

**To: Mining, Exploration and Geoscience, Department of Regional NSW on behalf of Department of Primary Industries**

**Re: Draft Agricultural Impact Statement – Stakeholder consultation**

21 May 2024

## Introduction

The Association of Mining and Exploration Companies (AMEC) welcomes the opportunity to provide industry consultation on the Draft Guideline for Agricultural Impact at the Exploration Stage.

## About AMEC

The Association of Mining and Exploration Companies (AMEC) is a national industry association representing over 570 member companies across Australia. Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry. Collectively, AMEC's member companies account for over \$100 billion of the mineral exploration and mining sector's capital value. AMEC has a growing number of companies working and investing in NSW.

Mineral exploration and mining make a critical contribution to Australia's economy, directly employing over 274,000 people. In 2021/22 Industry generated a record high \$413 billion in resources exports, invested \$3.86 billion in exploration expenditure to discover the mines of the future, and collectively paid over \$63 billion in royalties and taxes.

## Guideline for Agricultural Impact at the Exploration Stage

### General Comments

AMEC considers this review to be another opportunity to ensure that the mining project approval process, which is already complex and lengthy, does not include duplicated processes. Addressing these issues will significantly enhance the competitiveness of NSW's mining sector by reducing delays and lowering the cost burden on mining companies.

When following the link below in the document provided, on Strategic Agricultural Land, "the requested page could not be found." This link will need to be updated in the document.

<http://www.planning.nsw.gov.au/spatial-data-download>

## Questions arising from the AIS Guideline document

*An AIS (Agricultural Impact Statement) is referred to the Department of Primary Industries to ensure the agricultural impacts of an exploration activity have been appropriately assessed (Page 4).*

1. What (if any) statutory timeframes are applicable to undertake an appropriate AIS to ensure the timely assessment of applications and approvals of exploration activities by the DPI (Department of Primary Industries)? Can the timeframe be included in the guide so that applicants are aware of the timeline.

2. What skills and qualifications do the DPI assessor have in determining the potential impact of proposed exploration activities on agricultural resources or industries as required and submitted as part of an AIS?

When is an AIS required (page 5) *An AIS will be required when the land on which the exploration activities are proposed is considered to have significant agricultural value, and the nature of the exploration activities has the potential to have an impact on agricultural land or agricultural activities.*

3. What consideration is given to any changes in the “agricultural value” that occurs during exploration activities. For example, if a farmer/landowner develops a subsistence crop in a paddock or area that was previously fallow or unused, however there is no change in the level or type of exploration activity. Under these circumstances:

- Is a revised AIS required?
- Is there a period of currency for which an original AIS is applicable (e.g., for the period of a granted exploration licence) or are they to be reviewed on an annual/semi-regular basis?

## Duplication of requested information

The application form submitted to the Department of Regional NSW already contains most of the requested information. The table below provides examples of the duplicated information requests between the two applications. The left-hand column shows the information already provided in the application and assessment process for exploration activities, the column on the right is that requested as part of the AIS process.

<p><b>Exploration guideline Application and assessment process for exploration activities Including requirements for a review of environmental factors for exploration activities subject to Part 5 of the Environmental Planning and Assessment Act 1979</b></p> <p><b>Resources Regulator, Department of Regional NSW, April 2023.</b></p>	<p><b>Guideline for Agricultural Impact Statements at the Exploration Stage</b></p> <p><b>Department of Regional NSW, March 2024 Draft, PUB24/373.</b></p>
<p>Explorer attaches a copy of the Landholder Access agreement to the APO application.</p>	<p>Details of the consultation undertaken with stakeholders expected to be impacted by the exploration activities (Page 4)</p>
<p>Details of the proposed drill holes and other exploration activities in a table format. The details required in this table include:</p> <ul style="list-style-type: none"> <li>— location of all surface disturbing activities</li> <li>— drilling depths, surface disturbance areas, excavation quantities, earthworks, vegetation clearing, produced water extraction</li> </ul> <p>(Page 13)</p>	<p>A description of the proposed exploration activities. (Page 4)</p>
<p>The rehabilitation objectives and completion criteria and final land use goal for all disturbance areas. (Page 13)</p>	<p>Details of the proposed rehabilitation process. (Page 4)</p>

<p>Is the activity likely to create a biosecurity risk or introduce genetically modified organisms into an area? In determining the likely impact, the following matters should be considered:</p> <ul style="list-style-type: none"> <li>• mobilisation of pollutants (such as drilling fluids and hydrocarbons) in soils, air or waters</li> <li>• the introduction of vertebrate animal pests</li> <li>• the introduction of plant pests and diseases</li> <li>• the introduction of animal diseases that pose risks to animal and human health</li> <li>• the introduction or spread of noxious weeds</li> <li>• the introduction of genetically modified organisms.</li> </ul> <p>If an activity is likely to introduce vertebrate animal pests, plant pests and diseases, animal diseases, noxious weeds, or genetically modified organisms into an area, it is likely that the level of impact will be medium or high adverse. If the proponent determines that the impacts will not be medium or high adverse, the REF will need to provide strong justification for this conclusion.</p> <p>(Page 32)</p>	<p>Details of how the exploration activities will address agricultural biosecurity on the land and adjoining land.</p> <p>(Page 4)</p>
<p>Land use impacts Is the activity likely to result in major changes to land use, including any curtailment of other beneficial land uses? This section must assess whether the activity is likely to significantly disrupt or change current land uses, including any curtailment of other beneficial land uses. In determining the likely impact, consideration should be given to impacts on land identified as Strategic Agricultural Land (SAL) on the maps that form part of State Environmental Planning Policy (Resources and Energy) 2021. There are two types of SAL identified being:</p> <ul style="list-style-type: none"> <li>• biophysical strategic agricultural land (BSAL) which is land with high quality soil and water resources capable of sustaining high levels of productivity. BSAL plays a critical role in</li> </ul>	<p>A description of the potential impacts of the exploration activities on the agricultural activities and resources on the land and on adjoining land and the proposed measures to avoid or mitigate these impacts.</p> <p>(Page 4)</p>

<p>sustaining the State's agricultural industry and has been identified as having high agricultural production capacity due to the biophysical attributes it possesses and climatic factors. This land has been identified as warranting special consideration when assessing mineral and petroleum exploration and extraction industries due to their potential to impact on the productive capacity of this land, particularly if the activities will remove or relocate soil material, alter the terrain, or impact on surface water and groundwater systems that are relied upon to maintain the productive capacity of this land.</p> <ul style="list-style-type: none"> <li>• critical industry clusters (CICs) which are localised concentrations of an agricultural industry that provides significant employment opportunities and contribute to the identity of the region. Equine and viticulture CICs have been identified across NSW.</li> </ul> <p>(Page 36)</p>	
<p>Section 2.4 requests Activity details, and includes staging and timing of activities including hours of operation, the anticipated start date, the duration of the activities and timing of rehabilitation completion.</p> <p>(Page 14)</p>	<p>Appendix 1, 2. Description of Proposed Exploration Activities. A description of the type, location, intensity and duration of the proposed exploration activities, including the season in which activities will be undertaken.</p> <p>(Page 8)</p>

In summary, explorers are subject to a detailed lengthy application process. Rather than duplicate the process, it would be simpler to share the application form with the DPI, which would save the applicant a significant amount of duplicated work.

In terms of the content of the form, AMEC does not consider that this will create any substantial issues, however, it appears an obvious opportunity for streamlining, to remove duplication faced by both industry and government.

AMEC would be please to discuss this important matter further If you have any queries regarding this review, please do not hesitate to contact:

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 Director – New South Wales