

**Wingecarribee Shire Council
Community Coal Reference Panel**

Submission on the Draft Aquifer Interference Policy

3 May 2012

The draft Aquifer Interference Policy is a step forward in meeting the Government's stated objective of protecting valuable groundwater resources from mining activities, we believe that Stage 1 of the policy has some significant deficiencies that must be addressed to meet the stated objectives expressed in section 1 of the policy document.

***We are presently preparing a document outlining specific changes to the draft policy document, which we suggest are required. We have requested an extension of time for this submission because we are unable to meet with the NSW Office of Water to provide clarification of the draft policy until Thursday April, 26. The additional submission will be submitted by the beginning of the third week in May.*

In summary, our main suggestions are as follows:

1. **The Aquifer Interference Policy** should cover all groundwater systems in the State to provide a clear and comprehensive policy framework rather than be divided into two stages, the first of which appears to cover a very small part of the shire. This has created confusion and has generated a lack of confidence in the Government's approach. We see no valid reason to have such a narrow focus when the concepts outlined in the draft Policy can be readily broadened to cover all high productive groundwater (HPG) in the State.
2. In our view, **all high quality groundwater systems deserve protection**, regardless of the agricultural quality of the land above. These systems should trigger the protection of the Aquifer Interference Regulations. This would be in line with the principals of Ecological Sustainable Development and protects intergenerational equity. One can only imagine the importance of ground water and water security in future generations, and what Industry Clusters they may support in the future.
3. **The definition of HPG is far too restrictive and requires modification** to adequately reflect the groundwater systems that should be protected in NSW. We propose the **HPG** should be defined where flow rates are over 2 L/s as this more reasonably reflects a bore yield that can sustain superior agricultural production.

4. **A Pre-exploration study that considers Aquifer Interference issues is required ahead of the exploration taking place.** This must be open to public submissions and subject to independents review. This could be part of the responsibilities of the Gateway Committee. There are instances where information is available which, when considered, may preclude exploration commencing. In the case of CSG, the exploration process itself poses as much risk to aquifers as production.
5. **At the License Renewal stage, each project to be assessed under the provisions of the new Aquifer Interference Policy.** Many exploration licenses were awarded under the previous government with much laxer standards being applied. The review should be conducted as above.
6. The “**Minimum Harm criteria**’ incorporated in the draft policy is difficult to understand and needs clarification. *We have some recommendations to make this regard in our second submission.*
7. The **Tables in Appendix 1 defining Protections Zones are defined by** vertical areas when in reality aquifers are measured volumetrically. A method to overcome this deficiency must be found. Additional surface assets such as surface rivers, swamps, other water bodies, drinking water catchments, towns and cities, and bores used for drinking water bottling should be incorporated. *A recommendation regarding these tables will be incorporated in our second submission.*
8. The concept of **High Priority Groundwater Department Ecosystems** needs clarification. In the Southern Highlands, 1337 wetlands have been identified. These should be afforded protection, especially considering the areas importance as Sydney’s drinking water catchment.
9. The **concept of remediating damaged or compacted aquifers is impractical** given that once damage has occurred it will, in all likelihood, be impossible to repair. The Precautionary Principal should be applied prior to any exploration or exploration or extraction licences being issues.
10. **Significant Financial penalties** are proposed for companies that fail to adhere to the AIP but no mention is made of the quantum of these penalties. Our recommendation would be that a form of Security Bond of a minimum of \$10m is put in place ahead of the exploration process. If nothing else, a higher bong requirement will ensure that companies undertaking exploration have a degree of financial substance.
11. **In the case of lower productivity water resources** the current Review of Environmental Factors (REF) will apply prior to the commencement of exploration. The REF process is mentioned in the draft Policy but there

should be emphasis on the need for the REF to be given to communities for review and comment before work commences.

12. **It is vitally important that the cumulative effects of projects are considered.** This is particularly important for CSG exploration where companies are tending to seek approval for work on a piecemeal basis. Communities are entitled to know the full scope of a project and the aquifer impacts should be evaluated on that basis.