



Director of Assessment Policy Systems and Stakeholder Engagement
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001
Electronically: via online submission form

9th July 2015

Dear Sir / Madam,

Re: Integrated Mining Policy: Stage One

Cotton Australia (CA) welcomes the opportunity to comment on stage one of the integrated mining policy.

Cotton Australia is the key representative body for Australia's cotton growing industry. The cotton industry is a small but integral part of the Australian economy, worth over \$1.25 billion in export earnings in the 2014–15 season, and employing on average 10,000 people. The industry's vision is: *Australian cotton, carefully grown, naturally world's best.*

Cotton Australia met with key staff involved in developing the reforms under the Integrated Mining Policy from the Department of Planning and Environment, the Office of Environment and Heritage and the Division of Resources and Energy on the 1st July 2015. We wish to acknowledge that this was a highly valuable exchange and provided Cotton Australia with the background regarding the changes proposed under the Integrated Mining Policy. We wish to highlight that organisations that were unable to participate in similar briefings may be restricted in their ability to appropriately comment on the nature and extent of the proposed reforms.

We also wish to highlight that the context under which these reforms sit is highly dependent on the outcomes flowing from the Coal Exploration Steering Group (CESG). To date we have only seen guidelines for the allocation of coal resources and as such we are keenly awaiting additional recommendations from the CESG indicating how Government policy aims to ensure the long term interests of the State including consideration of protection of strategic agricultural land.

In addition Cotton Australia is intending to participate in the upcoming reviews of conditions placed on mining approvals to be undertaken by the NSW Office of Water including the compensatory water and 'make good' conditions. Our members remain highly concerned regarding the impacts of the mining industry and its effect on groundwater and surface water interception. To avoid long term impacts to water availability and quality, and ensure the ongoing sustainability of agricultural industries, robust monitoring is required prior to the development of a mining project to establish benchmark values of groundwater levels. Robust monitoring then provides the mechanism for mining operations to be stopped or put on hold should impact exceed expectations predicted within an environmental impact statement (EIS). Triggers for groundwater have already been established

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COTTON AUSTRALIA LIMITED – A.B.N 24 054 122 879

HEAD OFFICE: SUITE 4.01, 247 COWARD ST, MASCOT NSW 2020 P (02) 9669 5222 F (02) 9669 5511

TOOWOOMBA OFFICE: 115 CAMPBELL ST, TOOWOOMBA QLD 4350

NARRABRI OFFICE: LEVEL 2, 2 LLOYD ST, NARRABRI NSW 2390

www.cottonaustralia.com.au



under the Aquifer Interference Policy and we believe that these could be translated to apply across the mining industry.

Mine application guideline

Cotton Australia understands that the mine application guideline is a new step in the mining planning and approvals process which requires the proponent to prepare a preliminary environmental assessment (PEA). According to the information provided at the briefing we have been made aware that the mine application guideline will provide information that will direct the Secretary's Environmental Assessment Requirements (SEARs). It is understood that this will provide information that requires the proponent to describe details of their proposal, clarify why they are pursuing a particular method of extraction and allow for the nomination of an alternate extraction pathway. This will provide the Department with a means to evaluate options that minimise environmental impact.

We have considered the mine application guideline and believe that there are issues that should be addressed prior to the finalisation of the guideline. Cotton Australia seeks Departmental clarification to the following questions:

- In the event that an issue or impact is not included in a PEA we wish to clarify whether this precludes the issue / impact from being considered within the SEARs?
- What are the proposed measures for accounting for impacts under the SEARs that were not originally identified under the PEA?
- Given the concurrent changes to the mining SEPP we wish to clarify how these changes feed in to the mining application guideline.
- What are the timeframes around the development of the PEA?

Cotton Australia wishes to ensure that adequate timeframes are given to allow for due consideration and collation of information which will form the basis of the PEA.

As a general comment, given that this document is intended to act as a guide for the development of a PEA, Cotton Australia is unclear why description of information to be included in an EIS is provided. We believe that extractive industries are well aware of the nature and extent of information to be included in an EIS. Cotton Australia believes that the guideline will operate more effectively with clear descriptions and clarification around the detail to be provided within a PEA. Given that the PEA is a new step in the approvals process we would recommend a review should occur in 12 months to revise the guideline document. This will provide clarity for all stakeholder and transparency around the PEA process.

Secretary's Environmental Assessment Requirements (SEARs)

The SEARS is the framework for the development of an EIS and as such plays an important role in ensuring that relevant information is included and addressed. The EIS is the key document for consideration of environmental impacts of a mine and informs the consent authority's decision as to whether a project should be approved through the grant of a development consent, environmental protection licence and mining lease.



Cotton Australia was encouraged to see that the impacts of a mining development would now be required to consider cumulative impacts. We believe that this is crucial to the assessment of any mining development. The relative environmental footprint of a mine changes according to surrounding development, and the impact of a project cannot be considered in isolation, for example the impacts on surface and groundwater flows change significantly with increased footprint of extractive industries. However, while the importance of looking at cumulative impacts was indicated upfront in SEARs, we did not see that this was reflected throughout the various SEARs requirements in the remainder of the document. Cotton Australia would wish to see that any cumulative impacts of a development are addressed in relation to land and soils, water, flooding, biodiversity, heritage, blasting, air quality, noise and vibration, waste, feral animals and weeds, economic appraisal, subsidence, visual, public safety and social impacts.

Cotton Australia was likewise encouraged to see that monitoring plans will now be required to be submitted upfront within the approvals process. This is in contrast to the current system that allows for development approval to be issued prior to monitoring plans being drawn up. Cotton Australia is strongly supportive of monitoring measures that ensure the protection of land and water resources. We have been concerned that previous mining developments when considered by PAC and the IESC have been identified as inadequate and would recommend that all monitoring requirements should be identified and outlined prior to the issuing of development consent.

Rehabilitation

The rehabilitation plan for a mine following closure is key to assessing the long term impact of a mine. Community concerns around the willingness of mining companies to rehabilitate land following mine closure have been raised with Cotton Australia. We would like to see additional transparency around 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.

Environmental Impact Assessment

Cotton Australia, along with many other key industry groups and the Department of Primary Industries, has been involved in the development of an updated AIS guidance document. We would like to see this document referenced in the final version of the SEARs.

Feral animals and weeds

Cotton Australia is aware that existing strategic plans are in place including the NSW Biosecurity Strategy 2013–2021 which will impact on control plans and targets. In addition regional Local Land Services will have strategic plans and programs in place. We would like to see the proponent work in conjunction with these existing strategic plans and investments to ensure a catchment wide response to feral animals and weeds.

Water

Cotton Australia would like to see that trigger values that have been introduced under the Aquifer Interference Policy are applied more broadly to the monitoring of groundwater impacts caused by mining operations. We would also like to see a requirement for a network of groundwater monitoring sites to be identified within the EIS.

We have concerns that groundwater models are not able to accurately predict groundwater connectivity and would like to see greater rigour around field testing used to calibrate models. This



could be achieved through the introduction of recommended timeframes that allow for such confirmation of connectivity.

In order to establish sufficient benchmarks of groundwater levels prior to project development it is recognised that at least two years of data is required. Cotton Australia would like to see development of timeframes which indicate how the establishment of two years of benchmarking data will be catered for within a development, with the plan to be outlined within an EIS.

Biodiversity offsets of upland swamps

Cotton Australia understands that this policy document acts as an addendum to the existing biodiversity offsets policy. The policy operates under a hierarchy of avoid, mitigate and offset and aims to drive avoidance where environmental values are high. We recognise that upland swamps are of high environmental value and as we question whether precautionary offsets should apply in all cases where avoidance of these environmental assets cannot occur. It is recognised that longwall mining generates impacts that cannot be predicted via modelling and as such the determination of a 'nil' impact may be incorrect. Within the current upland swamp offsets policy where nil impact is predicted offsets are not required to be provided. We would suggest that this may generate issues in future where onus of proof is subsequently required in order to enforce offsets policy. Further there may be additional issues identifying 'like for like' offsets in future.

Cotton Australia also seeks additional clarification around the suggested timeframes for reductions in offset liability. It is our understanding that the timeframe for impacts of longwall mining can be extended and as such application to reduce offset liability within a period of five years will be too limited. Cotton Australia has conducted some initial investigations to provide a more suitable timeframe according to peer reviewed literature for the revision of offset liability however was unable to find any conclusive guidance.

Should you have any questions regarding our submission please do not hesitate to contact me on 02 9669 5222 or felicitym@cotton.org.au.

Kind regards,

Felicity Muller
Policy Officer