

Director of Assessment Policy Systems &
Stakeholder Engagement
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir

Exhibition of Stage 1 Reforms under the Integrated Mining Policy

The purpose of this letter is to make submission on Stage 1 of the Integrated Mining Policy. WaterNSW has an interest in the policy as mining activities have the potential to impact on its water supply infrastructure and the Sydney declared catchment area. Within the Sydney declared catchment area, mining activities have the potential to impact on water supply infrastructure, water quality, water quantity and the ecological integrity of the Special Areas.

WaterNSW considers there are benefits in the Government having an Integrated Mining Policy. The following are comments on the three items currently on exhibition.

Standard Secretary's Environmental Assessment Requirements (SEARs) for State Significant Mining Developments May 2015

WaterNSW supports the proposal for a standard set of SEARs for state significant mining developments. Our specific comments are:

- The hierarchy of mitigation is referred to in various ways throughout the document. To ensure consistency and clarity it is recommended that the hierarchy be articulated in the section titled *General Requirements*. The International Association for Impact Assessment promotes the following hierarchy of mitigation:
 - Enhance positive impacts
 - Avoid negative impacts to the greatest extent possible
 - Minimize (or reduce) what cannot be avoided
 - Remedy (or restore) what cannot be reduced
 - Compensate for what cannot be remedied
- WaterNSW considers that a key aspect of the environmental assessment process is to gain an understanding of the cumulative impacts. While this is referred to in the SEARs, there is unfortunately a lack of guidance from Government on how to undertake the assessment of cumulative impacts. WaterNSW recommends that Stage 2 of the Integrated Mining Policy include a guideline on the assessment of cumulative impacts to ensure a standardised and satisfactory methodology is applied.
- Mining developments have the potential to impact on a range of WaterNSW infrastructure including its water supply infrastructure. For example, underground mines have the potential to impact on dam structures and the integrity of reservoirs, canals and pipelines and other built assets. It is recommended that there be a new subsection in the section titled *Environmental Impact Assessment* specifically addressing infrastructure.

WaterNSW understands that once the SEARs are finalised, the process would include the Department seeking input from relevant public authorities when the Secretary receives a specific request for SEARs. WaterNSW requests that it be provided the opportunity to input at this early stage for any mining proposal located within the Sydney declared catchment area and for any mining proposal located elsewhere in NSW which has the potential to impact on WaterNSW's operations including its infrastructure. It is at this stage in the process, that for proposals located within the Sydney declared catchment area, that WaterNSW would request the SEARs refer to the requirements of the State Environmental Planning Policy (Sydney's Drinking Water Catchment) 2011.

Policy Framework for Biodiversity Offsets for Upland Swamps and Associated Threatened Species

WaterNSW supports the development of a policy framework and in particular the requirement for offsets in all cases where impacts are predicted or occur which exceed the negligible criteria. Our specific comments are:

- There a large number of upland swamps located in the Metropolitan and Woronora Special Areas managed and substantially owned by WaterNSW. These swamps are largely pristine and have an important role in protecting water quality, and maintaining the ecological integrity of these Special Areas. Any impacts on these swamps are contrary to the objective of maintaining ecological integrity. Any offset proposed should therefore be applied within the Special Areas. If a like-for-like offset cannot be secured within the Special Areas, other options under the 'variation rules' or supplementary measures that may be considered, should be applied within the Special Areas.
- Given the interest of WaterNSW with respect to the upland swamps located in the Special Areas, there should be a requirement for consultation with WaterNSW in the development and implementation of an offset strategy including any variation to a strategy.
- The document states that "if monitoring shows that mining has **significantly** impacted the shallow groundwater aquifer in a swamp and that impact has stabilised for a period of 12 months" an offset must be implemented. WaterNSW agrees that an offset should be required in these instances however also considers that offsets should also be required if monitoring shows that mining has impacted the shallow groundwater aquifer in a swamp and that impact has stabilized for a period of 12 months as all such impacts are significant. WaterNSW considers that impact that has stabilized for 12 months is significant and warrants offsets and recommends the word **significantly** be deleted.

Mine Application Guideline

WaterNSW supports the development of a guideline and in particular the emphasis on the mine planning process and the details relating to Preliminary Environmental Assessments and Environmental Impact Statements. Our specific comments are:

- WaterNSW recommends that the guideline include the mitigation hierarchy referred to above.
- The management process for underground coal mines usually includes a requirement for extraction plans for specific mining domains. It is recommended that the guideline refer to extraction plans as the document to address detailed matters arising from consents, any necessary additional detailed assessments and the outcomes from monitoring that may influence the proposal.

- A key issue with any mining application is the adequacy of monitoring data to support the assessment process. For key water aspects it is expected that at least two years data is required. WaterNSW recommends the guideline include this as a requirement.

Other comments

WaterNSW notes that a *Water Regulation and Policy Framework* has also been prepared. WaterNSW requests a copy of this framework. It is assumed that the framework includes the State Environmental Planning Policy (Sydney's Drinking Water Catchment) 2011. If not addressed, WaterNSW requests that this be included.

If you have any questions regarding the above please do not hesitate to contact me on 4724 2452.



Malcolm Hughes
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9/7/13