



Cotton Australia Submission to-
Environmental Planning and Assessment
Amendment (Gateway Process for
Strategic Agricultural Land) Regulation
2012

21st December 2012



Cotton Australia

Cotton Australia is the key representative body for the Australian cotton growing industry. It helps the industry to work together to be world competitive and sustainable, and also tell the good news about the industry's achievements. Cotton Australia determines and drives the industry's strategic direction, retaining its strong focus on R&D, promoting the value of the industry, reporting on its environmental credibility, and implementing policy objectives in consultation with its stakeholders.

Cotton Australia works to ensure an environment conducive to efficient and sustainable cotton production. It has a key role in Best Management Practices (*MyBMP*), an environmental management program for growers. This work has seen a significant improvement in the environmental performance of the industry, with huge improvements in water use efficiency, significant reductions in pesticide use, and millions of dollars invested into R&D.

The Australian cotton industry directly employs thousands of Australians and this year will contribute over \$2 billion to the Australia economy.

For further information or discussion on the content of this submission please contact Cotton Australia's Mining and Coal Seam Gas Policy Officer Sahil Prasad on 0406 598 054 or sahilp@cotton.org.au .



Submission

Cotton Australia welcomes the opportunity to provide comment on the *Environmental Planning and Assessment Amendment (Gateway Process for Strategic Agricultural Land) Regulation 2012*. This submission should be read in conjunction with Cotton Australia's submission to *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2012*

Cotton Australia holds fundamental concerns with the scope and applicability of the proposed amendments to this regulation. To provide any confidence in the Strategic Regional Land Use Plan (SRLUP) process, all mining and petroleum industries must be legally required to go through compulsory and rigorous assessment. In addition, any application which is approved that is inconsistent with the advice or recommendations of specialist bodies such as the Aquifer Interference Policy, Gateway Panel, Independent Expert Scientific Committee (IESC) or the Minister for Primary Industries is unacceptable. Our constituency expects that any conditions provided by the Gateway Panel are legally binding on the proponent. Finally, the existence of the Gateway Panel must hold the functional capability to 'say no' to a project or risk undermining its credibility to our constituency and broader community. Please see our reasoning and recommendations to selected clauses below:

Schedule 1

Cl. 20(2) Meaning of "mining or petroleum development"

As noted in Cotton Australia's submission to the Public Consultation Draft for the Mining SEPP, the current wording proposed for this clause is too restrictive for the purposes of protecting strategic agricultural land and water resources. Based on representations made by the NSW Department of Planning, Cotton Australia understood the intent of the policy was to apply the Gateway Process to all state significant mining and petroleum developments which fall on SAL. The current wording does not meet this objective. To ensure all forms of potentially damaging mining activities are subject to the Gateway Process, Cotton Australia insists that a more expansive amendment be adopted which includes all State Significant Development (SSD) for mining activities.

Recommendation 1: Insert sub clause 20 (a) (iii) with words to the effect of:

(ii) the development is specified in clauses 5(3) or 5(4) of Schedule 1 (State significant development – general) to State Environmental Planning Policy (State and Regional Development) 2011, or

Similar concern with clause 20 (2) (b) and (c) are noted in respect of petroleum activities, with a highly restrictive definition that will not cover all SSD projects on SA Land. Cotton Australia remains extremely concerned that all types of development covered under clause 6 of Schedule 1 (State significant development – general) to State Environmental Planning Policy (State and Regional Development) 2011 are not covered by this process. For example, there is widespread concern from our constituency about the impact of petroleum related works (e.g. pipelines) on our industry's agricultural productivity. As such, Cotton Australia insists that all petroleum projects that qualify as SSD are assessed under this process.

Recommendation 2: insert sub clause 20(2)(d) with words to the effect of:

(c) development specified in clauses 6(3), 6(4) or 6(5) of Schedule 1 (State significant development –general) to State Environmental Planning Policy (State and Regional Development) 2011, or

Cl. 20(7)



Based on representations made by the NSW Department of Planning, Cotton Australia understood that one intention of the Aquifer Interference Policy was to provide confidence to groundwater users that this resource would be protected prior to Gateway Certificates being issued. The current wording under sub clause 20(7) only requires the Minister for Primary Industries to have 'regard' to the minimal impact considerations under the policy and any other provisions. The proposed amendment does not provide any confidence to our industry as a groundwater user that the Minister's decision making will be consistent with the protection of this resource. Failure to be consistent with at least the minimal impact requirements in the Aquifer Interference Policy is potentially catastrophic to our industry. Cotton Australia needs a requirement at law that any advice provided by the Minister for Primary Industries is not inconsistent with the Aquifer Interference Policy.

Recommendation 3: Amend sub clause 20 (7) with words to the effect of:

"The Minister for Primary Industries, when providing advice under this clause on the impact of the proposed development on water resources, must not be inconsistent with:

End submission.