

**NSW  
Farmers  
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Growing the Business  
of Farming

*Valuing Agriculture,  
Growing NSW*

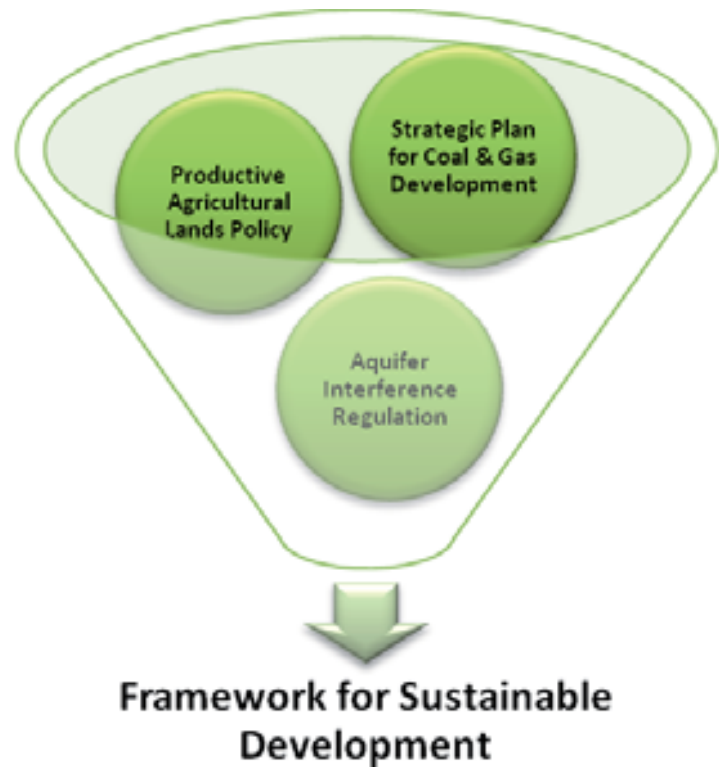


**A Framework for Sustainable Development  
Planning for Agriculture and Extractive Industries**

# VALUING AGRICULTURE, GROWING NSW

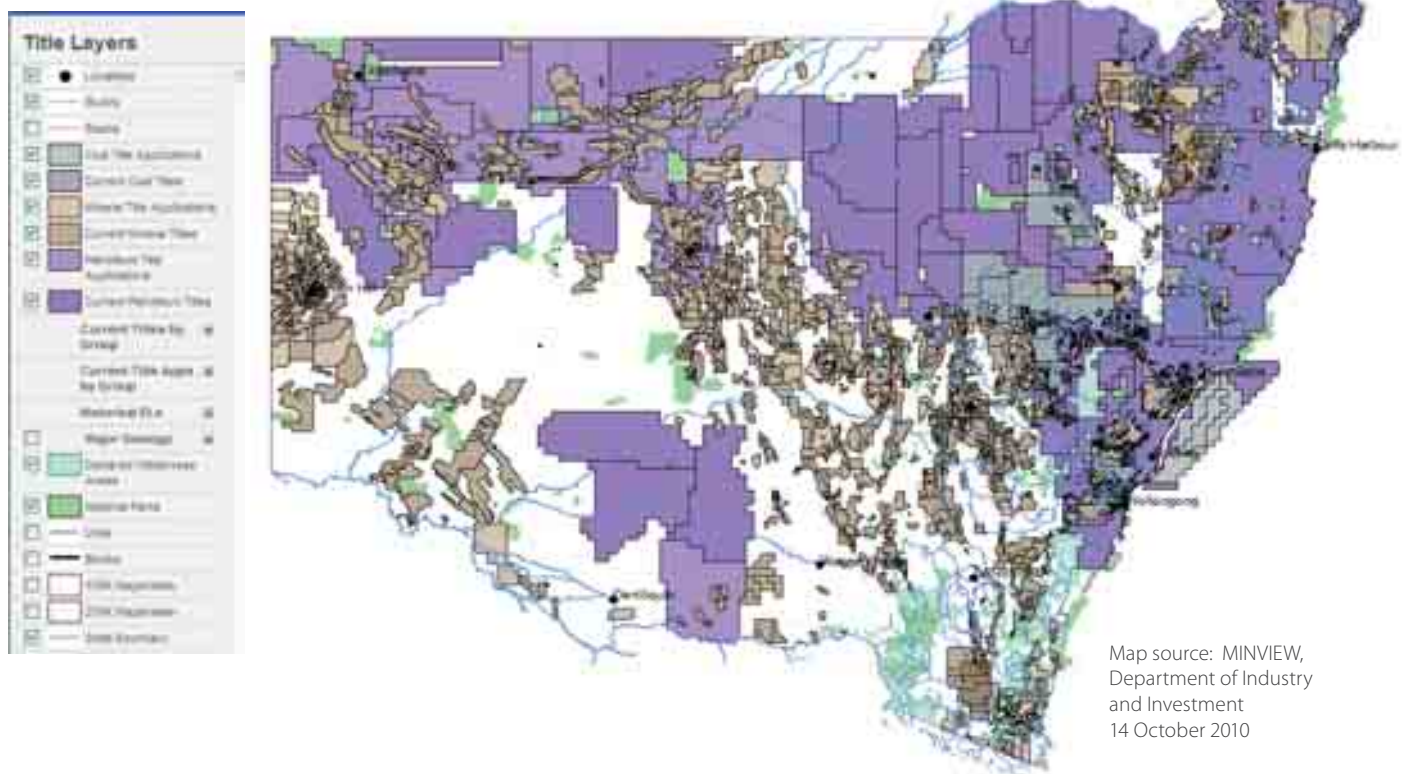
Protecting productive agricultural land and water resources from the rapidly expanding extractive industries in NSW requires:

1. State-wide Strategic Planning
2. A Transparent, Balanced Exploration and Development Approval Process
3. Protection of Aquifers
4. Robust, Independent Monitoring of Extractive Industries
5. Just Terms Compensation For All Landholders Affected by Extractive Industries



More than 70% of NSW is currently under mineral and petroleum title and application

The map below indicates coal title applications, current coal titles, mineral title applications, current mineral titles, petroleum title applications, current petroleum titles, rivers, declared wilderness areas and National Parks.



## LAYING THE FOUNDATIONS – BUILDING THE POLICY FRAMEWORK

Current mining and petroleum legislation and policy in NSW does not provide adequate protection for agricultural land and water resources and farmers' property rights. Through an expedient reform process, the *Framework for Sustainable Development* will:

- ***Deliver state-wide strategic planning***  
The process will deliver a blueprint for all future development in NSW, making explicit upfront provisions for cumulative impacts, including legislated limits to total possible regional extraction and development. This new approach will include the identification of strategically productive agricultural land and water resources, based on triple bottom line sustainability principles, and provisions to afford them protection, utilising a multi-layered mapping tool. This will result in these areas being unavailable for mining and coal seam gas activities.
- ***Introduce balanced and transparent approval processes***  
For land not captured in the above category, independent, peer-reviewed, scientific analysis will be undertaken by the applicant prior to the granting of exploration and development licences to assess potential impacts of the proposed activity on the productivity of the land and its surface and underground water. This recognises that no licences will be granted in areas where a measurable detrimental effect on the agricultural productivity of the land and/or water resources is indicated. The review will be conducted by an independent Office of Agricultural Sustainability and Food Security, reporting directly to the Premier, within a re-established Department of Agriculture.
- ***Enforce aquifer protection***  
Where extractive industries may involve interference with groundwater systems, proponents must obtain an Aquifer Interference Approval under S91 of the *Water Act 2000*. This will require the introduction of an Aquifer Interference Regulation under the *Water Act 2000*.
- ***Introduce robust, independent monitoring of extractive industries***  
Independent benchmarking of air and water quality and other health and environmental data will be conducted prior to exploration and development licences being granted, with robust, comprehensive data collection to be maintained, both beyond the confines of the licence area, and beyond the life of the licence.
- ***Compensate landholders affected by extractive industries***  
Legislation will be introduced to provide 'just terms' compensation for the effect of exploration and extraction of minerals and gas upon landholders, including development that will permanently alienate or temporarily diminish productivity of agricultural land and water resources, or adversely affect the marketability of the land.

### What are 'productive agricultural land and water resources' and why are they important?

Productive agricultural land and water resources are finite national and state resources that must be conserved and managed for the longer term. Identified using triple bottom line sustainability principles, these resources are uniquely suitable for and capable of sustainable agricultural use; and important for agricultural activities of state or regional significance. These resources are important to global food security. Global agricultural production must grow by 70% by 2050 to feed an additional 2.6 billion people, with 90% of production growth expected to come from increased yields and cropping intensity, and the remaining 10% from expanding arable land. Enhancing the food producing capacity and logistical efficiency of NSW is paramount to the state's contribution to alleviating any future food crisis.

## THE FRAMEWORK IN ACTION

Implementing the policy will resolve the current conflict over mining in areas of productive agricultural land and water resources. However, it will require significant reform, which can be achieved following the three-step plan below.

### STEP 1: A PAUSE ON MINING EXPLORATION AND PRODUCTION LICENCES

With more than 70% of NSW under mineral and petroleum title and application (see MINVIEW map overleaf) the present system is unable to deliver adequate planning and impact assessment. A pause, therefore, will be implemented immediately on the granting of applications for mineral or gas tenements, or, upon any renewal applications, or, for extension of work programmes. The pause will be delivered by way of a Moratorium Act, with strict parameters addressing 'sleeper' licences as well as proposed exploration activities. In the short term, projects in the Gunnedah basin should respect the science of the Namoi Catchment Water Study and 'pause' whilst this study is being completed.

### STEP 2: DEVELOPMENT OF THE SUSTAINABLE DEVELOPMENT FRAMEWORK

#### STAKEHOLDER AND INTER-AGENCY ENGAGEMENT

In order to fundamentally reform the policy and legislative environment underpinning planning and development approval processes in NSW, a suite of policies will be developed, with input from all key stakeholders and across key Agencies. Peak stakeholder bodies representing existing productive land users will be involved from the outset, and afforded the opportunity to have input to the new framework.

#### THE REFORM AGENDA

A dual process will be conducted involving both amendments to existing legislation (including, but not limited to the *Environmental Planning and Assessment Act 1979* (EP&A Act), *Mining Act 1992*, *Petroleum (Onshore) Act 1991* and *Water Management Act 2000*), and development of new legislation and legislative instruments. This is expected to include the development of State Environmental Planning Policies and will also necessarily include the removal of Part 3A of the EP&A Act. Inter-recognition will be ensured between the *Mining Act 1992* and the *Water Management Act 2000*, recognising water as a compensable loss in the Mining Act and mining as a diversion under the Water Management Act.

#### INFORMATION SYSTEMS

Multi-layered analysis will be undertaken to support the Framework for Sustainable Development, including the development of real-time, publicly-accessible mapping systems based on:

- On-ground assessment;
- Detailed mapping and data collection and analysis
  - data regarding coal and gas reserves;
  - currently known quality/development potential of these reserves;
  - existing infrastructure;
  - existing industry;
  - biophysical attributes; and
  - strategic agricultural land and water resources;
- Consultation with landholders and Departmental staff;
- Identifying general locations for exploration and development, within spatial boundaries; and
- Explicit mechanisms for controlling cumulative impacts.

### STEP 3: IMPLEMENTATION OF THE SUSTAINABLE DEVELOPMENT FRAMEWORK

Introduce  
'Pause'

Enact  
Legislation

Implement  
Institutional  
Reform

Launch  
Information  
Systems

Revoke  
'Pause'

For more information please visit:

NSW Farmers' Association  
[www.nswfarmers.org.au](http://www.nswfarmers.org.au)

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