



10 October 2016

Research Director
Agriculture and Environment Committee
Parliament House
BRISBANE QLD 4000

Via aec@parliament.qld.gov.au

To whom it may concern,

Adani Mining Pty Ltd (Adani) makes the following submission on the *Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016* (the Bill) for your consideration.

Adani is proposing to develop the Carmichael Coal Project (the Project) in the Galilee Basin, along with associated rail, water and port infrastructure. These projects represent a significant long term social and economic investment in Queensland.

The Project will intercept and use groundwater associated with mining activities and has yet to receive a water allocation therefore proposed transitional arrangements under the Bill for "advanced projects" apply to the Project.

To date Adani has completed all major project approvals (see attached) for the Project, having commenced this process in 2010. These approvals have comprehensively considered and conditioned on groundwater matters, which have been the subject of considerable public input and third party review

Adani brings to the attention of the committee the assessments, studies, consultation and third party review which underpinned those approvals including:

- An Environmental Impact Statement (EIS) to address both Commonwealth and State requirements, including assessment of environmental and social impacts related to groundwater resources;
- Review of groundwater studies by the Commonwealth Independent Expert Scientific Committee and subsequent responses made by Adani to satisfy the committee;
- As required by Commonwealth conditioning, repeated groundwater modelling and independent review which subsequently validated EIS findings;



- Offered and entering into "Make Good Agreements" with landholders whose groundwater resources may be potentially impacted;
- Over 50 business days of public consultation on the EIS, and additional 40 business days for the Mining Lease and Environmental Authority process;
- Third party appeals satisfied through the Queensland Land Court process, which significantly scrutinised and subsequently made no additional recommendations with respect to groundwater matters.

Despite effectively having already met the range of considerations that the Government has indicated the Bill is seeking (namely detailed examination, consultation processes and third party review), with respect to proposed transitional provisions contained within the Bill, Adani notes that these would introduce a duplication of processes already completed for the Project at a very late stage in our approvals and development process.

Adani notes that this duplication could also introduce the risk of perverse outcomes, such as potentially conflicting approval conditions or requirements. And, a repetitive process is unlikely to increase the quality of environmental protection or the protection of other groundwater users. Instead, it will likely lead to consultation fatigue for stakeholders and further delays and costs associated with strategic appeals through a new process introduced by the Bill.

For these reasons, Adani supports the Queensland Resources Council's submission including the requirement for more certainty concerning transitional arrangements for well advanced projects.

Importantly, there can be no question that the Project has been thoroughly examined, consulted upon, conditioned and reviewed by court in respect of groundwater among other considerations. Far from avoiding scrutiny, by any measure the Project has been among the most scrutinised and reviewed of any Queensland resource project.

As we have publicly stated, Adani requires approvals certainty to progress development of the Project.

Given that the relevant assessment material on groundwater impacts has already been thoroughly tested to date by Commonwealth and Queensland government agencies and provided for public consultation and merits review by third parties in the Queensland Land Court, the transitional provisions do not provide approvals certainty for advanced project such as the Carmichael Coal Project.

Yours sincerely,

A handwritten signature in black ink, appearing to read "H Manzi", written in a cursive style.

Hamish Manzi
Head - Environment and Sustainability



Attachment

Approvals Granted

- Approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* received on 14 October 2015
- Coordinator General's Evaluation Report under the *State Development and Public Works Organisation Act 1971* received on 8 May 2014
- Environmental Authority under the *Environmental Protection Act 1994* received on 2 February 2016
- Mining Leases under the *Mineral Resources Act 1989* received on 3 April 2016

Assessment and Third party processes completed with respect to Groundwater

- The Project was gazetted as a coordinated project under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) in 2011, and under which a bilateral environmental impact statement process was completed in 2014 against the SDPWO Act and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
- The Final terms of reference for the environmental impact statement issued for the Project (May 2011) has set out several requirements in Part B Section 3.4 that the proponent should address in the EIS which are specific to groundwater which includes –
 - assess the potential take of water from the aquifer and how current users will be affected
 - assess potential impacts, including long-term direct and indirect impacts of the project on water resources relevant to the region.
- The EIS (all of which is publicly available) included:
 - Extensive assessment of potential and actual hydrogeological impacts (environmental and socio-economic) including:
 - EIS Volume 1 Section: Water Resources.
 - EIS Volume 4 Section R: Mine Hydrogeology Report
 - SEIS Volume 2 – Mine: Specific responses provided in response to agency and community consultation on matters including groundwater
 - Supplementary EIS (SEIS) Volume 4 Appendix K1: Mine Hydrogeology
 - SEIS Volume 4 Appendix K6: Mine Hydrogeology Report Addendum
 - SEIS Volume 4 Appendix K7: Numerical Groundwater Model Peer Review
 - SEIS Volume 4 Appendix K8: Groundwater Model Peer Review Comments;
 - Review and advice from the Independent Expert Scientific Committee [IESC] about the groundwater impact assessment, and subsequent additional assessment to respond to this advice;
 - Multiple public consultation periods for government and third party submission, for a period of over 50 business days;



- Following Commonwealth and Queensland Agency review of the SEIS assessments and technical reports, Adani was requested to provide additional information to the EIS and SEIS materials, across a number of matters including groundwater. Relevant deliverables included:
 - Additional Environmental Impact Statement (AEIS) Draft Groundwater Monitoring Program
 - AEIS technical response to IESC feedback
- A Coordinator-General's evaluation report issued in May 2014 that:
 - stated the environmental impact assessment requirements of the SDPWO Act were met and sufficient information was provided to enable a thorough evaluation of the potential impacts of the project;
 - took into consideration advice from the IESC;
 - recommended the Project proceed, subject to conditions and recommendations - including those relating to groundwater monitoring and management;
- Approval granted by the Federal Minister for the Environment for the Project pursuant to the *Environment Protection and Biodiversity Conservation Act 1999* with extensive conditions relating to groundwater impact thresholds, groundwater monitoring, management, research and offsets;
- Merits review hearing of the EIS, SEIS and AEIS studies, assessment and conditions relating to groundwater matters in the Queensland Land Court in response to third party objections (note that no objections were raised by landholders) on potential environmental and socio-economic impacts to groundwater resources amongst other matters. Including;
 - As a result of objections lodged with respect to the Mining Leases and the Environmental Authority, the Land Court heard extensive evidence on and was required to consider a range of matters in relation to groundwater including:
 - Potential impacts on groundwater dependent ecosystems
 - Source aquifers for groundwater dependent ecosystems
 - Hydrogeological, hydraulic and hydrochemistry characteristics
 - Groundwater levels and thresholds
 - Regional geology in the vicinity of the Project
 - Groundwater modelling undertaken
 - The subsequent Queensland Land Court judgement in December 2015 concluded the validity and credibility of the groundwater impact assessment undertaken with no orders with respect to existing groundwater conditions for the project, and recommending the grant of Mining Leases and issue of the Environmental Authority.
- Amongst the broad conditioning set out in the Environmental Authority to allow the listed environmentally relevant activities to occur, are substantial conditions specific to groundwater management and monitoring