

## *“Reclaiming our Valley”*

Hunter Communities Network

---

PO Box 14 Singleton 2330

Mr Stephen Hunter  
Water Trigger Review  
GPO Box 787  
Canberra ACT 2601

Friday 29 January 2016

### **Submission Review of ‘water trigger’**

*Environment Protection Biodiversity Conservation Act 1999 (EPBC Act)*

#### **Introduction**

The Hunter Communities Network (HCN) is an alliance of community based groups and individuals impacted by the current coal industry and concerned about the ongoing rapid expansion of coal and coal seam gas exploration and mining in the region.

HCN has long held concerns about the cumulative impact of large scale coal mining operations in the Hunter region on the integrity of the groundwater and surface water sources comprising the Hunter River catchment.

There has been no rigorous cumulative impact assessment of the long term impacts from an industry that has been operating in the Hunter Valley in NSW for over 200 yrs. The scale of operations in the last quarter of the 20<sup>th</sup> century up to today have increased significantly within a vacuum of knowledge.

We consider it critical for the future of water dependent agricultural industries and communities in the Hunter that a comprehensive review of the water impacts of all current coal mining operations be undertaken. We welcome the work of the Independent Expert Scientific Committee (IESC) and recommend that this body is provided with the necessary resources to undertake the level of comprehensive review and assessment required to fully understand the long term costs of permanent damage to water sources in our region.

HCN welcomes the opportunity to provide comments on the appropriateness, effectiveness and efficiency of the regulation of the ‘water trigger’ amendment to the EPBC Act. We consider this legislation to be a major step forward and wish to provide the following observation and comments in response to the Terms of Reference for the review.

## **Key Points**

### **1. Appropriateness**

HCN considers that the regulation is extremely necessary and needs to be strengthened. The ‘water trigger’ is a crucial piece of legislation that fills the gaps in the NSW assessments and determination process for coal mining and CSG.

It is critical for an independent science review to consider the adequacy of surface and groundwater assessments conducted by consultants employed by the mining and gas industry. It is also critical for the assessment to be undertaken in the context of the entire water source including connectivity between surface and groundwater.

The long term impacts of mining activities and adequacy of rehabilitation requirements eg the impact of multiple final voids in the landscape and groundwater drawdown for centuries, needs to be fully considered. The NSW planning and approvals process does not consider the cumulative impact of final voids in the Hunter.

HCN considers that the ‘water trigger’ regulation needs to be extended to all water related infrastructure relating to mining and gas development including water bores, pipelines, dams, water treatment works and any other ancillary water-related infrastructure. The total interception, use and discharge of water in mining and gas developments must be comprehensively assessed in the context of the impacted water sources and interactions on a regional scale.

### **2. Effectiveness**

HCN considers that the regulation needs to be extended to include all cumulative impacts of mining and gas development on regional water sources.

The IESC must be given the power to create binding guidelines and enforce standards such as the ANZECC water quality guidelines for mine discharges into waterways.

There are numerous examples where IESC advice has been ignored by the NSW planning and approvals process. There has been strong advice relating to the retention of final voids in the landscape which sterilise large areas from future beneficial use, leaving large, unmanaged and highly toxic water bodies as groundwater sinks. Final voids are a costly legacy to the environment and community that have not been adequately assessed for their cumulative impact.

HCN considers that IESC advice on such matters must carry more weight in the approvals process for large scale opencut coal mining operations in the Hunter Valley and elsewhere in Australia.

We recommend that the IESC be tasked with reviewing state and territory legislation and statutory arrangements for the management of water volumes and quality and assessment and prevention of mining impacts and whether those measures are fit for purpose.

### 3. Improvements

The regulation and current state legislation fails to protect important water sources from permanent damage caused by coal and gas extraction.

The application of the water trigger has not resulted in adequate protection for water resources, and this is an important area for improvement. There should be clear boundaries and thresholds, including exclusion zones for important water resources such as alluvial aquifer systems underlying prime agricultural land on river flats in the Hunter catchment.

HCN recommends that mandatory standards for matters like set-backs, monitoring, water quality and access to cultural water be included in the regulation.

### 4. Efficiency

HCN considers the process of independent review of cumulative impact of mining and gas development on regional water sources is a critical first step in the planning process for large scale developments.

The regulation would be more efficient if clear mandatory guidelines, standards and exclusion zones were set. Development proposals should then submit assessment of water source impacts to the IESC before progressing with the development application at a state level. This process should include proposals for expansion or modification of existing development that may impact on regional water sources.

This requirement would provide more certainty to state level decision-makers, the coal and gas industry, other water dependent industries and the community.

### 5. Simplification

HCN recommends that the requirements outlined in above points be implemented. These will provide clarity and a simplified process as a first step in the assessment and approvals process.

### 6. Review

HCN recommends that a 5 year review of the regulation be implemented along with a comprehensive analysis of the condition of all water sources impacted by coal and gas extraction.

## **Conclusion**

The Hunter Valley in NSW has suffered significant permanent irreversible damage from large coal mining operations over an extended period of time.

HCN believes that the Hunter River and its associated water sources cannot bear the brunt of any additional large scale impacts from coal and gas extraction.

The 'water trigger' is an important regulation that must be given greater power to regulate the cumulative impact on water sources. The IESC should be the first point of contact for any proposed expansion, modification or new development of coal or gas extraction.

A clear set of protective boundaries, exclusion zones and mandatory standards must be set so that the regulation will achieve its purpose of protecting important water sources from permanent degradation.

For more information please contact:

[REDACTED]

[REDACTED]

Hunter Communities Network

[REDACTED]

[REDACTED]