

16 February 2018

Director, Resources Policy  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Electronically: online submission form

## NSW Mining Rehabilitation Discussion Paper

Dear Madam or Sir,

### Introduction

Cotton Australia is the key representative body for Australia's cotton growing industry, supporting about 1,200 cotton farming families in NSW, Queensland and now into Victoria. Our members represent 152 Australian regional communities who use 263,339 hectares of their land holdings to grow cotton, producing around 2.7 million bales. In 2015/16 the Australian cotton crop was worth \$1.3 billion and employed on average 10,000 people. NSW production is a significant share of this pie, with an estimated \$1.403m gross value of production in 2016-17 and the cotton lint alone generating an export value \$593 million.

We welcome the opportunity to comment on the *NSW Mining Rehabilitation Discussion Paper* noting the **proposal has been informed by the Australian Government's 2016 publication: 'Mine closure and Leading Practice Sustainable Development Program for the Mining Industry'**. Also that the consultation outcomes would lead to developing a new State-wide policy for mine rehabilitation for projects that fall under State significant development requirements.

### General observations:

Cotton Australia considers that the protection and sustainability of land and water resources and enhancement and maintenance of landholder land access rights is of utmost importance.

While we recognise that the mining industry offers potential economic benefits to Australia, without proper regulation and enforcement the mining industry also poses significant risks to the Australian Cotton Industry. Specific to mine rehabilitation our long-held policy principles include:

- Protecting the productive capacity of agricultural land from mining extraction activities.
- Opposing any mining development unless and until it can be definitively proven, that the development will have no impact on the productive capacity of the land.
- That any existing or approved mines are rehabilitated to their pre-development productive capacity, within five years of ceasing production.
- A mining development approval must include a comprehensive rehabilitation plan, with clear and enforceable timeframes.

Cotton Australia also wishes to make the following comments in regard to the consultation questions:

#### Draft policy principles for mine rehabilitation in NSW

##### Discussion question 1.1

We welcome the requirement for new major projects to consult with the community about mine design (including end of life) and strongly support this occurring earlier in the planning process. The project and the assessment process needs to reflect the three pillars of ecological sustainable development. This includes **the potential mine's remediation. It is Cotton Australia's view that that the rehabilitation process** should result in the proposed mine having no impact on the productive capacity of the land.

#### Final voids

##### Discussion questions 2.1 & 2.2

Cotton Australia recommends that

- Final voids are not seen as the default option for a project.
- They only are permissible when the ecological sustainable development benefits can be demonstrated.
- When it has been agricultural land that the mine has disturbed, the land should be fully restored to its former agricultural quality. This is in terms of quality of soil, landform and catchment hydrology, including surface and ground waters.

The advent of such tools, now and into the future make this possible. An example is the Groundwater **Health Index (GHI) developed by Dr Kathryn Korbel of Macquarie University's** Department of Biological Sciences and Cotton Research and Development Corporation. It can be used to assess groundwater ecosystem health before, during and after a mine project.

[More details about this tool is available from

[https://www.researchgate.net/publication/312452217\\_The\\_weighted\\_groundwater\\_health\\_index\\_Improving\\_the\\_monitoring\\_and\\_management\\_of\\_groundwater\\_resources](https://www.researchgate.net/publication/312452217_The_weighted_groundwater_health_index_Improving_the_monitoring_and_management_of_groundwater_resources) and also [http://www.crdc.com.au/sites/default/files/pdf/Summer18\\_sc2.pdf](http://www.crdc.com.au/sites/default/files/pdf/Summer18_sc2.pdf)]

- Sufficient length needs to be given to the amount of time in which regulatory compliance is in play as plant establishment is not instantaneous. (E.g. time to investigate, repair and confirm works are sufficient to have restored the broader landscape.)

#### Scheduling of rehabilitation activities

##### Discussion questions 3.1 & 3.2

Cotton Australia strongly supports requirements that involve the community in discussions concerning the **'when and how' rehabilitation activities may occur. The land concerned is all of the community's asset which is being 'loaned out'** via the assessment process. In that respect the land in question needs to be returned in a fit and proper order for the community to continue to derive benefit (aesthetic or economic) from it.

We acknowledge that bringing rehabilitation actions forward so they occur continually across the life of a mine is a positive step. **Such rescheduling addresses the need to maintain the soil's health and biological diversity** that otherwise may be lost over time from long term stockpiling.

#### Discussion questions 4.1 & 4.2

Cotton Australia wishes to raise our concerns about the performance and credibility of the company undertaking the mine proposal. They need to demonstrate that they have the technical competence and financial security to undertake the project and deliver against their development consent conditions. This includes the ability to restore to the pre-development productive capacity of the land within five years of ceasing production.

We also recommend the adoption of the Tasmanian *Mineral Resources Development Act 1995* arrangements that give the government authority the ability to be recalculate the security deposit over the life of the project. In creating such, it would be preferable that the only permissible changes are those that result in an increase in funds held.

Regarding binding rehabilitation outcomes, we have general concerns about the success of government authorities to pursue a mining proponent for future non-compliance. We are also concerned the quantum of security held is adequate, **and it needs to be reassessed during the project's life and mine rehabilitation**, particularly in light of the risk of future insolvency of a company.

Cotton Australia proposes that in line with rehabilitation taking time to establish a restored landscape, only a portion of the refundable security rather than a one off lump sum post closure. Also that the increments only occur when the area is confirmed to have been restored to its former productive capacity, not just land use. For example the security is returned in increments post five years, post 10 years of mine closure (i.e. a further five years of management and monitoring).

We would also support annual reporting and performance against the rehabilitation plan and all other development consent conditions.

#### Conclusion

As final comment Cotton Australia would be supportive of the Department of Planning and Environment's including the mine rehabilitation information for projects being placed on environmental data portal SEED (<https://www.seed.nsw.gov.au/>).

For more information, submission please do not hesitate to contact me on 02 9669 5222 or [jenniferb@cotton.org.au](mailto:jenniferb@cotton.org.au).

Yours sincerely,



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Cotton Australia