

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

via electronic mail: stephen.barry@planning.nsw.gov.au

13 July 2015

Dear Mr Barry,

Re: NSW Irrigator's Submission to the Integrated Mining Policy: Stage One

The NSW Irrigators' Council (NSWIC) welcomes the opportunity to provide comments to the Integrated Mining Policy: Stage One.

NSWIC represents irrigators and the irrigation industry. The Council has 25 member organisations which include valley water user associations, food and fibre producers, irrigation corporations and commodity groups from the rice, cotton, dairy and horticultural industries. We support the development and growth of sustainable irrigated agriculture and as such, only focus on those aspects of the policy which are of direct relevance to NSWIC's members¹.

As NSWIC was unable to attend the briefing sessions on the Integrated Mining Policy on 1 July 2015, we extend our support for the submissions made by NSWIC's member organisations who were able to attend the briefing. Furthermore, NSWIC continues to have a keen interest in the future policy setting for mining activities in NSW and would like to participate in any future discussion around the Integrated Mining Policy and related reviews.

NSWIC and its members remain concerned about the potential impacts to water resources from any mining activities in NSW. To avoid any actual or perceived threats to surface and groundwater resources throughout the state (including the access to and reliability and quality of water for irrigation), NSWIC recommends a precautionary approach to regulating mining activities. Furthermore, the Council supports the ongoing monitoring of mining activities (prior to development, production and post-closure) and their impact on water resources. Thorough monitoring will ensure that any impacts to water resources are detected early and appropriate enforcement actions are initiated.

¹ However, each Member reserves the right to independent policy on issues that directly relate to their areas of operation, or expertise, or any other issues that they may deem relevant.

Aquifer Interference Policy

In relation to enforcement actions, NSWIC believes further work must be done to ensure the ongoing protection of the state's vital water resources. As a first step, NSWIC recommends that the NSW Aquifer Interference Policy is legislated to provide irrigators with a level of comfort that the mining industry will adhere to the provisions of the Aquifer Interference policy and will be persecuted should any breaches against the provisions occur.

Mine Application Guideline

It is NSWIC's understanding that the mine application guideline is a new step in the mining planning and approval process. To the extent that this step does not duplicate any existing requirements imposed on the mining industry, NSWIC welcomes this additional assessment step as it will provide further detailed information on the mining proposal and will clarify why certain extraction methods are pursued.

However, NSWIC believes that certain components of the guidelines must be clarified prior to the finalisation of the document. These components include (but are not limited to):

- 1) the capacity of the Secretary's Environmental Assessment Requirements to address issues that were not raised in the preliminary environmental assessment.
- 2) the interaction between the guidelines and the possible amendments to the mining SEPP.
- 3) the timeframes around the development of the preliminary environmental assessment.

NSWIC consider it important that adequate timeframes are provided to allow for due consideration and collation of information that will form the basis of the preliminary environmental assessment and any further stakeholder consultations.

Furthermore, NSWIC considers it prudent to initiate a review of the mine application guidelines after 12 months to assess their efficiency and effectiveness. A review will also provide stakeholders with an opportunity to clarify any questions and suggest improvements. Finally, it will provide further transparency around the mining assessment process.

Secretary's Environmental Assessment Requirements

NSWIC welcomes the recognition by the department that mining projects and proposals can have cumulative impacts. NSWIC has highlighted the potential for cumulative impacts on a number of occasions and reiterates that their assessment is crucial in order to analyse the magnitude of risks to water resources. The relative environmental footprint of a mine changes significantly given any adjacent developments and the impact of an individual project cannot be considered in isolation. NSWIC would like to seek assurance from the department that the assessment of cumulative impacts is undertaken at all stages of a mining proposal and development.

Furthermore, NSWIC was encouraged to see the early submission process for monitoring plans. NSWIC considers this to be a considerable improvement to the current system which allows development approvals to be issued prior to monitoring plans being finalised. NSWIC strongly supports the process of monitoring mining activities to ensure the

adequate protection of water resources. We have been concerned in the past that previous mining developments were considered by the Planning and Assessment Commission and the Independent Expert Scientific Committee despite inadequacies in the process. The Council recommends that all monitoring requirements should be identified and outlined prior to the issue of a development consent.

Groundwater connectivity

NSWIC continues to be concerned about the accuracy of groundwater models to predict groundwater connectivity. We would like to see greater rigour around field testing used to calibrate models and encourage greater stakeholder consultation in this regard.

Rehabilitation

NSWIC believes that a rehabilitation plan for a mine following closure is a key to assessing the long term impacts of a mine. Irrigators have long been concerned about the willingness of mining companies to rehabilitate land and 'make good' on any impacts on water resources following a mine closure. NSWIC would like to see additional transparency around security bonds set aside for rehabilitation actions. It is viewed that the EIS represents one such avenue where greater transparency around financial commitments to rehabilitation can be provided. However, NSWIC also stresses the need for further funding for enforcement in order to persecute any breaches.

Biodiversity offsets of upland swamps

Given the importance of upland swamps, NSWIC suggests a precautionary approach and recommends that offsets should be applied in all cases. As the impact of longwall mining is difficult to predict via modelling, NSWIC disagrees to the 'nil' impact clause in the guidelines. Given the uncertainty around the impacts of mining, the offset policy should apply in all circumstances.

The NSW Irrigators' Council looks forward to the further development and refinement of the Integrated Mining Policy. Please do not hesitate to contact us if you wish to discuss any aspect of this submission in more detail.

Yours faithfully,



Stefanie Schulte

Policy Manager
The NSW Irrigators' Council