

DH: DH: 1148-3#287

Ms E van den Honert
Director Planning Services, Business Systems
NSW Department of Planning and Environment
Level 2, 320 Pitt Street
SYDNEY NSW 2001

24th November 2016

Dear Ms van den Honert

ENVIRONMENTAL IMPACT ASSESSMENT IMPROVEMENT PROJECT

Thank you for the opportunity to provide comment on the Discussion Paper associated with the Environmental Impact Assessment Improvement Project (EIA Improvement Project). The Project has relevance to mining and coal seam gas (csg) projects as well as any future other development classified as State Significant Development within the Wollondilly Local Government Area (LGA).

The EIA Improvement Project is viewed as positive in addressing the concerns of both Council and the local community over the current assessment and regulatory framework for State Significant Development and Infrastructure Projects as well as the associated level of community engagement. However, a review of the Discussion Paper identified a range of amendments to both of the Initiatives and associated proposed improvements which would enhance their consistency with these concerns as well as previous Council resolutions regarding issues associated with mining and csg development.

A submission has consequently been prepared which is attached for consideration and response by the NSW Department of Planning and Environment (DP&E). The submission provides broad support to the proposed Initiatives in the Discussion Paper. However, the submission provides recommended amendments to the Initiatives '*Set a Standard Framework for Conditioning Projects*' and '*Improving the Accountability of EIA Professionals*' which are designed to more adequately address the concerns of Council and the local community. A key requested response to the proposed improvements to the current framework by Council's submission is that potential improvements to the quality of the assessments of all impacts associated with a particular project by EIA's be investigated as part of the Initiative '*Improve the Consistency and Quality of EIA documents*'. The provision of a response by the NSW Department of Planning and Environment detailing its consideration of all issues raised in Council's submission would be appreciated.

Council Officers would appreciate the holding of a meeting with DP&E representatives during the EIA Improvement Project to further discuss the concerns of Council and the local community it represents during the Project. Please contact Council's Environmental Assessment Planner, David Henry, on (02) 4677 9687 or by e-mail

david.henry@wollondilly.nsw.gov.au to discuss details of this sought meeting as well as for any enquiries regarding issues raised in the attached submission.

Yours faithfully



Brad Staggs
Manager Environmental Services
ENVIRONMENTAL SERVICES

Submission on the Environmental Impact Assessment Improvement Project

A significant proportion of the Wollondilly Local Government Area (LGA) is the subject of current coal seam gas (csg) as well as underground longwall mining State Significant Development. A map showing the location of these operations, their status, as well as location of individual csg wells is presented in Attachment 1. There are currently not any sites which have been as SSD or State Significant Infrastructure (SSI) under Schedule 2 of the State Environmental Planning Policy (*State and Regional Development* 2011) within the Wollondilly LGA. However, the potential for the future classification of existing or new development as SSD or SSI within the Wollondilly LGA is recognised.

This submission provides comments on the proposed process and identified improvements for the Environmental Impact Assessment Improvement Project (EIAI Project) in regard to current and potentially future State Significant Development within the Wollondilly Local Government Area (LGA). The comments are consistent with the adopted position of Council as well as expressed concerns of the local community which have been raised in a number of submissions as well as representations to Government Ministers at the State and Commonwealth level in relation to this Development.

1) Overview of Council's previously expressed Council's position

Council recognises the contribution that both the mining and CSG industry provides to the local and state economy as well as the employment both directly and indirectly that these industries provide. However, shortcomings in the assessment of potential impacts to the natural, cultural and built environment and level of engagement with local government and local community have been major issues raised by Council. A list of resolutions that define Council's in regard to the assessment and regulatory process as well as advocating the expressed broad concerns of the local community in relation to mining and CSG is presented in Attachment 2.

(i) Council's position specifically on mining operations

Council has not adopted a specific position in regard to underground mining and does not oppose this activity in general provided it can occur without adverse impacts to the natural, cultural and built environment. Council has however taken a proactive approach in advocating the concerns of the local community over impacts attributable to underground mining on the natural, built and cultural environment as well as the management of these impacts by applicable Government Agencies. In relation to this matter, Council has recently made a series of resolutions seeking increased investigation into the cause of continued water loss from the World Heritage listed Thirlmere Lakes located within the Wollondilly LGA. The DP&E is requested to note that recent research studies by Pells and Pells and the University of NSW both established a direct linkage between the levels of the lakes and mining activities.

(ii) Council's position specifically on coal seam gas operations

A report on the *Final Report by the NSW Office of Chief Scientist and Engineer on the Review into Coal Seam Gas Activities in NSW* (Final Report) was considered by Council at its meeting on 21 November 2014. The resolved position of Council at this meeting on each of the 16 Recommendations of this Final Report is presented in Attachment 3. The DP&E is requested to consider these positions of Council as part of the Environmental Assessment Improvement Project.

(iii) Overview of position on community engagement and advocacy

The current assessment, review and determination process for State Significant Developments is considered to have a level of detachment from local government and the local communities that it represents. Members of Council's Community Minerals and Energy Resource Committee have also commonly expressed similar viewpoints.

Council has taken a strong position and made a number of resolutions which advocate the concerns of the local community over issues associated with mining and csg operations. Council has also taking a strong position in requesting the enhancement of the current engagement process with the local community and local government. In relation to this matter, Council's submission on Stage 1 of the IMP stated that a detailed and transparent consultation process with local government and the local community during the application, review and determination of mining developments was imperative.

2) General Comments on the Improvements to the Environmental Impact Assessment Process Project

The Discussion Paper is noted to state the Environmental Impact Assessment Improvement Project (EIA Improvement Project) has been initiated in response to feedback from stakeholders and the community. The carrying out of this review in response to this feedback and public exhibition of proposed changes to the Impact Assessment Process is welcomed and viewed as positive by Council.

The eight proposed Initiatives and the potential improvements associated with each of these Initiatives are generally broadly agreed with. The following comments and recommended amendments are provided to enhance their consistency with Council's resolutions and expressed views within the context of mining and csg projects within the Wollondilly LGA.

(i) Context of the Project Plan

The NSW Government is noted to have adopted a NSW Gas Plan and an Integrated Mining Policy (IMP), which provide an overall framework for the assessment and regulation of petroleum and mining operations respectively. However, there is an apparent absence of any information which details the linkage of these frameworks to the Environmental Impact Assessment Improvement Project. **The DP&E is consequently requested to provide urgent clarification over this matter.**

(ii) General comments on the Initiatives

The proposed Initiatives are broadly supported in terms of providing a framework for the development of measures which would enhance the environmental impact assessment process and associated engagement with the community and local government for SSD and SSI Projects. However, the following provides comments on additional issues which are requested to be either included as additional incentives or incorporated into existing initiatives.

(a) Enhancing the quality of Environmental Impact Assessment documents

Council has identified significant shortcomings in both the adequacy of baseline data and assessment of certain environmental impacts (particularly in regard to water and biodiversity

issues) in a range of SSD applications. The expressing of similar comments are noted to have occurred in a range of community forums that includes meetings of Council's Minerals and Energy Resource Committee as well as forums organised by the DP&E associated with its Social Impact Policy. These viewpoints are considered verified by a range of findings by Project Advice provided by the independent Expert Scientific Committee as Planning and Assessment Commissions (PAC) established to investigate SSD applications.

The proposed Initiative *"Improve the consistency and quality of EIA documents"* is agreed with in principle. The proposed improvements under this Initiative are noted to be restricted to the broad structure and readability of these documents. The need for this improvement, which are discussed in a subsequent section of the submission, are recognised. However, it is considered that a major criteria in defining the adequacy of an EIA document is the adequacy of the assessment and management of all potential impacts associated with a SSD/SSI application. The Application Guide associated with the IMP is noted to state in this regard, *"Consistent with the principles of ecologically sustainable development, proper consideration, (by EIA's), must be given to potential environmental, social and economic impacts during the mine planning process"*. **The DP&E is consequently strongly requested to ensure that the adequacy of the assessment of these impacts and identified improvements to this process occur as part of the Environmental Assessment Improvement Project.**

(b) Enhanced scrutiny and review of Environmental Assessments

Council has encountered what it considers to be significant shortcomings in the level of scrutiny by the DP&E in all stages of the review and determination process associated with SSD applications. These shortcomings are viewed as being verified by the findings of reviews undertaken by authorities with expertise on mining and csg related issues including Planning Assessment Commissions and the Commonwealth Independent Expert Scientific Committee.

The rigorousness of EIS's and scrutiny is considered hindered by the discrepancy in level of required assessment for SSD in comparison to applications assessed under Part 4 of the *Environmental Planning and Assessment Act 1979*. Council has adopted the broad position in relation to this matter that Environmental Assessments for SSD should be subject to the same level of assessment and scrutiny as occurs for applications under Part 4 of the *Environmental Planning and Assessment Act 1979*. The recently introduced draft *Biodiversity Conservation Bill* in relation to this matter is noted to contain a number of qualifying provisions or less rigorous provisions for SSD which do not apply to developments under this Section of the Act.

In relation to this matter, Council has received inadequate responses and feedback to its detailed and scientifically based submissions on Environmental Assessments which have involved the allocation of significant resources to prepare. Council's submission on the IMP stated that the review and determination of mining projects by the consent authority should occur in accordance with a transparent and consultative process. In addition, Council resolved at its meeting of 17 November 2014 to request the NSW Government alter its Gas Plan to accommodate the concerns of Council regarding the adequacy of the assessment of potential impacts by EIA's for coal seam gas proposals.

Recommendations

- The updated framework require that Environmental Assessments for SSD should be subject to the same level of assessment and scrutiny that occurs for applications under Part 4 of the *Environmental Planning and Assessment Act 1979*
- The Project include an additional Initiative titled (to the effect), *Improve the scrutiny and review of Environmental Assessments* or this matter be incorporated into a suitable existing proposed initiative, (for example Initiative 4).
- The DP&E carry out consultation with Council Staff as part of the EIA Improvement Project to obtain a greater understanding of their experiences and viewpoints on the current review process of SSD/SSI applications.

(c) Consideration of the social impacts of State Significant Developments

Council has routinely requested mining and CSG applications contain a Social Impact Policy which adheres to the Planning Institute of Australia's Position Statement on Social Impact Assessments. The commencement of the preparation of such a Policy as well as the associated consultation undertaken by the DP&E has therefore been viewed as positive.

It is acknowledged that the Social Impact Policy is a separate project to the Environmental Impact Assessment Improvement Project. However, it is viewed as imperative that all social (direct and indirect) impacts be adequately assessed by Environmental Assessments associated with State Significant Development Projects. **It is therefore requested that updated Environmental Impact Assessment Process require comprehensive assessment of the social impacts of proposed SSD/SSI applications within the overall framework of the finalised Social Impact Policy.**

3) Comments and recommendations on individual initiatives

The following comments on individual Initiatives are consistent with the previously expressed position of Council and the local community it represents. The DP&E is requested to note that formal endorsement of this submission by Council has not occurred as a consequence of the public exhibition timeframe of the EIA Improvement Project and Council reporting deadlines. The questionnaire on the DP&E website has consequently not been completed however the structure of this submission is consistent with its structure.

Initiative 1: Develop a consistent framework for scoping within the EIA process

The importance of identifying potential issues associated with SSD/SSI Applications and the prioritising of these issues at the commencement of the application process is recognised. The intention by the DP&E to develop an overarching methodology for the scoping of projects and prioritisation of issues is therefore welcomed in principle. It is considered important however that this methodology be sufficiently flexible to be adapted to issues associated with individual SSD/SSI applications. **The DP&E is consequently requested to provide Council with the completed draft improvements to allow for their review and consistency with its experience in regard to SSD applications within the Wollondilly LGA.**

The Discussion Paper is noted to contain as a suggested improvement under Initiative 1, *"Requirement to respond to a hierarchy of issues identified during scoping using Standard Secretary's Environmental Assessment Requirements"* (SSEAR's Guidelines). Council's submission in the IMP contained a range of requested amendments to the draft SSEAR Guidelines. ***The NSW DP&I is therefore requested to consider these requested amendments in identifying the hierarchy as well as the overall EIA Improvement Project.*** Note, details of these Council requested amendments can be provided upon request.

Initiative 2: Earlier and better engagement

Council has advocated the views of the community over shortcomings in the level of engagement that has occurred by proponents of SSD proposals at various stages of the application and assessment process. Significant shortcomings in the engagement with Council technical Officers at various stages of the application and assessment process have also been identified in regard to both mining and csg proposals within the Wollondilly LGA.

The identification of the need to involve the community earlier in the EA process and to improve the quality of community engagement by the EIA Improvement Project as a high priority is therefore strongly welcomed in principle. In relation to this matter, Council's submission on the IMP stated the proposed associated community process was generic in nature and not sufficiently detailed to address the experienced shortcomings by both Council and the local community. ***It is consequently requested that the DP&E require that the consultation as a part of a revised assessment framework should form part of a wider communication strategy that establishes timeframes and milestones as well as identifying opportunities for community and feedback opportunities.***

The Discussion Paper is noted to list as a potential improvement under this Initiative *"Options for Department led engagement on key issues"*. The DP&E is requested to note that Council's Community Services Section has expressed support for this option provided Council is listed as a key stakeholder for any community engagement associated with any SSD/SSI application within the Wollondilly LGA.

Recommendation

The DP&E is requested to include a mandatory SEAR item which requires that proponents of SDD/SSI applications prepare and implement an overarching engagement and *consultation strategy* for each component of the assessment and determination process that includes the public exhibition of documents.

Initiative 3: Improve the consistency and quality of EIA documents

The EIA's reviewed by Council Officers have been broadly observed to contain a description of environmental related information that is in excess of the required level and assessment of potential impacts at an insufficient level of detail that would provide considered information necessary. These observations have been noted to have been supported by a range of Planning Assessment Commissions established to investigate EIA's associated with both mining and csg projects. The statement within the Discussion Paper that *"EIA documents are getting larger and more complex without necessarily improving public understanding or decision making"* is therefore agreed with in principle".

The potential improvements listed in the Discussion Paper for this Initiative are broadly supported in terms of enhancing the readability of EIA's as well as their accessibility for the general community. However, as stated in the preceding section of this submission, it is considered imperative that this Initiative investigate the quality of the assessment of potential impacts to the natural, cultural and built environment.

The production of a succinct Plain English summary of a proposed SSD/SSI of the proposal, potential impacts (as well as management of these impacts), which is made publicly available, is considered particularly important. **It is recommended in this regard that such information be provided to Council for placement on its website. The DP&E is requested to note**

Initiative 4: Set a standard framework for conditioning projects

Council has observed adverse outcomes in regard to the natural, cultural and built environment as a result of considered shortcomings in Determinations for State Significant Developments issued under the current framework. The stated intent of the DP&E to develop *a standard approach to setting consent conditions, and give priority to performance based conditions that guides the project through the construction and operational phases* is therefore welcomed in principle. **It is however suggested that the title of the Initiative be amended to 'Set a Standard Approval Framework for Projects' to be more encompassing.**

The following provides comments in regard to the overall approval approach for SSD/SSI applications and adequacy of consent conditions based on the adopted position of Council and expressed views of the local community regarding this matter.

(i) Comments on the overall approval approach

It is acknowledged that recent approvals issued for mining projects are significantly more prescriptive and scientifically based than previous such approvals. However, it has been the experience of Council Officers that approvals associated with SSD projects have not been adequately in terms of providing definitive positive environmental outcomes as well as incorporating received expert advice from Government Agencies and/or the Commonwealth IESC. In relation to this matter, a Planning Assessment Commission which reviewed the Determination (amongst other documents), for the Russell Vale Colliery expansion, was noted to conclude *"that the Commission does not have sufficient information or confidence to determine the merits of the proposal sufficient for a determination"*.

Council has raised a number of concerns over the extensive duration of issued SSD determinations whilst recognising the need for certainty to be provided to proponents of both mining and CSG projects. The following examples within the context of mining projects within the Wollondilly LGA are provided for consideration by the DP&E as part of the EIS Improvement Project:

- The thirty year approval issued for the Bulli Seam Project was opposed by both Council and the local community on a number of grounds including inflexibility in adjusting to changes in environmental and socio/economic circumstances as well as new research initiatives.

- The approval issued to the Tahmoor Colliery in 1994 was issued prior to the extensive scientific research and studies which has occurred in regard to mining and CSG. Council's submission on a Subsidence Management Plan associated with this Colliery requested the amendment of the document to be in the form of an EIA on a number of grounds including the absence of consideration of these studies and significant shortcomings in the issued Determination.

(ii) *Comments on conditions within Determinations*

Council's Environmental Officers share expressed community concerns that positive environmental outcomes and adequate regulatory action in relation to SSD/SSI projects are constrained by conditions which are not sufficiently scientific based and/or prescriptive. The adequate framing of conditions within Determinations for SSD/SSI projects is therefore considered highly imperative.

Council has stated in its previous submissions (in regard to both mining and CSG Projects), that the reliance of the current framework on sub-plans has resulted in an deficient initial Environmental Assessment and a subsequent less formalised application and assessment process. The stated intent by the EIS Improvement Project to develop a *standard approach that does not rely on management plans to guide the project through construction and operation phases* is therefore supported in principle. It is understood in relation to this matter that whilst responsibility for the reviewing and approving Subsidence Management Plans has been transferred from the DRE. The introduction of a requirement as part of the Project for all SMP's to be in the format of EIA's would be consistent with previously expressed view of Council in its submissions on both EIA's and SMP's. **This proposed amendment to SMP's is therefore requested to be considered as part of the Environmental Assessment Improvement Project.**

Recommendations

- Consideration be made to issuing staged approvals based on geographical and/or operational factors as an alternative to the practice of issuing approvals over extensive timeframes such as 30 years for the Bulli Seam Project.
- All Subsidence Management Plans (or equivalent) associated with existing and new underground mining projects be required to be in a similar format of EIA's based on the Standard Secretary Assessment Requirements (as amended to reflect amendments outlined in Council's submission on the IMP).
- Any Sub-Plans for SSD Applications that are considered necessary be completed prior to commencement of any mining/petroleum extraction, (as is common practice by Council).
- The updated framework include an appropriate requirement that Determinations incorporate received expert advice and a report detailing the outcomes of the consideration of this advice by the Determining Authority be made publicly available.

Initiative 5: Improve the accountability of EIA professionals

The stated aim of this Initiative *“Potential ways to build confidence in the integrity of the project assessment process and the environmental/planning profession”* is supported in principle. It is however suggested that the title of this Initiative be amended to *Improving confidence in the adequacy of the Assessment process* to achieve more consistency with this Aim as well as facilitate the achievement of a more transparent assessment and regulation of SSD.

(i) Accountability of EIA professionals

This submission does not provide any comments on the accountability or integrity of professionals which prepared EIA's associated with SSD/SSI applications. However, the current practice of Environmental Assessments being directly funded by the proponent of a particular mining development is viewed as raising doubt over the transparency, independence and quality of produced documents. The DP&E is requested to note that Council Staff support in principle the suggested alternative by Council's Minerals and Energy Committee for the funding of Environmental Assessments to occur by financial contributions received from mining companies. **A prompt response by the DP&E outlining its viewpoint to this suggested alternate approach is requested.**

(i) Improving confidence in the integrity of the project assessment process

Council Officers have on occasions shared the broadly expressed absence of confidence in the adequacy of the current planning system in regard to both mining and CSG both prior and subsequent to the issuing of Determinations. In relation to this matter, community presenters at a PAC Hearing associated with the Russell Vale Colliery Expansion were noted express broad support for the PAC investigative process of SDD/SSI Applications. However, these presenters also expressed a common general lack of confidence that this process would translate to tangible outcomes either in the form of Determination refusal or the imposition of conditions consistent with the PAC findings as well as any other reserved expert advice.

It is considered that the proposed improvements in the Discussion Paper and requested amendments in this submission will help facilitate the improvement of public association. However, further recommended action/improvements to enhance the public confidence in the planning system which are consistent with the previously expressed position of Council and the local community are:

- An extensive public awareness and consultation program be undertaken by the DP&E that achieves tangible outcomes in improving the public confidence in the assessment and regulation of SSD Projects.
- The DP&E make publicly available its response to submissions and expert advice it receives on application including reasons for the non-inclusion of any expert advice not provided in the Determination.
- The DP&E initiate legislative transparent publicly available procedures that define when a submitted SSD application presents unacceptable impacts and warrants refusal and/or amendment.

Initiative 6: Provide greater certainty on EIA timeframes

The timeframes associated with EIA's is viewed as being a matter between proponents of SSD applications and the DP&E. However, the timeframe for the approval of SSD projects within the Wollondilly LGA have been observed to be in part due to delays as a consequence of deficiencies identified by PAC's and/or the Commonwealth IESC. For example, a Determination of the Russell Vale Colliery expansion is considered to have been delayed by a number of years as a consequence of deficiencies being identified in the initial application then subsequent identified deficiencies in the amended application by both the PAC and IESC. **It is recommended in this regard that the updated assessment framework require that EIS's be publicly exhibited subsequent to the expert review to allow for incorporation of received comments into the document.** It is considered this approach, (which is similar to that adopted by Council), would achieve a more streamlined approach following exhibition, as well as provide more certainty to proponents and transparency to the community.

The proposed improvements associated with this Initiative are viewed as having merit in enhancing certainty over timeframes. There is however potential concern over the proposed improvement *"Setting timeframes for each stage of the EIA process, including the post-approval phase"*. The need for the provision of certainty over the timeframes associated with SSD and SSI applications is acknowledged. **However, the DP&E is requested to note that Council would strongly oppose any set timeframe that reduces the level of assessment associated with an application and/or community engagement.**

Initiative 7: Strengthen the monitoring, auditing and reporting of compliance

Council is often the first point of contact from members of the local community over observed concerns associated with local mining and CSG projects despite not having any regulatory responsibilities in regard to these Projects. Council therefore considers it has a responsibility in advocating these concerns to the regulatory authorities, (largely the DP&E and the NSW Environment and Protection Authority (EPA)).

The increase in staff levels and compliance programs by the DP&E in regard to SDD in recent years is acknowledged and has been welcomed. However, there is considered to remain significant shortcomings in these programs based on experiences of both Council and the community. A recent example of this shortcoming was the response to observed bubbling of methane gas on the Nepean River, which was acknowledged by the applicable mining company as being attributable to underlying mining operations. Council resolved at its meeting of 6 May 2016 *"to request a copy of the report investigating possible non-compliance with the conditions of consent from the DP&E and EPA in relation to this matter"*. A DP&E Compliance Officer provided verbal advice to a Council Officer that the Department had determined to monitor the situation and not implement any regulatory action. This response is viewed as highlighting shortcomings in the adequacy of the approval process and regulatory activities as well as not addressing the observed low level of public confidence in these matters.

The listed potential improvements in the Discussion Paper associated with this Initiative are supported in principle in terms of further strengthening compliance activities associated with SSD/SSI Projects as well as responding to community concerns. **It is requested however**

that Council be given a further opportunity to comment on the details of each of these improvements prior to the commencement of their implementation.

Initiative 8: Project change processes following approval

Council has shared views expressed by members of the local community in a range of forums over the level of disconnection and transparency associated with the on-going management and regulation of approvals issued under the SSD/SSI framework. The stated aim of this Initiative to *"define the process for addressing and communicating changes to approved projects to make these changes evident to all stakeholders to increase public confidence that projects are consistent with their approvals"* is therefore supported in principle.

The potential improvements associated with this Initiative are also broadly supported in principle in terms of addressing the above previously expressed position of Council and the community. A further suggested improvement in relation to this matter is (to the effect), *Simplification of the approval process, (such as significant less reliance on sub-plans), to enhance the transparency of this process as well as the broad understanding of this process by members of the community.* **It is requested that this potential improvement be investigated by the DP&E as part of the Project. It is also requested that Council be given a further opportunity to comment on the details of each of these improvements prior to the commencement of their implementation.**

4) Concluding Statement

The Environmental Impact Assessment Improvement Project is viewed as positive in addressing the concerns of both Council and the local community over the current assessment and regulatory framework for State Significant Development and Infrastructure Projects. However, this submission provides a number of requested amendments to certain Initiatives and associated potential improvements based on the previously expressed position of Council as well as views of the local community. A key requested amendment is that the Department of Planning and Environment require that potential improvements to the quality of assessment of all impacts associated with a particular project be investigated as part of the Initiative *"Improve the Consistency and Quality of EIA documents"*.

ATTACHMENT 2

RESOLUTIONS OF COUNCIL RELATED TO MINING AND COAL SEAM GAS

Coal Seam Gas Exploration and Production

Resolutions of Council at its meeting of November 2011

Wollondilly Shire Council recommends that The NSW Government should:

1. Impose an immediate moratorium on all further Coal Seam Gas development until it can be demonstrated that the industry will not have any unacceptable social and environmental impacts.
2. Implement a robust, transparent and independent assessment of the environmental impacts of Coal Seam Gas extraction
3. Establish an Assessment Commission to undertake this independent assessment.
4. Investigate the impact of the levels of water extraction on the aquifers, surface waters and their connectivity and the security of the water resource for both consumptive and environmental purposes in the short, medium and long term.
5. Investigate concerns about the use and disposal of salt and other materials contained within coal seam gas generated waste and waste water and develop systems to ensure its reduction, treatment and disposal compliance.
6. Develop robust regulations for the Coal Seam Gas industry ensuring parity to Local Government Planning controls and other environmental regulations, including State controls, placed on landholders and the community including water access rights.

Resolution of Council at its meeting of March 2012

1. That the Federal Government are written to regarding a right of an individual to shut the gate on their property in regards to resources and choose whether or not to allow entry to anybody or organisation.

Resolutions of Council at its meeting of April 2012

1. That Council be proactive in its response to CSG exploration and extraction licence applications in the Shire.
2. That council comment on the Draft CSG Exploration guidelines and Draft Aquifer Interference Policy.
3. That council continue to lobby the State and Federal Governments to give communities and Local Government a more appropriate role in the consultation, assessment and possible approvals of CSG operations in their areas.
4. That Council extend an invitation to the surrounding local Councils of Campbelltown, Camden, Wollongong and Wingecarribee to become a regional voice in the advocacy role in understanding and commenting on CSG within the area.

Resolution of Council at its meeting of 18 June 2012

1. That Council write to State Member Mr Jai Rowell MP, requesting that the Minister for Planning develop a strategy for Strategic Regional Land Use Planning for the Wollondilly Local Government Area.

Resolution of Council at its meeting of October 2012

1. That Council propose a special community forum to discuss the impact of CSG on the Shire, especially in the drinking water catchment. That this forum be videotaped.

Resolutions of Council at its meeting of October 2013

1. 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.
2. Wollondilly Shire Council representatives join with Mayor Bradbury, or as an individual council, meet with The Premier to request a ban on CSG mining and exploration in the Catchment.

Resolution of Council at its meeting of June 2014

1. Wollondilly Shire Council joins with Griffith and Wollongong Councils in their action to lobby Federal Government to ban CSG in our drinking water areas and if unable to attend a letter of support be sent to both Councils and the Executive.

Resolutions of Council at its meeting of 17 November 2014

1. That Council reaffirm its six resolutions of its meeting on 21 November 2011 defining its position on the CSG industry in response to the findings and recommendations of the Final Report produced by the Chief Scientist that includes a request:

That the NSW Government impose an immediate moratorium on all further Coal Seam Gas development until it can be demonstrated that the industry will not have any unacceptable social and environmental impacts".

2. That the State Government review and alter its NSW Gas Plan to accommodate Wollondilly's concerns.
3. That pursuant to Recommendations 1 and 2, Council send correspondence to the NSW Premier that:
 - Welcomes the release of the Final Report and provides broad support to the findings and conclusions of the Review.
 - Advises the Government of its reaffirmation of its adopted position regarding the CSG industry in response to the findings and Recommendations of the Review.
 - Requests that the NSW Government support all recommendations of the Review subject to these recommendations being considered and implemented in conjunction with Council's adopted position and issues raised in its submissions.
 - Opposes the implementation of Recommendation 5 of the Review regarding the designation of low risk areas in NSW where CSG is permitted until

Council is in receipt of independent advice that demonstrates applicable Council resolutions as well as findings of the Review have been adequately addressed.

Resolutions of Council associated with Mining Exploration and Production

Resolutions of Council at its meeting of 16 March 2009

1. That Council write to the Minister and Shadow Minister for Mining requesting that Councils be compensated through mining royalties and the Mine Subsidence Board for the additional cost of infrastructure projects.
2. That Council support the Association of Mining Related Councils in their endeavour to get a percentage of the mining royalties for such instances.

Resolution of Council at its meeting of 14 August 2009

1. That Wollondilly Shire Council write to the Minister for Primary Industries and Shadow Minister for Climate Change and Environmental Sustainability expressing its concerns over the recent cracking of Myrtle Creek.

Resolution of Council at its meeting of 19 October 2009

1. That Wollondilly Shire Council write to the Minister for Planning and Shadow Minister for Planning calling for third-party appeals to be allowed for Part 3A processes or that Part 3A be removed from NSW Government Policy.

Resolution of Council at its meeting of 15 November 2010

1. That Council send correspondence to the Minister for Planning requesting that a new Part 3A application be lodged for the Bulli Seam Project, given the significant changes to the original application by the proponent and the flaws in the original exhibition process.

Resolution of Council at its meeting of March 2013

1. That Wollondilly Council write to the Minister of Regional Infrastructure and Services requesting a review of the methodology used to classify the 'tiers' of Mining Affected Communities and expressing its concern at the relegation of Wollondilly's Community to Tier 3, excluding it from any support from the Resources for Regions Programs.

Resolution of Council at its meeting of 11 December 2014

1. 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.

Resolution of Council at its meeting of 16 March 2015

1. Council convene a meeting with invited community members of Douglas Park and representatives of Illawarra Coal to facilitate a consultation between the parties regarding Illawarra Coal's proposed gas extraction and power plant development in the Douglas Park area.

Resolution of Council at its meeting of 20 July 2015

1. That Council write to the Federal Minister for Environment, the Federal Minister for Agriculture, the NSW Minister for Planning, the NSW Minister for Primary Industries and the NSW Minister for Industry Resources and Energy in regard to the approval of the Shenhua Watermark mine on the Liverpool Plains to:
 - Express dismay regarding the approval of the mine on the Liverpool Plains by the Federal Government given the region's major role in Australia's food production balanced with a vulnerable environment and the unacceptable risk to this balance that the mine may cause.
 - Express its concerns that in a local context, the productive peri-urban areas of Sydney are also being threatened by unsympathetic land uses.

Resolutions of Council at its meeting of 20 July 2015

1. That Council endorse the submission on exhibited components of the draft Integrated Mining Policy.
2. That Council send correspondence to the NSW Minister for Planning tat:
 - (a) Acknowledges the benefits in introducing the Integrated Mining Policy.
 - (b) Expresses disappointment that the exhibited Policy has not addressed issues raised in previous Council submissions.
 - (c) Advises that Council is not able to finalise its position until all documents associated with the Policy have been publicly exhibited and submissions received.
 - (d) Stresses the importance of the inclusion of all stakeholders in the notification process.

Resolutions of Council at its meeting of 21 September 2015

1. That Council continue to monitor the Douglas Park Mine Gas Drainage and Power Plant Proposal by South 32 and that Council continue to engage with residents of Douglas Park regarding their concerns about the proposal.
2. That Council throughout the process, advocate on behalf of the community, communicating their concerns to the consent authority, our state member, mining authority, and any other applicable minister/authority.

Resolutions of Council at its meeting of 15 February 2016

- That Council take a proactive role in advocating for the protection of the natural environment from impacts of mining under Redbank Creek.
- That Council write to the State Minister for Planning, the Minister for Environment and the Minister for Resources and Energy expressing its concern that compensation mechanisms for damage to the natural environment from mining impacts is not considered in the function of the Mine Subsidence Board and Council calls for this situation to be reviewed and remedied.
- That Council consider the allocation of resources in the third Quarterly Review to undertake advocacy regarding this issue.

Resolutions of Council at its meeting of 15 February 2016

- That Council take a proactive role in advocating for the protection of the natural environment from impacts of mining under Redbank Creek.
- That Council write to the State Minister for Planning, the Minister for Environment and the Minister for Resources and Energy expressing its concern that compensation mechanisms for damage to the natural environment from mining impacts is not considered in the function of the Mine Subsidence Board and Council calls for this situation to be reviewed and remedied.
- That Council consider the allocation of resources in the third Quarterly Review to undertake advocacy regarding this issue.

Resolutions of Council at its meeting of 21 March 2016

- That Council write to the NSW Minister for Environment and NSW Minister for Resources and Energy requesting:
 - The establishment of on-going funding for investigations and monitoring of the condition of watercourses that are identified as being impacted by subsidence associated with underlying operations.
 - Ongoing funding be made available to local governments, research organisations and community groups upon the lodgement of suitably detailed applications.

Resolutions of Council at its meeting of 16 May 2016

- That Council requests a copy of the report investigating possible non-compliance regarding the conditions of consent for the Bulli Seam Operation Project and the Extraction Plan for long-walls 901-904 from the Department of Planning and Environment Compliance Team and EPA.
- That Council also request information from South 32 as to what their approved setback from the Nepean River is.
- That copies of these requests be forwarded to the Local Member for Wollondilly, Jai Rowell and that a report come back to Council on the responses received.

Resolutions of Council at its meeting of 20 June 2016:

- Write to the relevant Federal and State Ministers, the Federal and State local members, the Greater Blue Mountains World Heritage Area Advisory Committee and UNESCO demanding that action be taken to further investigate the causes of continued water loss from the World Heritage listed Thirlmere Lakes. That this action includes the funding and support of rigorous and detailed research into:
 - The water loss patterns and trends in the past and over current times.
 - Predictive modelling of the consequences to the Lakes's biology and hydrology of continued or prolonged water loss.
 - Targeted investigation into the suggested cause of the water loss in relation to the Tahmoor Mine's operations in the past and future.
 - The potential of engineered options to reinstate and maintain water levels to protect the biodiversity and hydrology of the Lakes.

- That Council, through the oversight of the Minerals and Energy Resource Committee, undertake a facilitated solutions focused forum to investigate and identify solutions to the continued observed water loss from the World Heritage listed Thirlmere Lakes and that Glencore and other key stakeholders associated with the three tiers of government be invited to participate in this forum.

Resolutions of Council at its meeting of 18th July 2016

- The Executive include the following recommendations in the Business Paper of the next available meeting of the Association with a view to advocate the position of Council and the local community defined by the supplied resolutions:
 - i. The Association provide support to the resolutions of Wollondilly Shire Council regarding concerns over the continued observed water loss from the World Heritage listed Thirlmere Lakes and the conclusions of recent scientific studies regarding this matter.
 - ii. Pursuant to i), Correspondence be sent to the NSW Minister for Resources and Energy (the Hon Anthony Roberts) and the NSW Minister for Primary Industries (the Hon Niall Blair) advising of the support to the resolutions and requesting a prompt response.

EN1 – Final Report of the NSW Office of Chief Scientist on the Review of Coal Seam Gas Activities in NSW

ATTACHMENT 4 - 6740 – 17 NOVEMBER 2014

Table 1: Summary of recommended Council response to individual Recommendations of the Review

No	Summarised version of Recommendation	Relevance to Council position		Recommended Council response
		Resolutions defining its position on CSG	Other Council resolutions	
Intent, communication, transparency and fairness				
1	That the Government make clear its intent to establish a world-class regime for extraction of Coal Seam Gas	✓		It is recommended that Council request the NSW Government support the Recommendation of the Review subject to its consideration of all Council's resolution and associated issues raised in its submission in regard to the Coal Seam Gas Industry.
2	That Government ensure clear and open communication on CSG matters is maintained at all times.		✓	Council requests that the recommendation be supported and implemented by the NSW Government in its entirety.
3	That Government investigate as a priority a range of practical measures for implementation (or extension of current measures) to allow affected communities to have strengthened protections and benefits		✓	Council request the Government support and implement the Recommendation subject to its consideration in conjunction with Council's resolution regarding the rights of landholders to refuse access and allocation of royalties from CSG extraction.
4	That the full cost to Government of the regulation and support of the CSG industry be covered by the fees, levies, royalties and taxes paid by industry		✓	Council provide in-principle support to this Recommendation of the Review. However, it is further recommended that Council advise the government the provision of formal support is pending the provision of a guarantee that the distribution of royalties to local government will not be adversely affected in any form

Report of Environment to the Ordinary Meeting of Council held on Monday 17 November 2014

EN1 – Final Report of the NSW Office of Chief Scientist on the Review of Coal Seam Gas Activities in NSW

ATTACHMENT 4 - 6740 – 17 NOVEMBER 2014

No	Summarised version of Recommendation	Relevance to Council position			Recommended Council response
		Resolutions defining its position on CSG	Other Council resolutions	Issued raised in submissions	
Legislative and regulatory reform and appropriate financial arrangements					
5	That Government use its planning powers and capability to designate those areas of the State in which CSG activity is permitted to occur, drawing on appropriate external expertise as necessary.	✓			Council advise the Government that support for this Recommendation of the Review is pending the adequate addressing of the findings of the Review regarding the risks of CSG extraction and their management as well as applicable Council resolutions.
6	That Government move to a single Act for all onshore subsurface resources (excluding water) in the State, constructed to allow for updating as technology advances.			✓	Council requests that the recommendation be supported and implemented by the NSW Government in its entirety.
7	That Government separate the process for allocation of rights to exploit subsurface resources from the regulation of the activities required to give effect to that exploitation and that it establish a single independent regulator.	✓			Council request the Government support and implement the Recommendation of the Review subject to its consideration in conjunction with Council's resolution that requested parity of a revised framework to controls and regulations placed on landholders and the community including water access rights.
8	That Government move towards a target and outcome-focused regulatory system. There needs to be a formal mechanism to transition existing projects to any new regulatory system.	✓			Council request the Government support the Recommendation of the Review and initiate reform of the current framework as a priority. Council request the NSW Government develops measures to transition existing projects such as the Camden Gas Project as part of its response to the Final Report.

Environment

EN1 – Final Report of the NSW Office of Chief Scientist on the Review of Coal Seam Gas Activities in NSW**ATTACHMENT 4 - 6740 – 17 NOVEMBER 2014**

No	Summarised version of Recommendation	Relevance to Council position			Recommended Council response
		Resolutions defining its position on CSG	Other Council resolutions	Issued raised in submissions	
9	That Government consider a robust and comprehensive policy of appropriate insurance and environmental risk coverage of the CSG industry to ensure financial protection short and long term			✓	Council requests that the recommendation be supported and implemented by the NSW Government in its entirety.
Managing risk by harnessing data and expertise					
10	That Government commission the design and establishment of a Whole-of-Environment Data Repository for all State environment data			✓	Council requests that the recommendation be supported and implemented by the NSW Government in its entirety.
11	That Government develop a centralised Risk Management and Prediction Tool for extractive industries in NSW.			✓	Council requests that the recommendation be supported and implemented by the NSW Government in its entirety.
12	That Government establish a standing expert advisory body on CSG (possibly extended to all the extractive industries).	✓			Council request the Government support and implement the Recommendation of the Review subject to its consideration in conjunction with Council's resolution requesting the establishment of an Assessment Commission.
13	That Government establish a formal mechanism consisting of five parallel but interacting steps (in regard assessment of and understanding of risks associated with CSG activities.	✓			It is recommended that Council request the Recommendation be supported and implemented by the NSW Government in its entirety as a priority.

EN1 – Final Report of the NSW Office of Chief Scientist on the Review of Coal Seam Gas Activities in NSW**ATTACHMENT 4 - 6740 – 17 NOVEMBER 2014**

No	Summarised version of Recommendation	Relevance to Council position			Recommended Council response
		Resolutions defining its position on CSG	Other Council resolutions	Issued raised in submissions	
Training and certification					
14	That Government ensure that all CSG industry personnel, including subcontractors, as well as public sector staff working in compliance, be subject to ongoing mandatory training and certification requirements.			✓	Council requests that the recommendation be supported and implemented by the NSW Government in its entirety.
Legacy and consistency matters					
15	That Government develop a plan to manage legacy matters associated with CSG			✓	Council requests that the recommendation be supported and implemented by the NSW Government in its entirety.
16	That Government consider whether there needs to be alignment of legislation and regulation governing extraction of methane as part of coal mining and the application of buffer zones for gas production other than CSG with the relevant legislation and regulation provisions governing CSG production.	✓			Council advise the NSW Government that it supports in principle the realignment of legislation and regulation governing CSG production to also apply to gas drainage activities associated with longwall mining operations.

EN1 – Final Report of the NSW Office of Chief Scientist on the Review of Coal Seam Gas Activities in NSW**ATTACHMENT 5 - 6740 – 17 NOVEMBER 2014****ATTACHMENT 5****Table 2: Applicable findings of the Review to Issues raised by Council not referenced by its recommendations**

Issue previously raised by Council	Comments in Council's submission	Applicable finding of the Review
The effectiveness of Coal Seam Gas Exclusion Zones within 2 Kilometres of existing and future residential areas introduced by the NSW Government.	<p>Council seeks confirmation from the Department of Planning that the exploration program in the vicinity of Oakdale not be permitted to proceed to production zone following the introduction of Coal Seam Gas Exclusion Zones.</p> <p>Council requests the Department of Planning automatically apply exclusion zones to all land within and within 2 KM of drinking water catchments as this land is worthy of protection at least equivalent to residential areas.</p>	<p>Setbacks (Exclusion Zones) have a role to play in the mitigation of risks. However, as with any industry, there will always be a degree of uncertainty in the predictions which underpin the determination of any setbacks.</p> <p>South Australian Guidelines which provide recommended setback distances based on experience and analysis could be adopted.</p>
The adequacy of aspects of the NSW Government's Strategic Regional Land Use Policy (SRLUP) including the mapping of Biophysical Strategic Agricultural Land, mapping of future residential areas within the Wollondilly LGA and Aquifer Interference Policy.	<p>Identified BSAL (high quality agricultural lands) should be excluded from future coal seam gas exploration to provide certainty to farmers and local councils.</p> <p>The Future Residential Growth Areas provisions of the Policy should be amended to include Potential Homesites Program sites so that Wilton Junction and other key sites for future housing delivery are protected.</p>	<p>The (current system) needs strengthening with application of the same rigour and scientific underpinnings to regulatory practice that is expected in other industries.</p> <p>While the initiatives underway by the Government in the past two years (such as the SRLUP) are important, they do not yet represent a comprehensive, holistic and strategic approach.</p>

EN1 – Final Report of the NSW Office of Chief Scientist on the Review of Coal Seam Gas Activities in NSW**ATTACHMENT 5 - 6740 – 17 NOVEMBER 2014**

Issue previously raised by Council	Comments in Council's submission	Applicable finding of the Review
The adequacy of the monitoring of methane emissions (both at gas wells and beyond the immediate area of the wells) associated with CSG production.	That the proponent of the Camden Gas Project (AGL) provides a detailed assessment of fugitive emissions not restricted to gas extraction well sites.	<p>There is potential for aquifer connectivity and emission of fugitive emissions if the integrity of wells is compromised.</p> <p>Companies seeking to extract CSG should identify impacts to water resources and their pathways¹ before activities.</p>

¹ Pathways refers to natural fractures and additional fractures potentially attributable to CSG operations where groundwater and methane gas can potentially move towards the surface.