



NSW Minerals Council Submission Integrated Mining Policy: Water Regulation and Policy Framework August 2015

The NSW Minerals Council (NSWMC) welcomes the opportunity to comment on the draft Water Regulation and Policy (WRP) framework document, which forms part of the NSW Government's *Integrated Mining Policy* currently on exhibition.

Water is a particularly complex area of regulation and policy for mining projects. As evidenced in the WRP document, there are multiple agencies and a plethora of statutory and other requirements at both a state and federal level that govern water use and associated impacts in NSW. The consequential regulatory overlap and duplication that exists creates confusion and uncertainty for proponents, as well as serving to undermine industry confidence in the Regulator.

NSWMC welcomes efforts to provide greater transparency to assist proponents and other stakeholders in understanding the comprehensive regulation of the interaction of mining developments with water resources. As such, we support the development of the WRP document, which we believe provides a concise overview of the water regulatory and policy framework that currently applies applying to mining (and petroleum) developments in NSW.

Overall, the WRP document is well-drafted. However, we believe it can be improved by making the following amendments:

- Table 1 (Legislative Framework) should be updated to include the *Mining Act 1992* and the Mining Operations Plan which will typically be used to manage the rehabilitation of mine sites and areas impacted by mining, including waterways.
- The 'assessment considerations' listed in Table 2 focus on the activities associated with mining and CSG and the potential impacts that these activities may have on water. While useful, this list is not a list of assessment requirements, which are outlined in the proponent's Environmental Assessment Requirements. A more accurate title for the Table would be 'potential issues for consideration'.
- Table 4 (Policy framework - Surface Water Resources) and Table 5 (Policy framework - Groundwater Resources) should be combined into one table.
- The water guidelines and policies listed in Table 4 and Table 7 (Water Guidelines and Policies), while relevant and appropriate, should be amended to remove those policies that are not included in Attachment 1 of the draft Standard Environmental Assessment Requirements.
- Table 6 (Key Agency Roles and Responsibilities) should be updated to include NSW Trade and Investment's (DRE) regulatory role under the Mining Act 1992 in relation to rehabilitation.

NSWMC believes that the WRP document provides an excellent template that should be used in other guideline documents. We encourage the NSW Government to consider creating a similar, overarching guideline outlining the regulatory framework and associated issues for mining in NSW.

**NSW Minerals Council
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