

STRATEGIC REGIONAL LAND USE POLICY

Guideline for Agricultural Impact Statements at the Exploration Stage

1. Introduction

This guideline describes the requirements for an Agricultural Impact Statement (AIS) for mineral and petroleum (including coal seam gas) exploration activities. It has been prepared to complement other aspects of the Division of Resources & Energy (DRE) environmental assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). For example, DRE must examine and take account to the fullest extent possible, all matters affecting or likely to affect the environment when assessing applicationsⁱ. It also must take into account any reduction in the aesthetic, recreational, scientific or other environmental quality or value of a localityⁱⁱ. This AIS guideline should therefore be read in conjunction with the DRE [ESG5: Assessment Requirements for Exploration Activities](#) on the DRE website.

The guideline has been reviewed and amended, taking into account more than two years of experience with the previous version. Changes made to the guideline result in a clearer and unambiguous risk management approach, consistent with the Part 5 EP&A Act environmental assessment (Review of Environmental Factors (REF)) framework. This revised guideline supersedes the previous version and should be used by proponents for new exploration activity approvals lodged after the date of publication. Exploration AISs will be accepted using the previous guideline up to 1 Dec 2015.

2. Background

Some areas of NSW are experiencing significant growth in mining and petroleum (including coal seam gas) projects, leading to increasing land use conflicts, particularly with agricultural industries. In response, the NSW Government delivered its [Strategic Regional Land Use Policy](#) in September 2012, which set out a range of initiatives to better balance growth in the mining and coal seam gas industries with the need to protect important agricultural land and water resources.

One of these initiatives is the requirement for the preparation of an AIS for mineral and petroleum (including coal seam gas) exploration activities. It is recognised that relative to mining operations, exploration has a smaller disturbance footprint and many of the impacts can be mitigated or ameliorated through the incorporation of environmental mitigation or management measures. However, larger more concentrated exploration activities, such as for resource definition purposes, can have the effect of concentrating impacts on localised areas with the potential to impact on agricultural land and water resources.

The term '**agricultural resources or industries**' is used throughout this guideline to describe the land on which agriculture is dependent, including:

- land and soil capability and soil fertility,
- the quality, quantity and reliability of associated water resources that are linked to that land – and
- the enterprises or production systems that rely on these resources.

3. When is an AIS required?

An AIS is required for exploration activities that are subject to further approval under the *Mining Act 1992* or *Petroleum (Onshore) Act 1991*, that require submission of an REF for assessment under Part 5 of the EP&A Act and that may impact on agricultural resources or industries (see **Figure 1**). These exploration activities are defined in the conditions of exploration authorities/titles.

Depending on the location of the activity, either a Level 1 or Level 2 AIS will be required. In certain circumstances where it is very likely that there will be no impacts on agricultural resources or industries an AIS will not be required – see **Figure 1**.

4. The purpose of an AIS

The purpose of the AIS is to ensure a focused assessment of the potential impacts of exploration activities on agricultural resources or industries. The information provided in the AIS will form a key component of the assessment process in terms of evaluating and avoiding impacts upon agricultural resources or industries. Whilst the Division of Resources & Energy and the Office of Coal Seam Gas within NSW Trade & Investment are the “determining authority” for exploration activities under Part 5 of the EP&A Act, the AIS is referred to the Department of Primary Industries to ensure the agricultural impacts of an exploration activity are appropriately assessed.

Land access arrangements are an important part of the pre-exploration process. Some of the information required in an AIS will also be required as part of the land access arrangement and the gathering of this information can help provide valuable insight about the agricultural resources or industries of the area being explored.

5. What information should be included in an AIS?

The level of detail required in an AIS for exploration activities should reflect the potential risk and impacts of that activity on agricultural resources or industries.

There are two levels of exploration AISs, which are determined by impacts of the exploration project on the quality of the land. A Level 1 exploration AIS is a simplified and targeted consideration of the key issues and potential impacts of an exploration activity. The Level 2 exploration AIS requires some similar information to the Level 1 AIS, but a more comprehensive and detailed examination of risks must be undertaken.

A Level 2 AIS is required for activities located on or within 2km's of strategic agricultural land (SAL) or on land and soil capability (LSC) classes 1-3. LSC reflects the physical capacity of the land to sustain a range of land uses and management practices in the long term without degradation to soil, land, air and water resourcesⁱⁱⁱ and is a component layer of the biophysical strategic agricultural land maps (BSAL).

A map of the exploration authority/title area showing the activity location(s) within this area must also be provided.

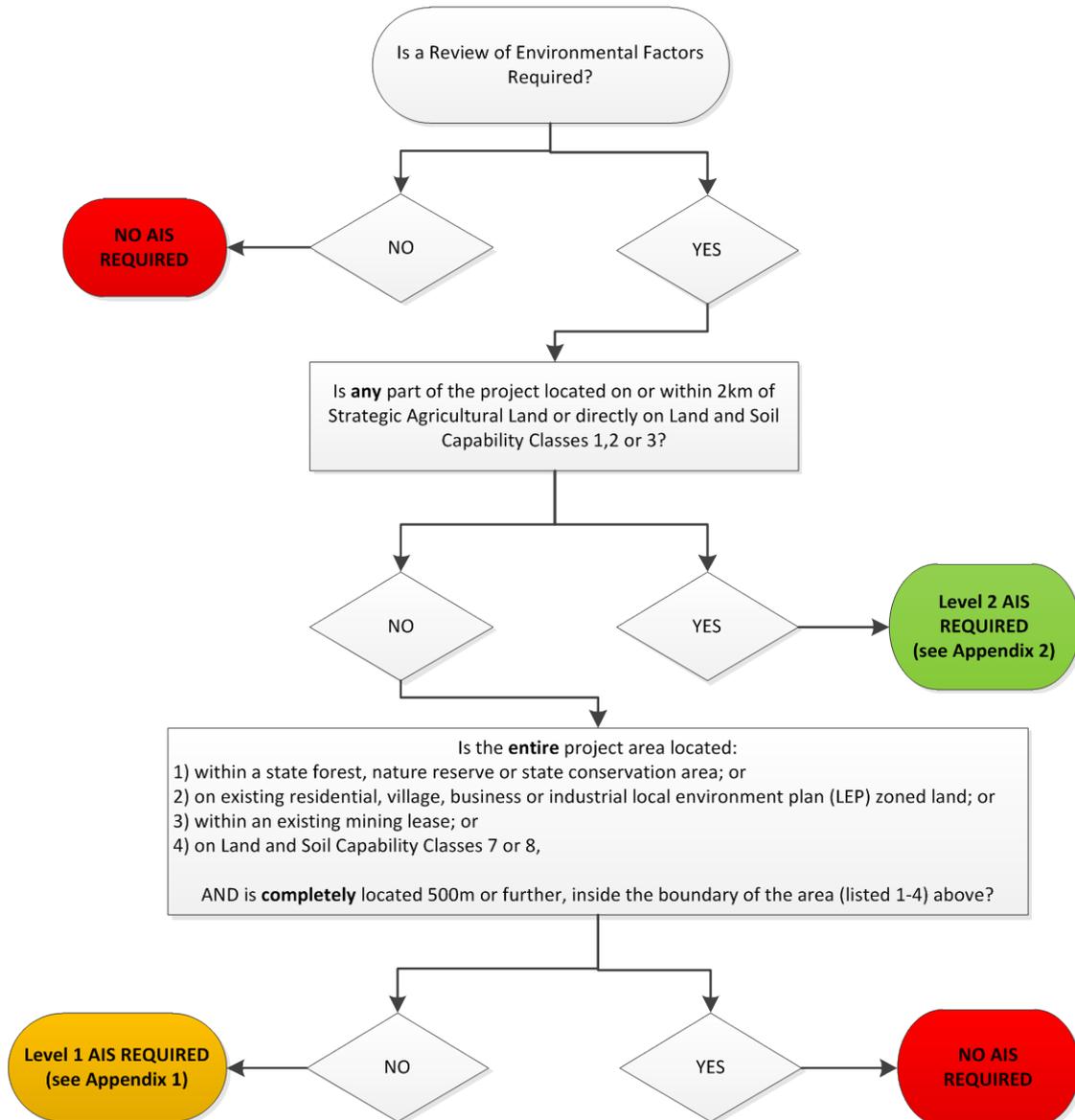
5.1. Level 1 exploration AIS requirements

The issues to be addressed in a Level 1 AIS are provided in **Appendix 1**. The Appendix is designed as a template for ease of use and prompts the proponent to consider the important issues as they relate to the risk associated with exploring on LSC classes 4-8.

5.2. Level 2 exploration AIS requirements

Proponents that are required to undertake a Level 2 exploration AIS are expected to examine and address the points outlined in **Appendix 2** in detail.

Figure 1: Determining when and what level of AIS is required for Mineral or Petroleum Exploration.



6. Information resources

Further information relating to the preparation of Agricultural Impact Statements, or the Strategic Regional Land Use Policy, please visit:

- Department of Primary Industries website: www.dpi.nsw.gov.au
- Department of Planning & Environment website: www.planning.nsw.gov.au
- Division of Resources & Energy website: www.resourcesandenergy.nsw.gov.au

Digital data for maps of SAL can be sourced from: <http://www.planning.nsw.gov.au/spatial-data-download>.

Maps of Land and Soil Capability, State Forests, Nature Reserves and State Conservation Areas can be sourced from OEH's, eSPADE tool: <http://www.environment.nsw.gov.au/eSpadeWebapp/>)

Land Access Arrangement Information (Minerals):

http://www.resourcesandenergy.nsw.gov.au/__data/assets/pdf_file/0005/470174/Land-Access-Information-for-Mineral-Exploration-v2-June-2013.pdf

Agricultural biosecurity information can be sourced from:

- <http://www.planthealthaustralia.com.au/industries/>
- <http://www.farmbiosecurity.com.au/>
- <http://www.dpi.nsw.gov.au/biosecurity/plant/permits>

The Best Management Practices “myBMP” program is the environmental, safety and biosecurity management system used by growers. See www.mybmp.com.au.

Further information on Environmental Planning Instruments such as LEPs can be sourced from: <http://www.legislation.nsw.gov.au>

Appendix 1: Issues to be addressed in a Level 1 Exploration AIS

	Issue	Response
1	Describe the nature, location, intensity and duration of the proposed exploration activity and include a map of the exploration area.	<ul style="list-style-type: none"> • <i>Type of exploration activity, area disturbed</i> • <i>Location</i> • <i>Duration</i> • <i>Hours of operation</i> • <i>Timing / season</i>
2	Describe the nature and location of agricultural resources or industries with the potential to be impacted by the proposed exploration activity.	<ul style="list-style-type: none"> • <i>Soil type, fertility, land and soil capability</i> • <i>Water resources</i> • <i>Agricultural enterprises</i>
3	Identify and describe the nature, duration and consequence of any potential impacts on agricultural resources or industries.	<ul style="list-style-type: none"> • <i>How will the activity described above under item 1, impact on the agricultural resources and enterprises described under item 2? Eg. including but not limited to potential weeds, dust, noise, vibration, bush fire, traffic conditions and socio-economic impacts</i> • <i>How will the impacts be mitigated?</i>
4	Outline how and when any disturbance resulting from the exploration activity will be rehabilitated.	<ul style="list-style-type: none"> • <i>How and when will rehabilitation take place?</i>

Additional Considerations:

5	<p>Location of the project to sensitive agricultural activities</p> <p>Sensitive agricultural activities may include:</p> <ul style="list-style-type: none"> • Intensive plant agriculture such as orchards and vineyards, • Intensive livestock agriculture located with 1km of exploration activities; • Breeding paddocks (e.g. lambing paddocks) located within 300m of exploration activities. 	<ul style="list-style-type: none"> • <i>Describe any sensitive agricultural activities that may be in close proximity to the activity</i> • <i>How will impacts from the activity be avoided /managed / mitigated?</i>
6	<p>Agricultural biosecurity</p> <p>Exploration activities should consider enterprise specific industry biosecurity plans (e.g. viticulture, cotton, equine, grains, feedlots, poultry industries).</p>	<ul style="list-style-type: none"> • <i>Describe any biosecurity risks associated with the activity at that location</i> • <i>What measures will be put in place to address these risks?</i>
7	<p>Accounting for the use of water</p> <p>If more than 3 ML of water will be taken per year (as a result of cumulative exploration activities within the exploration authority/title area).</p>	<ul style="list-style-type: none"> • <i>Describe surface and groundwater sources likely to be affected by the activity</i> • <i>Detail the water users that could be impacted</i> • <i>Describe the quantity of water to be used, produced, stored & disposed</i> • <i>Describe impacts on water quality</i> • <i>Detail any reuse of water</i> • <i>Detail how water will be collected, treated and disposed/discharged, including mitigation measures.</i>

Appendix 2: Issues to be addressed in a Level 2 Exploration AIS

Proponents who are required to undertake a Level 2 exploration AIS are expected to examine and address the points listed below in detail:

1. the nature, location, intensity and duration of the proposed exploration activity;
2. the nature and location of **agricultural resources or industries** that may be potentially impacted by the proposed exploration activity;
3. the nature, duration, consequences and related risks of any potential impacts (positive or negative, including but not limited to and where relevant, weeds, dust, noise, vibration, traffic conditions and socio-economic impacts) on the **agricultural resources or industries** described above;
4. the mitigation measures (including agricultural biosecurity measures) that will be implemented to reduce or remove the potential impacts identified above; and
5. how and when any disturbance resulting from the exploration activity will be rehabilitated.

Proponents will also need to examine and address **sections 2.1- 2.5** below. If these considerations are not applicable, the AIS should clearly state that this is the case and explain why.

2.1 Strategic Agricultural Land (SAL)

SAL is either a Critical Industry Clusters (CIC) or Biophysical Strategic Agricultural Land (BSAL), as per the Strategic Regional Land Use Policy. SAL is identified on the current regional maps that are available from: <http://www.legislation.nsw.gov.au/mapindex?type=epi&year=2007&no=65>.

For exploration activities located on or within 2 kilometres of mapped SAL, specific information is required outlining any possible impacts the proposed exploration activity will have on SAL as well as the mitigation measures to be employed to minimise or prevent impacts on SAL.

Details of the rehabilitation plan are also required outlining how the rehabilitation will be carried out, and what the final rehabilitation outcomes will achieve.

2.2 Sensitive agricultural activities

For exploration activities located on land close to sensitive agricultural activities such as:

- On intensive plant agriculture such as orchards and vineyards, or
- within 1km of intensive livestock agriculture, or
- within 300m of breeding paddocks (e.g. lambing paddocks).

The Level 2 AIS also needs to provide details regarding the sensitive agricultural enterprises located on and surrounding the exploration activity area. This information should cover possible impacts on the operation of these enterprises as well as the specific mitigation measures that will be employed to minimise or prevent impacts.

These agricultural activities could be sensitive to certain exploration activities, some only seasonally; some year round and the nature and management of these impacts should be discussed with the affected landholders.

2.3 Agricultural biosecurity

On-farm, local, state-wide and national biosecurity issues may need to be considered in the Level 2 AIS depending on the type of exploration activity being undertaken, the equipment required for the exploration and the location of the area involved. Biosecurity is a critical issue for many agricultural enterprises and needs to be given appropriate emphasis in the Level 2 AIS process.

Exploration activities should consider enterprise specific industry biosecurity plans (e.g. viticulture, cotton, equine, grains, feedlots, poultry industries). Information on how biosecurity best practice will be implemented should be explained in the Level 2 AIS (see **6.0 Information resources** in this guideline for further information).

Exploration vehicles and equipment being moved into NSW or moved within NSW may need to be inspected and certified clean (under the *Plant Diseases Act 1924* and *Noxious Weeds Act 1993*). See: <http://www.dpi.nsw.gov.au/biosecurity/plant/permits> for more information.

2.4 Accounting for the take of water

If more than 3 ML of water will be taken per year (as a result of cumulative exploration activities within the exploration authority/title area)(even if incidentally), this requires a water access licence unless taken according to an exemption in the *Water Management (General) Regulation 2011*.

If water for the exploration activity exceeding 3ML per annum is to be drawn from agriculture, either from specific locations (e.g. from dams or bores) or transferred (e.g. from water licences), the volumes of water and the impacts of this removal of water from agricultural use should be identified in the Level 2 AIS.

The assessment should examine any impacts on:

- Availability of water, including sources and user impacts;
- Reliability of water during times of drought or low stream flows;
- Aquifers, guided by the minimal impact considerations of the NSW Aquifer Interference Policy (<http://www.water.nsw.gov.au/Water-management/Law-and-policy/Key-policies/Aquifer-interference/Aquifer-interference>);
- Water quality; and
- The trading market - both in terms of availability of water, and impacts to the price of water.

If water is to be produced by the exploration activity and used for agricultural purposes, then the quantity of water being produced as well as the storage, quality (treatment if required) and disposal methods must also be described.

2.5 Consultation

In a Level 2 AIS, consultation should be presented in the context of the rural community and should list the issues discussed and outcomes of the consultation. The level and type of consultation to be undertaken will depend on the specific exploration program and the scale of the project.

Stakeholders expected to be consulted include:

- immediately adjoining and directly impacted landholders.

Further, explorers are strongly encouraged to consult with:

- the local rural community; and
- other rural stakeholders (e.g. local farmer or agricultural producer groups/businesses, water users groups).

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (August 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

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ⁱ Section 111 of the EP&A Act.

ⁱⁱ Clause 228(d) *Environmental Planning and Assessment Regulation 2000*

ⁱⁱⁱ <http://www.environment.nsw.gov.au/soils/20120394lsc2spubslandingpage.htm>