

## Development & Environment Committee

**Meeting Date:** Tuesday, 02 March, 2021

**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra

**Time:** 5.00pm

**Membership** (Quorum - 5)

Clr Mitchell Pakes - Chairperson

Clr Bob Proudfoot

All Councillors

Chief Executive Officer or nominee

## Addendum Agenda

### Mayoral Minute

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DE21.20 Mayoral Minute - Exploration License Application 6196 Cudmirrah ..... 1

## **DE21.20    Mayoral Minute - Exploration License Application 6196 Cudmirrah**

**HPERM Ref:**    D21/79598

**Attachments:**    1. Extract of Minutes - NSW Parliament Portfolio Committee - Industry - 26  
February 2021 [↓](#)

### **Recommendation (Item to be determined under delegated authority)**

That Council:

1. Make a submission to the NSW Resource Regulator in respect to ELA 6196 (Exploration License Application) expressing concerns in regard to the establishment of a license over high value conservation nature of the land that is being applied for, its proximity to a residential settlement and possible negative impacts on Swan Lake. According to NSW Estimates “Regional NSW, Industry & Trade” the application has been “put on hold while we gather information” (Beattie to Field, page 58, Attachment 1).
2. Write to the Premier, Deputy Premier, Minister for Local Government, Minister for Environment, Minister for Planning and the Shadow Ministers, advising that Council supports the communities of Cudmirrah / Swan Haven and Sussex Inlet desire to be removed from the exploration license register and remain mine free.
3. Notes that correspondence has been received from Jerrinja Land Council notifying that the area covered by the ELA mapping is highly sensitive and of high cultural significance.

### **Details**

It recently came to light that an application for an exploration license has been lodged with the NSW Resource Regulator over the sand dunes and area of Cudmirrah and Swan Lake. The knowledge of the application has caused distress to many within the area who believe that if an exploration license were to be granted, the logical end point would be the establishment of a sand mine. It is understood that should an exploration license be approved, any future development for a mine would require a standalone development application. It is also acknowledged that sand is an essential element for the construction industry; however, we need to balance the requirement for resource with existing known high value conservation land.

**DE21.20**

**PORTFOLIO COMMITTEE NO. 4 - INDUSTRY**

Friday, 26 February 2021

Examination of proposed expenditure for the portfolio area

**REGIONAL NEW SOUTH WALES, INDUSTRY AND TRADE**

UNCORRECTED

The Committee met at 9:30.

**MEMBERS**

The Hon. Mark Banasiak (Chair)

The Hon. Lou Amato

The Hon. Catherine Cusack

The Hon. Sam Farraway

Ms Cate Faehrmann

Mr Justin Field

The Hon. Emma Hurst (Deputy Chair)

The Hon. Daniel Mookhey

The Hon. Peter Primrose

Mr David Shoebridge

The Hon. Mick Veitch

**PRESENT**

The Hon. John Barilaro, *The Minister for Regional New South Wales, Industry and Trade*

Questions/Answers on  
Cudmirrah ELA 6196.

DE21.20 - Attachment 1

you were speaking about before lunch—the 13—are they in one geographical area alone or are they spread across several electorates? I know that the member for Northern Tablelands, the member for Tamworth and also the member for Barwon have all made public statements about their concern over PELs in their electorates. Those 13 that are still there, can you give us an idea of the geographical spread?

**Ms BEATTIE:** There are 13 titles. As I said earlier, there are 12 that are exploration.

**The CHAIR:** Yes.

**Ms BEATTIE:** Yes. They cover an area from Mudjee through to the Queensland border. In terms of more specific detail than that, I would have to take it on notice.

**The CHAIR:** Yes, please. The Deputy Premier also spoke—obviously in this consultation that is occurring around the future of gas statement—that some of these PELs may or may not be utilised. What are the standards or criteria that you will be utilising or applying to decide which ones are and which ones are not?

**Ms BEATTIE:** At the moment we are in discussions with Santos about the future of those PELs, so really it is up to the titleholder to come back to us to update. Some of those licence applications have been around for quite some time. The assessment of those was put on hold until the decision was made about the Narrabri project and now that that has happened we have picked up the assessment of those again. So we are going back to the titleholders to clarify the intention of those applications.

**Mr BARNES:** I think in the broad, the criteria that the Government might adopt as it takes a stance through its gas strategy have not yet been determined for the entirety of the exploration licences that are in front of them.

**Ms BEATTIE:** I might add to that. It touches on the modelling as well. Part of the statement and the work that we are doing for that future of gas statement involves some modelling about demand for gas and all of this is really linked to affordable energy to support manufacturing and jobs growth.

**The CHAIR:** Since the approval from IPC, has there been a renewed interest in other areas within the State for similar projects?

**Ms BEATTIE:** The applications are still under assessment. So as far as I know there are not any further applications. Those ones are, yes, all being assessed at the moment.

**The CHAIR:** According to the Australian Competition and Consumer Commission, obviously we are one of the world's largest gas exporters, but we also export at a cheaper price to overseas markets than we actually pay domestically. Has the department done any work to affirm the gas companies' rationale? They state that it is due to alleged shortages. That is the reason why we pay more. Has the department done any work to actually prove or disprove that theory? Moving forward to a future of gas statement, I think it would probably be important to have some baseline data as to exporting and importing and domestic supply.

**Mr BARNES:** Obviously, as things currently stand, we are right at the front end of having a gas industry. So the people in the strategy area within Ms Beattie's team will be looking at the broad range of public policy for the jurisdictions which the gas producers have, to look at how we create our policy here that will sit as part of that strategy. But at the moment we are at the front end of an industry and, yes, of course we need to look at what happens right across the country. Because if—and we hope when—the Santos gas becomes a reality, we want to make sure that every molecule of that gas adds to those things that are going to be available for us to support what we believe will be an emerging manufacturing market that would rely on that affordable energy.

**The CHAIR:** I appreciate Narrabri is a new project, so I accept that we are on the front end of that, but gas is not a new thing in Australia. Have we done any work Australia wide on why we are exporting at a cheaper price than we are supplying domestically?

**Mr BARNES:** Of course that will form part of our deliberations.

**Mr JUSTIN FIELD:** Ms Beattie, while you are there, an issue has blown up in my region on the South Coast in the last 48 hours. A mining exploration licence application has been made over a pretty small nine-square-kilometre area that covers the coastal township of Cudmirrah, the Swan Lake, which is neighbouring, and the coastal strip to Sussex, which is this sand dune covered with the Bangalay Sand Forest. The community is in a bit of an uproar. This has come up time and time again. Is there any consideration within Government about requiring mining exploration licence applications to have some formal notification when they are made to landholders, local government and other stakeholders? My understanding is the application was received in January. We only found out last week when a small notice was put in the local paper. The community has no statutory ability to object to the application. Are there any considerations in Government to change policy to more formally engage communities and discussions about future mining exploration licences?

Friday, 26 February 2021

Legislative Council

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**Ms BEATTIE:** Regarding that particular application, I might add that the process is currently on hold. The clock has stopped while we clarify some more information.

**Mr JUSTIN FIELD:** It is the fact that there was a publication error. It claimed it was one mineral type when online it was listed as another, is that correct?

**Ms BEATTIE:** Yes, that is right. We have gone back to the applicant to understand a little bit more about that, so for the time being it is on hold. In terms of the process for applications, a notification is put in the paper and then once the assessment has been done for an exploration licence then stringent conditions are put in place around community consultation as well as the environment. That is after the issuing of an exploratory licence.

**Mr JUSTIN FIELD:** I think that is the point this community is making: Every patch of that land is sensitive coastal environment. It seems pretty extraordinary that this application can be made in the first place. I understand this company just registered basically the week before it lodged the application. What assessment do you do of the suitability of the individuals involved or the company's ability to actually undertake any mining exploration appropriately?

**Ms BEATTIE:** Once the application is lodged, there is a rigorous assessment before we issue an application for exploration. I believe it includes a fit and proper person test as well as an assessment of the area and the potential for the resource. As I said, if anything is unclear—in this case there seem to be some anomalies around what they have put forward—we put a hold on that application while we gather more information. Once an application is lodged, it does not guarantee that an exploration licence will be issued.

**Mr JUSTIN FIELD:** How long will that hold be for? I know the community is watching this and will be very interested.

**Ms BEATTIE:** Yes, I understand it is sensitive. It really depends until we get more information from the applicant, but it will be on hold until that time.