharge have been implemented and outline any measures taken to reduce the pollutant Load and to analyse discharges.	The DP&E require that proponents be required to obtain an Environmental Protection Licence prior to Determination for any discharges associated with the proposed development given the scientific and statutory nature of these Licences.		✓	

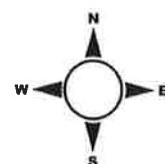
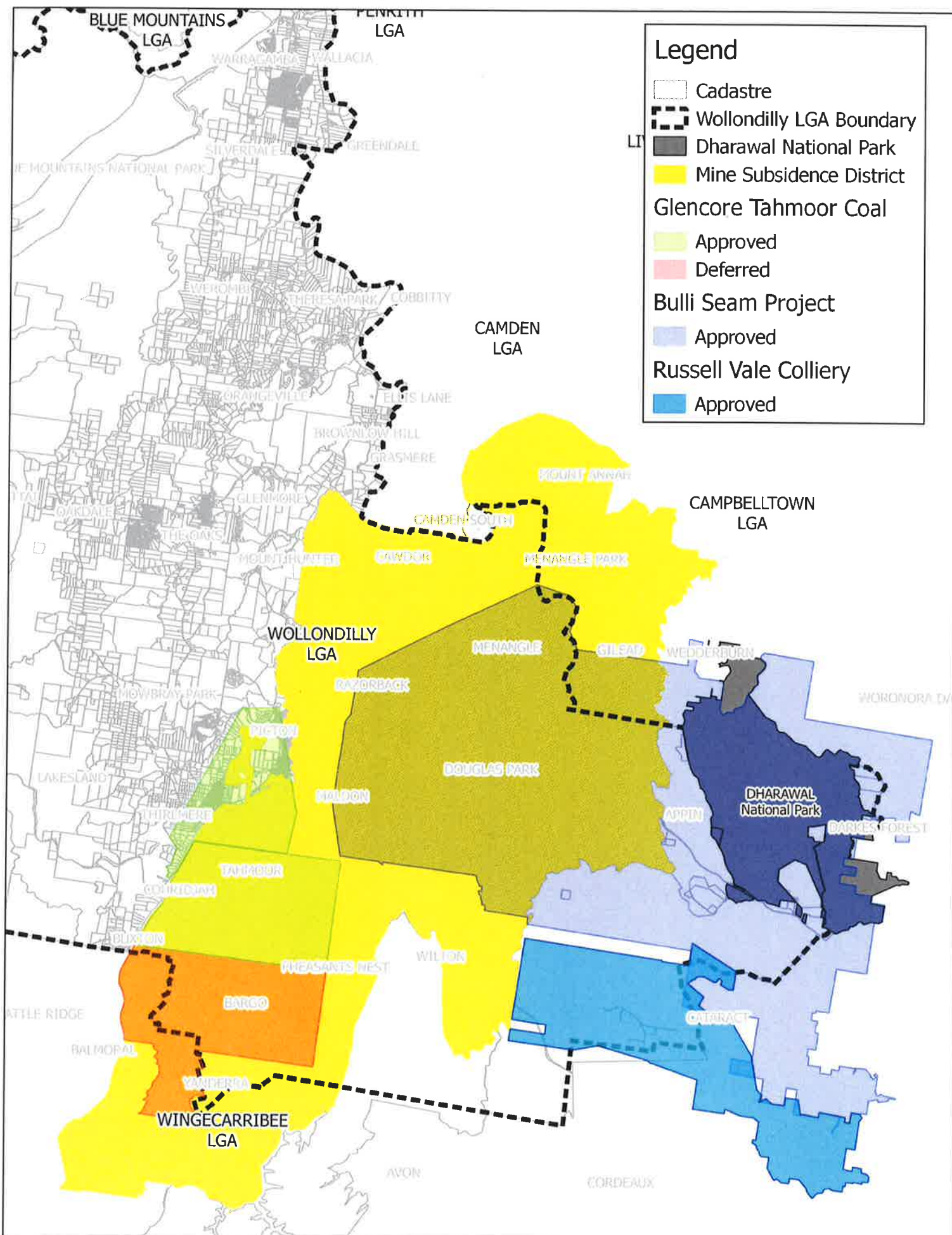
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Flooding	<u>Proposed Requirement</u> The EIS must assess the likely upstream and downstream flood impacts of the development.	<u>Recommended Amendments to the Requirements</u> The Requirement be amended to stipulate that EIS's for mining developments contain separate flooding analysis that is based on terrain before the development and the predicted subsidence level following the completion of longwall activity.	✓		
Biodiversity	<u>Proposed Requirements</u> Assess biodiversity values and the likely impact in accordance with the Framework for Biodiversity Assessment.	<u>Recommended Amendments to the Requirements</u> The Requirement be expanded s be EIS's be specifically required to assess values and likely impact in accordance with the requirements of all applicable sections of this Framework	✓		
	Assess biodiversity values and the likely impact in accordance with the NSW Biodiversity Offsets Policy for Major Projects.	The DP&E is requested to note the following preferred position of Council's Environmental Officers: - Proponents be required to conduct site specific assessments. - Proponents be required to consult with local government to obtain local biodiversity data. - Any Offsetting Strategy should be designed to maximise biodiversity outcomes.		✓	✓
	The EIS must assess the potential direct and indirect geological, hydrological and ecological impacts of the predicted subsidence.	The Requirement be amended to stipulate that the Assessment of potential direct and indirect ecological impacts be based on the outcomes of detailed groundwater impacts associated with a proposed mining development.	✓		
	it should develop a Biodiversity Offset Strategy in accordance with the draft Swamp Offset Policy Framework.	The DP&E is requested to amend the SSEAR Guideline to contain an alternate Requirement based on current scientific research regarding this issue given the strong identified doubts by Council Officers over the adequacy of the Swamp Offset Policy Framework.	✓	✓	
		The DP&E is requested amend the proposed Requirements based on the above recommendations to achieve consistency with Council's position regarding the protection of biodiversity from underground mining operations prior to the finalisation of the SSEAR Guideline.			

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Indigenous Heritage	<u>Proposed Requirements</u> Consultation with Aboriginal people must be undertaken and documented in accordance with Aboriginal Cultural Heritage Consultation Requirements .	<u>Recommended Amendments to Requirements</u> The Requirement be amended to stipulate that must consult with local government given the common close link of this level of government to the respective local Aboriginal community.	✓		
	EIS's must contain demonstrated measures to avoid, minimise and mitigate any impacts on Aboriginal values: Identify and describe the Aboriginal heritage values that exist across the whole area that will be affected by the proposal.	The DP&E is recommended to develop an alternate or revised Requirement that is fully consistent with documents associated with the Due Diligence Process prepared by the OEH.	✓	✓	
	<u>Proposed Requirements</u> Identify and describe the historical heritage values that exist across the whole area that will be affected by the proposal	The DP&E is requested to develop an alternate Requirement in consultation with OEH that includes an appropriate direct reference to the investigation of Aboriginal values of an area affected by a proposal. <u>Recommended Amendment</u> The Requirement be amended to stipulate that proponents must consult with local governments to identify potentially local heritage listed items as well as measures to protect them from subsidence related impacts during the preparation of EIS's.	✓	✓	
		The DP&E is requested amend the proposed Requirements based on the above recommendations to enhance their protection of Aboriginal Heritage and locally listed European Heritage items from impacts associated with underground mining operations prior to the finalisation of the SSEAR Guideline.			
Air quality	<u>Proposed Requirements</u> The EIS must consider the Approved Methods for the Sampling and Analysis of Air Pollutants Sampling and on-going monitoring.	<u>Recommended Amendments to Requirements</u> The DP&E is requested to encourage proponents to carry out on-going sampling and analysis specifically within the area potentially impacted by emitted pollutants associated with a mining development.	✓		
	The EIS must Include air dispersion modelling with a risk of adverse air quality impacts.	The Requirement be amended to stipulate that the dispersion modelling be mandatory for any mining development that involves the emission of pollutants.	✓		

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Economic appraisal	The assessment should include as a minimum particulate matter and nitrous oxides emissions.	The Requirement be amended to stipulate that EIS's contain an assessment of any carbon based pollutants (including methane) associated with a mining development given their potential health and environmental risks.	✓		
	The EIS must consider the National Greenhouse Accounts Factors document.	The Requirement be amended to stipulate that applicable EIS's must calculate the full life cycle of greenhouse gas emissions associated with a mining development as well as associated risks to environmental harm, human health and local amenity.	✓		
	<u>Proposed Requirement</u> EIS's must include a comprehensive economic appraisal, consistent with the NSW Government's Guidelines for the Economic Assessment of Mining and Coal Seam Gas Proposals.	<u>Comment on the proposed Requirement</u> Comments on proposed Requirements regarding this issue have been withheld in the absence of these Guidelines. The DP&E is requested to provide Council with a copy of this Guideline when complete to allow for the provision of comments regarding this issue.		✓	✓
Subsidence impacts to the built environment	<u>Proposed Requirement</u> EIS's must contain results of a risk assessment in relation to subsidence of surface features that are considered to have significant economic, social, cultural or environmental value.	<u>Recommended Amendments to Requirements</u> The Requirement be amended to stipulate that applicable EIS's must assess the likely impact to all potentially affected structures as well as associated social impacts based on latest scientific knowledge and applicable Guidelines. The DP&E is requested require that applicable EIS's include details of intended on-going consultation with all potential affected parties including residents and local governments as well as procedures for the reporting of this consultation.	✓		
Social impacts and community involvement	<u>Proposed Requirement</u> The EIS must assess the social impacts of the proposal, having regard to the local and regional impacts of the development.	<u>Recommended Amendments to Requirements</u> The DP&E note the preferred position of Council that the assessment of potential social impacts by EIS's adhere to the Planning Institute of Australia's Position Statement on Social Impact Assessments.		✓	✓

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	The EIS must set out proposed measures and strategies to avoid, manage or mitigate the project's social impacts.	The DP&E is requested to develop an alternate Requirement to reflect the following preferred position of Council: - Community consultation should be planned and form part of a wider communication strategy, that establishes timeframes and milestones as well as identifying opportunities for community input and feedback opportunities. - Community involvement should commence as early in the process as possible to be inclusive and avoid misconceptions and mistrust of the process.	✓	✓	✓
COMMENTS AND REQUESTED DP&E RESPONSE IN REGARD TO THE SWAMP OFFSETTING FRAMEWORK					
	Application of the Framework Policy.	The DP&E is requested to provide Council with urgent clarification over whether the Policy will apply to all upland swamps or only to those if identified significance.	✓		
	Overall Principle of the Policy.	The DP&E is requested to note the preferred view of Council that the Policy Framework be amended to achieve full consistency with all applicable findings and Recommendations of the Report produced by the Planning and Assessment Commission that investigated aspects of the proposed Russell Vale Colliery Expansion.			✓

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	Adequacy of the Policy in addressing the concerns of Council and the local community.	The DP&E is requested to note that Council's Environmental Officers have strong doubts over the adequacy of the exhibited Policy Framework in comprehensively offsetting the hydrological and ecological functions of any upland swamps removed under the Policy within a catchment context. The DP&E is requested to carry out the following activities to address the concerns of both Council and the local community prior to the finalisation of the Framework: • The Policy Framework be peer reviewed by a suitably qualified independent scientific body. • Provide Council with a copy of the report produced from the requested peer review and make this report publicly available. • Record Council's opposition to the Policy Framework in its current form until such time it is in receipt of suitably qualified independent advice that the Policy will not result in adverse outcomes to the values and functions of any upland swamp potentially impacted by underground mining operations			✓
				✓	✓



ATTACHMENT 3

Table 2: Overview of coexisting issues associated with mining in the Wollondilly LGA

Land use type	Description of land use within the Wollondilly LGA	Coexistence issues associated with mining developments	Key Council resolutions of relevance to the land use type
Existing and proposed residential development	The Wollondilly LGA is viewed as being unique in regard to other peri-urban type LGA's due to its location outside the Growth Centre boundaries. The 2011 Wollondilly identified the potential for 10,750 new homes by 2036 in Wollondilly, which is reflected in the State Government's Draft Metropolitan Strategy for Sydney – "A Vision For Sydney in 2031". Nine further sites were identified in response to the NSW Government's Potential Home sites Program. The development of these sites would potentially provide up to 25,500 additional dwellings in the medium to long term within the LGA.	The timing of underground mining operations in comparison to the development of overlying planning proposals. Apparent inconsistencies in the views of proponents and Government Agencies regarding the coexistence of mining with existing residential development. Impacts to communities and infrastructure from emissions as part of gas drainage programs associated with underground mining operations.	- That Council's final determination of these planning proposals be deferred until completion of the studies into the Macarthur South investigation area estimated to be six months as per the advice of the Department of Planning. - Correspondence be sent to the NSW Ministers for Primary Industries and Planning seeking clarification over inconsistencies in advice received by Council regarding the ability of mining to adequately coexist with both existing and future development. - That Council write to the Minister for Primary Industries and the Minister for Planning requesting that the impacts on communities and infrastructure from coal mine gas drainage be included in the criteria for Local Government assistance through the Resources to Regions Program.

Land use type	Description of land use within the Wollondilly LGA	Coexistence associated with mining developments	Key Council resolutions of relevance to the land use type
Agricultural activity	The latest available data from the Australian Bureau of Statistics recorded the total value of agricultural commodities within the Wollondilly LGA as approximately \$60 million. Approximately 65 percent of land classified as Mine Subsidence Districts within the Wollondilly LGA is zoned either RU 1 or RU 2.	Sterilisation of agricultural land of high agricultural and economic value as a consequence of surface activities associated with underground mining operations. Loss of livelihood and potential hardship to affected rural landholders.	- That Council write to the Department of Planning advocating for the development of a Sydney Rural Land Study to strengthen the integration of policy to protect, maintain and address potential conflicts of growth into existing Agricultural lands. - That Wollondilly Shire Council write to the Federal and State Government's requesting support for the promotion of agriculture within our shire. Particularly the establishment of new farms within our shire.
Drinking catchment areas	A significant portion of classified Mine Subsidence Districts within the Wollondilly LGA is located in Sydney Drinking Water Catchment Areas	Protection of Sydney's drinking water supply in consultation with Water NSW. Wellbeing and health of the local community.	Wollondilly Shire Council write to the Mayor of Wollongong City Council and pledge support in his endeavour to get Sydney's drinking water supply protected from Coal Seam Gas exploration and extraction.

Land use type	Description of land use within the Wollondilly LGA	Coexistence associated with mining developments	Key Council resolutions of relevance to the land use type
World Heritage listed areas	The Wollondilly LGA contains the Thirlmere Lakes National Park located in close proximity to the Tahmoor Colliery Project.	Periodic drops in water levels within a number of lakes in excess of reductions expected as a consequence of natural factors. Potential impacts associated with aquifer interference activities on the condition of all lakes within the Park. Impacts to the natural, cultural, aesthetic and recreational value of the Park.	- That Council continue to advocate on behalf of the Community for research to be undertaken to understand the water losses at Thirlmere Lakes and the impacts of that on the community and natural environment of the area. - That Council: Write to the State Member for Wollondilly and the NSW Minister for Environment regarding the communities concerns relating to the loss of water in Thirlmere Lakes and to ask for commitment from the new government to undertake an Interdepartmental Inquiry into the water loss and to fulfil the election promise made by the member for Wollondilly to hold a public forum on the issue immediately.

ATTACHMENT 4

Table 4: Comments and recommended amendments to selected Water Requirements

Selected proposed Requirement	Council comment and recommended Amendments
Description of relevant groundwater and surface water resources.	Such a description should be required to be consistent with current scientific knowledge that includes available information associated with the Commonwealth Office of Water and Science Bio Regional Program
Consider relevant Government Policies including the Water Sharing Plan and Aquifer Interference Policy.	It is recommended that the compliance of EIS's with relevant Government Policies be mandatory in accordance with Council's broad position. It is also recommended that EIS's be required to assess the issue of aquifer interference as a consequence of longwall mining application for all underground mining developments rather than those located on Identified BSAL as currently occurs under the Aquifer Interference Policy..
Assess the potential direct and indirect geological, hydrological and ecological impacts of the predicted subsidence in the short, medium and long-term.	It is recommended that the assessment the potential direct and indirect geological, hydrological and ecological impacts of the predicted subsidence by EIS's be required to be contain a detailed assessment that is based on modelling of groundwater behaviour as well as extensive monitoring. This modelling and assessment should be required to comply with recent research such as that currently being undertaken by the Commonwealth Independent Expert Scientific Committee.
Demonstrate that all practical options to avoid discharge have been implemented and outline any measures taken to reduce the pollutant. Load and to analyse discharges.	This proposed Requirement is viewed as acceptable provided there is on-going dialogue with Council and the local government it represents. It is recommended however that proponents be required to obtain an Environmental Protection Licence prior to Determination for any discharges associated with the proposed development given the statutory nature of these Licences. It is suggested that this could occur as part of the concurrent application process proposed by the IMP.

ATTACHMENT 5

Table 5: Comments and recommended amendments to selected Air Requirements

Selected SSEA Requirement	Council comment and identified recommended Amendments
<i>Where no exceedances (of EPA criteria) are predicted by dispersion modelling, the analysis must be performed for the most impacted off-site receptor.</i>	This requirement is considered to have relevance to the <i>Voluntary Land Acquisition and Mitigation Policy Amendment</i> . It is consequently considered appropriate that this Requirement include reference to this Amendment.
<i>The EIS must consider the Approved Methods for the Sampling and Analysis of Air Pollutants Sampling and on-going monitoring.</i>	It is considered that the compliance of this Guideline as well as AS 4323.1-1995) <i>Stationary Source Emissions</i> The above documents are acknowledged to contain a range of items regarding the use of existing meteorological stations as well as positioning of monitoring sites. However, local residents have been observed to request site specific monitoring in regard to a proposed power station. Such monitoring is viewed as having merit in providing transparency and responding to community concerns. It is therefore considered appropriate that proponents be required to carry out monitoring within the area of potential health and environmental impact.
<i>The EIS must Include air dispersion modelling where there is a risk of adverse air quality impacts.</i>	It is considered that the carrying out of dispersion modelling should be mandatory for any EIS associated with a mining development involving emission of pollutants.
<i>The EIS must Assess the risks associated with potential discharges of fugitive and point source emissions for all stages of the proposal. Assessment of risk relates to environmental harm, human health, and amenity.</i>	The inclusion of this Requirement is welcomed given the concerns of Council and the local community in relation to particulate matter and gas drainage issues outlined above. It is considered however the adequacy of the assessment is impeded by the introduction of the <i>VLAMP Amendment</i> .
<i>The assessment should include as a minimum particulate matter and nitrous oxides emissions.</i>	The requirement for Pm 2.5 emissions to be assessed is particularly welcomed given their recognised significant associated health risks. It is considered however that carbon based pollutants (including methane) emitted from gas drainage program as well as the consumption of produced coal should also be required to be assessed given their potential health and environmental risks.

