

2. LEGISLATIVE FRAMEWORK

The Thunderbird Mineral Sands Project is subject to both Australian (Commonwealth) and Western Australian legislation. This section provides a summary of the Commonwealth and State statutory requirements relating to the construction, development, and operation of the project.

2.1 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* is administered by the Commonwealth Department of the Environment and Energy (DoEE). Commonwealth approval is required if Matters of National Environmental Significance (MNES), as defined in the *EPBC Act*, are potentially impacted, including migratory birds, listed rare flora, fauna, or Threatened Ecological Communities, listed heritage sites or Commonwealth marine areas, Commonwealth land, Commonwealth activities, and nuclear actions.

Submission of a referral to DoEE using the prescribed form is required to have formal determination of whether a project is a Controlled Action. If MNES are likely to be impacted, a proposal will be deemed to be a Controlled Action and Commonwealth project approvals may be required. If the project is determined to be a Controlled Action under the Bilateral Agreement, the WA Environmental Protection Authority (EPA) referral process can inform DoEE and a separate Commonwealth assessment is not required.

The project was referred to the (then) Department of the Environment on 8 February 2016 under the *EPBC Act* and was deemed to be a 'Controlled Action' on 7 April 2016 in respect to impacts on listed threatened species, specifically the Greater Bilby (*Macrotis lagotis*). The project is to be assessed consistent with the provisions of the Bilateral Agreement.

2.2 NATIVE TITLE ACT 1993

Native Title recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Under the Commonwealth *Native Title Act 1993 (NT Act)*, Native Title claimants can make an application to the Federal Court to have their Native Title recognised by Australian law.

The *NT Act* sets up processes to determine where Native Title exists, how future activity impacting upon Native Title may be undertaken, and to provide compensation where Native Title is impaired or extinguished. The *NT Act* gives Indigenous Australians who hold Native Title rights and interests, or who have made a Native Title claim, the right to be consulted and, in some cases, to participate in decisions about activities proposed to be undertaken on the land.

The mining lease is located within the Mt Jowlaenga Polygon #2 (Native Title Claim WC2014/005 registered on 15/12/2014) and the southern parts of the Site Access Road are located within the Nyikina Mangala Consent Determination Area (National Native Title Tribunal Reference Number WCD2014/003).

Sheffield is seeking an agreement with the Mt Jowlaenga Polygon #2 Claimant Group to facilitate granting of M04/459. This agreement provides for the Claimant Group's input into cultural awareness programs, cultural and environmental management and monitoring, as well as for employment and contracting opportunities in addition to upfront and production-based payments. Sheffield has also consulted with Native Title parties and Traditional Owners whose interests may be affected by the Miscellaneous Licences covering the Site Access Road.

2.3 ENVIRONMENTAL PROTECTION ACT 1986

The Western Australian *Environmental Protection Act 1986 (EP Act)* is the primary legislation governing environmental protection and impact assessment in the state. Approvals can be required under two parts: Part IV and Part V. Projects with the potential to significantly impact on the environment, or of sufficient public interest, are assessed under Part IV. Facilities that may constitute a 'prescribed premises' (as listed under Schedule 1 of the *Environmental Protection Regulations 1987*) must be approved under Part V.

The project requires assessment and approval under both Part IV and Part V of the *EP Act*.

2.3.1 Part IV - Environmental Impact Assessment

The EPA undertakes the environmental impact assessment (EIA) of some proposals referred to it under Part IV of the *EP Act*. EIA is an orderly and systematic process for evaluating a proposal (including its alternatives) and its effects on the environment. The EIA process is guided by the *EP Act* and supporting guidance material. Relevant policies and other guidance are listed in Section 2.11. The assessment includes considering ways in which the proposal, if implemented, could avoid, reduce and ameliorate the impacts on the environment.

The EPA can decide to formally assess a proposal at either of the following two levels of assessment will:

- Assessment on Proponent Information (API) - proposals where the environmental acceptability (API Category A) or unacceptability (API Category B) is apparent at the referral stage.
- Public Environmental Review (PER) - proposals where:
 - The proposal is of regional and/or State-wide significance.
 - The proposal has several key environmental factors or issues.
 - Substantial and detailed assessment of the proposal is required to determine whether, and if so, how the environmental issues could be managed.
 - The level of public concern about the likely effect of the proposal, if implemented, on the environment, warrants a public review period.

The project was referred to the EPA on 20 November 2015. On 21 December 2015, in accordance with the procedures set out in the EPA Administrative Procedures, the EPA determined that the proposal requires assessment at PER level.

2.3.2 Part V - Environmental Regulation

Under Part V of the *EP Act*, Works Approvals and Environmental Licences are required for a range of activities prescribed within Schedule 1 of that Act. Works Approvals and Environmental Licences are required from Department of Environment Regulation (DER) to allow construction and operation of key infrastructure (respectively) used for pollution control management including ore processing plants, water transfer infrastructure, water holding dams, power generation facilities, and waste treatment and disposal facilities (i.e. tailings storage facilities, landfill and sewage treatment plants). An Environmental Licence is required for operation of the project's Processing Plant, Tailings Storage Facility, landfill, and sewage treatment plant.

Conditions of Works Approvals relate to key pollution control aspects such as dust management, surface water management, seepage management, waste management, and hazardous materials containment. Compliance with conditions is required to be reported to DER before final approval is granted for the commissioning and operation of the infrastructure. Submission of compliance information can be staged to allow phased commissioning and operation of specific infrastructure.

DER is making significant changes to the Works Approval and Environmental Licencing processes. Proponents are now able to make a single application for a Works Approval and Environmental Licence, with the

Licence being formally granted on provision of proof that construction completed compliant with Works Approval conditions.

Operations that will trigger a Prescribed Premise category and require a Works Approval and Environmental Licence for the project to be issued by DER are detailed in Table 3.

Table 3: Thunderbird Mineral Sands Project Prescribed Premise Categories

Cat. No.	Category Description	DER Prescribed Premise Threshold	Relevant Project Infrastructure
06	Mine dewatering: premises on which water is extracted and discharged into the environment to allow mining of ore.	50,000 t or more per year.	Mineral deposit dewatering
08	Mineral sands mining or processing: premises on which mineral sands ore is mined, screened, separated or otherwise processed.	5,000 t or more per year.	Mining excavation, processing plant, Tailings Storage Facility and tailings pipelines.
52	Electric power generation: premises (other than premises within category 53 or an emergency or standby power generating plant) on which electrical power is generated using a fuel.	20 MW or more in aggregate (using natural gas), 10 MW or more in aggregate (using a fuel other than natural gas).	Power generation
54	Sewage facility: premises - (a) on which sewage is treated (excluding septic tanks); or (b) From which treated sewage is discharged onto land or into waters.	100 m ³ or more per day.	Wastewater treatment plants.
58	Bulk material loading or unloading: premises on which clinker, coal, ore, ore concentrate or any other bulk granular material (other than salt) is loaded onto or unloaded from vessels by an open materials loading system.	100 tonnes or more per day	Loading to transhipment vessels and transhipment
64	Class II or III putrescible landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled " <i>Landfill Waste Classification and Waste Definitions 1996</i> " published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	More than 20 t per year.	Landfill facility.
73	Bulk storage of chemicals, etc.: premises on which acids, alkalis or chemicals that - (a) contain at least one carbon to carbon bond; and (B) are liquid at STP (standard temperature and pressure), are stored.	1,000 m ³ in aggregate.	Power plant, Processing plant.

2.3.3 Native Vegetation Clearing Permit

Native Vegetation Clearing Permits are required under the *EP Act*, prior to undertaking clearing of native vegetation. The granting and administration of these permits are regulated under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. Clearing Permits can be obtained from the Department of Mines and Petroleum (DMP) Environment Management Branch. Agreement exists between DMP and DER for DMP to assess land clearing applications related to mining activities.

A Clearing Permit is not required as the project is formally assessed under Part IV of the *EP Act*.

2.4 MINING ACT 1978

The DMP is the lead government agency with regards to approvals for mining operations in Western Australia. The *Mining Act 1978* requires that, to conduct mining activities (as defined under the Act); a Mining Proposal is to be submitted to DMP, who assess and assign environmental conditions to the project if it is to be approved.

In May 2016 DMP released updated Mining Proposal Guidelines from the previous 2006 guidelines, and as of 1 January 2017, Mining Proposals for new projects are required to conform to the new guidelines. Given the timing of the PER submission for the project, and statutory consultation and determination periods, the Mining Proposal will be submitted in 2017 hence the Mining Proposal will follow the 2016 guidelines.

Mining Proposals are also required to include a Mine Closure Plan (MCP) compliant with the joint DMP/EPA Guidelines for Preparing Mine Closure Plans (May 2015). This is assessed as part of the Mining Proposal assessment process and reviewed every three years. Mining Proposals can only be approved where Mining Lease, General Purpose Lease and or Miscellaneous Licence tenements have been granted.

Following assessment of the Mining Proposal by the DMP, several conditions will be applied on the relevant tenements, including the provisions of the Mining Proposal. All environmental commitments made in a Mining Proposal become legally binding obligations once the Mining Proposal is imposed as a tenement condition.

2.5 MINE REHABILITATION FUND ACT 2012

In 2013, DMP introduced the Mining Rehabilitation Fund (MRF); a new financial assurance system which replaced the long standing bond system. The MRF is enacted under the *Mining Rehabilitation Fund Act 2012*, which provides for the establishment of the MRF, the declaration of abandoned Mine Sites, a levy payable in respect of mining authorisations and other related matters. The *Mining Rehabilitation Fund Regulations 2013* deal with matters around the practical operation of the scheme and specify how the rehabilitation levy will be calculated.

All tenement holders operating on *Mining Act 1978* tenure are required to report disturbance data and contribute annually to the fund. Tenements with a rehabilitation liability estimate below a threshold of \$50,000 are required to report disturbance data, but are not required to pay into the fund. Levies paid into the MRF will be used for rehabilitation where an operator fails to meet rehabilitation obligations. This provides confidence to the State and the community that satisfactory closure and rehabilitation of Mine Sites in West Australia will be achieved and that tenement owners will bear the cost, not the State.

In accordance with MRF legislation, Sheffield will be required to assess areas and categorise disturbance types on all project tenements within each reporting period and determine and pay the required levy.

2.6 RIGHTS IN WATER AND IRRIGATION ACT 1914

The Western Australian *Rights in Water and Irrigation Act 1914 (RIWI Act)* addresses rights in water resources; makes provision for the regulation, management, use and protection of water resources; provides for irrigation schemes, and for related purposes. The Department of Water (DoW) administer the *RIWI Act*. Significant consultation has been undertaken with DoW and will continue throughout the assessment process and life of the project.

An application for a Groundwater Licence under section 5C of the *RIWI Act* has been made to DoW for abstraction of groundwater from the Broome Sandstone Aquifer required for the project. Permits to construct and/or alter wells (Section 26D of *RIWI Act*) will also be obtained from DoW as required.

Water abstraction and use under the licence will be managed and monitored according to an approved Groundwater Operating Strategy to assure that environmental values including vegetation and features of cultural significance are appropriately protected from the impacts of abstraction. Monitoring will incorporate abstraction volumes, levels and quality at the mine and borefields, and while this is primarily for operational purposes, the data collected will also be relevant to closure (Section 4.2.5).

2.7 ABORIGINAL HERITAGE ACT 1972

The West Australian *Aboriginal Heritage Act 1972 (AH Act)* makes provision for 'the preservation on behalf of the community of places and objects customarily used by or traditional to the original inhabitants of Australia or their descendants, or associated therewith, and for other purposes incidental thereto'.

The heritage values of any given area are usually assessed in consultation with the Traditional Owners associated with that area. The outcome of surveys may require the submission of an application to the Aboriginal Cultural Materials Committee (ACMC) under Section 18 of the *AH Act*. The ACMC determines whether disturbance of a site is permissible, but no approvals can be issued until the outcome of any related process under Part IV of the *EP Act* is known.

2.8 MINES SAFETY AND INSPECTION ACT 1994 AND RADIATION SAFETY ACT 1975

The main piece of legislation relating to radiation safety in mineral sands mines in Western Australia is Part 16 of the *Mines Safety and Inspections Regulations 1995 (MSIR)* under the *Mines Safety and Inspections Act 1994* administered by DMP. Key requirements of Part 16 of the *MSIR* include:

- Conducting baseline radiation monitoring prior to the development of a mine.
- Submission of a Radiation Management Plan (RMP) for the approval of the State Mining Engineer.
- Appointment of a radiation safety officer.
- Designation of controlled and supervised areas.
- Application of dose limits.
- Reporting of incidents.

Further legislation relating to radiation safety in Western Australia is stipulated the *Radiation Safety Act 1975* and *Radiation Safety (General) Regulations 1983* administered by the Radiological Council; an independent statutory body appointed under the Act to provide advice to the Minister of Health. The regulations apply to issues such as exemption levels of radioactive materials, the registration of premises and licensing of persons to conduct practises with radioactive materials, radiation monitoring, record keeping, storage, and accounting for radioactive material.

In Western Australia, exposure to ionising radiation and the handling of radioactive materials in mineral sands mining operations is co-regulated by both DMP and the Radiological Council. The co-regulation is enabled by the RMP as both government agencies are required to approve the RMP for the mining operation. The DMP is the lead regulator for the operation of Mine Sites.

Sheffield will prepare and implement a RMP for the project.

2.9 SECONDARY APPROVALS

Secondary approvals likely to be required for the project are summarised in Table 4.

Table 4: Summary of Secondary Approval Requirements

Agency	Legislation	Approval Required
Department of Mines and Petroleum	<i>Mining Act 1978</i>	Grant of Mining Lease and Miscellaneous Licences
	<i>Mines Safety and Inspection Act 1994</i>	Project Management Plan Radiation Management Plan
	<i>Dangerous Goods Safety Act 2004</i>	Dangerous Goods Licence
Department of Environment	<i>Environmental Protection Act 1986</i>	Works Approval Environmental Licence
Shire of Derby West Kimberley	<i>Planning and Development Act 2005</i> <i>Health Act 1911</i>	Planning consent and building applications Derby Wharf Sub-Lease (agreement) Waste Water Treatment Plant Approval
Department of Health	<i>Health Act 1911</i> <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i>	Waste Water Treatment Plant Approval
Department of Water	<i>Rights in Water and Irrigation Act 1911</i>	Licence to take Groundwater Permit to Construct or alter a well (Section 26D)
Radiological Council	<i>Radiation Safety Act 1975</i>	Radiation Management Plan
Main Roads Western Australia	<i>Main Roads Act 1930</i>	Access Road/Great Northern Highway intersection
Department of Parks and Wildlife	<i>Wildlife Conservation Act 1950</i>	Fauna handling licence
Department of Aboriginal Affairs	<i>Aboriginal Heritage Act 1972</i>	Section 18 Approval (to interfere with Aboriginal heritage site)
National Native Title Tribunal	<i>Native Title Act 1993 (Cth)</i> <i>Native Title (State Provisions) Act 1999</i>	Section 31 Deed

2.10 OTHER RELEVANT LEGISLATION

There are a range of other acts and regulations that are likely to apply to the project, some of which require secondary approvals to be obtained as part of project development. Other legislation relevant to the project is listed below:

- *Biosecurity and Agricultural Management Act 2007.*
- *Conservation and Land Management Act 1984.*
- *Contaminated Sites Act 2003.*
- *Dangerous Goods Safety Act 2004.*

- *Dangerous Goods (Transport) Act 1998.*
- *Environmental Protection (Noise) Regulations (1997).*
- *Environmental Protection (Rural Landfill) Regulations (2002).*
- *Explosives and Dangerous Goods Act 1961.*
- *Local Government Act 1960.*
- *Mines Safety and Inspection Act 1994.*
- *Mines Safety and Inspection Regulations 1995.*
- *National Environmental Protection (Ambient Air Quality) Measure (2003).*
- *Soil and Land Conservation Act 1976.*
- *Wildlife Conservation Act 1950.*

2.11 RELEVANT POLICIES AND GUIDELINES

There are many Commonwealth and Western Australian Policies and Guidelines which are relevant to the project and will be used to in the assessment of this project. These include (but are not limited to) those listed in Table 5. There are numerous other guidance materials such as codes of practice, technical notes, and position statements that accompany these guidelines but are not expressly referred to in this PER and are not listed in Table 5.

Table 5: Relevant Commonwealth and Western Australian Policies and Guidelines

Owner	Policy/Guideline	Date
Commonwealth		
ANZECC & ARMCANZ	Australian and New Zealand Guidelines for Fresh and Marine Water Quality.	2000
ARPANSA	Code of Practice and Safety Guide for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing.	2005
	Code of Practice for the Safe Transport of Radioactive Material.	2008
DoEE	Threat Abatement Plan for the Impacts of Marine Debris on Vertebrate Marine Life. DEWHA.	2009
	Survey Guidelines for Australia's Threatened Mammals: Guidelines for detecting mammals listed as threatened under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> . DSEWPC.	2011
	<i>Environment Protection and Biodiversity Conservation Act 1999</i> Environmental Offsets Policy. DSEWPC.	2012a
	Marine Bioregional Plan for the North-West Marine Region. DSEWPC.	2012b
	Sawfish and River Sharks Multispecies Recovery Plan. DoE.	2015
	How to Use the Offsets Assessment Guide: http://www.environment.gov.au/system/files/resources/12630bb4-2c10-4c8e-815f-2d7862bf87e7/files/offsets-how-use.pdf	2016 online
	Offset Calculation Excel spreadsheet with embedded formulae: http://www.environment.gov.au/epbc/publications/environmental-offsets-policy.html .	2016 online
NWC	Australian Groundwater Modelling Guidelines. Waterlines Report Series No. 82.	2012
TSSC	Approved Commonwealth Conservation Advice on <i>Pristis zijsron</i> (Green sawfish).	2008
	Approved Commonwealth Conservation Advice on <i>Pristis clavata</i> (Dwarf sawfish).	2009
	Approved Conservation Advice for <i>Glyphis garricki</i> (Northern river shark).	2014a
	Approved Commonwealth Conservation Advice on <i>Pristis pristis</i> (Largetooth sawfish).	2014b
	Approved Conservation Advice for <i>Megaptera novaeangliae</i> (Humpback whale).	2015

Owner	Policy/Guideline	Date
Western Australia		
DAA & DPC	Aboriginal Heritage Due Diligence Guidelines, Version 3.0.	2013
DEC	Air Quality and Air Pollution Modelling Guidance Notes.	2006
	A Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Remediation and Other Related Activities.	2011
DER	Assessment and Management of Contaminated Sites: Contaminated Sites Guidelines.	2014
DMP	Code of Practice: Tailings Storage Facilities in Western Australia.	2013
	Guide to the Preparation of a Design Report for Tailings Storage Facilities (TSFs).	2015
	Guideline for Mining Proposals in Western Australia.	2016a
DMP & EPA	Guidelines for Preparing Mine Closure Plans.	2015
DoH	Health Impact Assessment in WA. Summary Document.	2007a
	Health Impact Assessment in WA. Discussion Paper.	2007b
DoW	State Water Quality Management Strategy Document No. 6: Implementation Framework for Western Australia for the Australian and New Zealand Guidelines for Fresh and Marine Water Quality and Water Quality Monitoring and Reporting.	2004
	Operational Policy no. 5.12 - Hydrogeological Reporting Associated with a Groundwater Well Licence.	2009
	Western Australia Water in Mining Guideline. Water licensing delivery report series. Report no. 12.	2013
EPA	EPA Position Statements	
	Environmental Protection of Native Vegetation in Western Australia. Position Statement No. 2.	2000
	Terrestrial Biological Surveys as an Element of Biodiversity Protection. EPA Position Statement No. 3.	2002
	Environmental Protection of Wetlands. Position Statement No. 4.	2004a
	EPA Guidance for the Assessment of Environmental Factors	
	Implementing Best Practice in Proposals Submitted to the Environmental Impact Assessment Process. Guidance for the Assessment of Environmental Factors No. 55.	2003
	Assessment of Aboriginal Heritage. Guidance for the Assessment of Environmental Factors No. 41.	2004b
	Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia. Guidance for the Assessment of Environmental Factors No. 51.	2004c
	Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia. Guidance for the Assessment of Environmental Factors No. 56.	2004d
	Separation Distance between Industrial and Sensitive Land Uses. Guidance for the Assessment of Environmental Factors No. 3.	2005
	Rehabilitation of Terrestrial Ecosystems. Guidance for the Assessment of Environmental Factors No. 6.	2006a
	Sampling Methods and Survey Considerations for Subterranean Fauna in Western Australia. Guidance for the Assessment of Environmental Factors No. 54a. Draft.	2007
	Sampling of Short Range Endemic Invertebrate Fauna for Environmental Impact Assessment in Western Australia. Guidance for the Assessment of Environmental Factors No. 20.	2009a
	EPA Environmental Assessment Guidelines	
	Protection of Benthic Primary Producer Habitats in Western Australia's Marine Environment, Environmental Assessment Guideline No. 3.	2009b
	Environmental Assessment Guideline for Marine Dredging Proposals. Environmental Assessment Guideline 7.	2011
	Environmental Assessment Guideline for Consideration of subterranean fauna in environmental impact assessment in Western Australia. Environmental Assessment Guideline 12.	2013a

Owner	Policy/Guideline	Date
	Environmental Assessment Guideline for Consideration of environmental impacts from noise. Environmental Assessment Guideline 13.	2014a
	Environmental Assessment Guideline for Application of a Significance Framework in the Environmental Impact Assessment Process. Environmental Assessment Guideline 9.	2015b
	Environmental Assessment Guideline for Environmental Principles, Factors and Objectives. Environmental Assessment Guideline 8.	2015c
	Environmental Assessment Guideline for Preparation of Management Plans Under Part IV of the <i>Environmental Protection Act 1986</i> . Environmental Assessment Guideline 17.	2015d
	Environmental Assessment Guideline for Protecting the Quality of Western Australia's Marine Environment. Environmental Assessment Guideline 15.	2015e
	EPA Environmental Protection Bulletins	
	Protection of Naturally Vegetated Areas Through Planning and Development. Environmental Protection Bulletin No. 20.	2013b
	Environmental Offsets. Environmental Protection Bulletin No. 1.	2014b
	EPA Involvement in Mine Closure. Environmental Protection Bulletin No. 19.	2015f
	Guidance on the EPA Landforms Factor. Environmental Protection Bulletin No. 23.	2015g
	Greenhouse Gas Emissions and Consideration of Projected Climate Change Impacts in the EIA Process. Environmental Protection Bulletin No. 24.	2015h
	EPA - Other	
	WA Environmental Offsets Guidelines.	2014c
	Checklist for documents submitted for Environmental Impact Assessment on marine and terrestrial biodiversity.	online
EPA & DEC	Technical Guide - Terrestrial Vertebrate Fauna Surveys for Environmental Impact Assessment.	2010
EPA & DPaW	Technical Guide – Flora and Vegetation Surveys for Environmental Impact Assessment.	2015
WA Government	WA Environmental Offsets Policy.	2011
WAPC	Road and Rail Transport Noise and Freight Considerations in Landuse Planning. State Planning Policy 5.4.	2009

Key: ANZECC – Australia New Zealand Environment and Conservation Council.
 ARMCANZ – Agriculture and Resource Management Council of Australia and New Zealand
 ARPANSA – Australian Radiation Protection and Nuclear Safety Agency.
 DAA – Department of Aboriginal Affairs.
 DEC – Department of Environment and Conservation.
 DER – Department of Environment Regulation.
 DoE – Department of the Environment.
 DoEE – Department of the Environment and Energy.
 DoH – Department of Health.
 DMP – Department of Mines and Petroleum
 DPaW – Department of Parks and Wildlife
 DPC – Department of Premier and Cabinet.
 DSEWPAC – Department of Sustainability, Environment, Water, Population, and Communities
 EPA – Environmental Protection Authority
 NWC – National Water Commission.
 TSSC - Threatened Species Scientific Committee.
 WAPC – Western Australian Planning Commission.