

# BREWARRINA SHIRE COUNCIL



All communications to be addressed to the General Manager  
SHIRE OFFICE



OUR REF: js/per  
YOUR REF:

Tuesday, 7 April 2020

Mr Kim Bills  
Independent Reviewer  
NSW Resources Regulator  
rr.feedback@planning.nsw.gov.au

Dear Kim ,

## **Re; Submission to Review of WHS (MPS) Laws.**

As discussed at the recent public consultation in Dubbo, Council seeks amendments to the laws to recognise the inappropriate capture of road building activities involving the establishment of small gravel pits, as being a mine under the Law.

Local Government has for decades constructed roads by extracting gravel and soil from roadsides and digging small pits to build up earthworks. Many of these pits are on private lands, crown lands and most are on a hill or areas of land near to past and current roadworks. On occasions farmers see great benefit in having soil removed to build farm dams or to remove poor gravel areas to improve pastures.

However, it appears that the current regulations capture such activities as 'Mines' and Councils have been penalised for not complying with the Mines and Petroleum Act requirements.

I recognise that there are very large rock quarries that are in daily operation and use blasting and heavy machinery for crushing and transporting of large quantities of crushed hard rock for road sealing. This material is then sold and transported over vast distances.

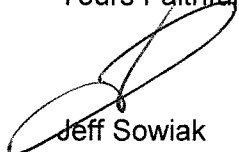
However, a small rural Council might have many known sites for good gravel that are used once in a while. Many of these sites are simply push ups, using bulldozers or loaders and on occasions the gravel is stockpiled and crushed. The gravel pit may be only a few metres deep and cover a few hectares, all depending on the depth of good gravel and the topsoil that needed to be removed.

Council must comply with the WHS Act, there is no question about this , however one size does not fit all and what Council is seeking is a recognition that every scrape and gravel pit we build, is not a Mine and given the infrequent use, the rules need to exempt this type of extraction.

The State Planning rules already exempt this type of development as it is well under the required threshold for development consent and most pits are so old they would be recognised as disturbed areas that pre-date the planning rules.

Your consideration to this submission would be greatly appreciated.

Yours Faithfully



Jeff Sowiak  
General Manager