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Department of Planning and Environment
c/o 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 2 of the exhibition in the Ordinary Meeting of the 16 August 2015 and resolved to make the following submission.

In this first instance it is noted that it is evident that approximately 80 % of the comments made in Council's previous representations have been addressed which is encouraging.

There are a number of matters, however in relation to which Council still has concerns. These are outlined below.

Outstanding matters for concern include:

- There appears to be an emphasis on using Planning Agreements to address infrastructure upgrades such as roads in the agreements. Council's primary position is that where the project generates a need for infrastructure upgrades to facilitate the business then this issue should be addressed in the assessment of the application and imposed as a condition of consent.
- The guidelines remove the Department of Environment and Planning from the process and direct the stakeholders to engage the services of an independent mediator. In this instance it is particularly important that all essential infrastructure upgrades are adequately addressed in the assessment and conditions of approval. In the case of dispute, it should be noted that the requirement to employ an independent mediator will increase cost for Council. The complete separation of the negotiation of the VPA from the Department of Planning and Environment and the assessment process is a concern as it may undermine the ability of Council to negotiate a voluntary agreement. Reference is made in the Guidelines to the mines social licence to operate but it is considered that Guidelines would also include a provision that were a proponent is unwilling to enter into a VPA or where a VPA cannot be satisfactorily resolved then the Department may consider the imposition of conditions of approval to address infrastructure short falls.
- The Guidelines place considerable onus on Councils to have undertaken strategic studies to identify priorities and infrastructure that may require upgrade as a consequence of major project. It is assumed that these studies will be critical if Council finds itself in the position of dispute. This seems unnecessarily onerous and limits the ability to identify additional projects outside such a study.
- Concern is raised regarding the reference to rate pegging and Councils ability to seek a rise in rates above the rate cap. The guidelines state:

Where a mine is likely to significantly increase the level of services that councils will need to provide, there is an opportunity for council to apply to IPART for a variation to the rate peg. The process requires the council to make an application to IPART justifying the proposed increase and seeking approval to increase rates. Further details can be found on IPARTs website (<http://www.ipart.nsw.gov.au/>).

Council considers the inclusion of the provision unacceptable. If a mine is going to generate a significant impact on the provision of infrastructure then that impact should be addressed in the approval or a VPA. It is considered unacceptable to suggest that existing rate payers should bear the financial burden of a rates increase beyond the cap to mitigate the impact of mining activities.

- In relation to the Water Regulation and Policy document ,it is considered that in the Council submission the potential impacts on existing users of water transfers within a catchment should be included as *Potential Impacts considered as part of the assessment process*.

Should you have any queries in relation to this matter please contact Liz Densley on (02) 6378 2850.

Yours faithfully



BRAD CAM
GENERAL MANAGER