



**NEW HOPE
GROUP**

Submission No. 32
Received 07 October 2016
NEW HOPE GROUP
(a division of New Hope Corporation Limited)
ABN: 38 010 653 844

YOUR REF:
OUR REF:

7 October 2016

Mr Rob Hansen
Research Director
Agriculture and Environment Committee
Parliament House
BRISBANE QLD 4000

aec@parliament.qld.gov.au

Dear Mr Hansen,

Thank you for the opportunity to provide a submission on the Environmental Protection (Underground Water Management) and Other Legislation Amendment (EPOLA) Bill 2016.

When Minister Miles presented EPOLA to the House, the emphasis was put on the fact that EPOLA would strengthen the assessment undertaken as part of an environmental authority application and that in the future, the environmental impacts of groundwater extraction by any mining operator will be addressed by this process, providing a streamlined process for the mining industry: "one process of scrutiny and objections before the courts". This is a common-sense approach.

New Hope Group (NHG) is supportive of this approach and of the policy objectives of EPOLA which are:

- strengthening the effectiveness of the environmental assessment of underground water extraction by resource projects;
- allow ongoing scrutiny of environmental impacts of underground water extraction during the operational phase;
- improving the make good framework;
- ensuring EHP is the decision maker for specific applications relating to environmental authorities;
- ensuring the impacts of mining projects that are advanced in the approvals process are appropriately assessed for their impacts on the environment and underground water users; and
- providing opportunities for public submissions and third party appeal prior to interfering or taking of underground water.

REGISTERED OFFICE

P: PO Box 47, Ipswich, QLD Australia 4305
A: 3/22 Magnolia Drive, Brookwater, QLD Australia 4300
T: +61 7 3418 0500 F: +61 7 3418 0355 W: newhopegroup.com.au

CONTACT DETAILS

P: +61 7 3418 0565
M: +61 408 713 831
E: hkljaic@newhopegroup.com.au

DOCUMENT INFO

Page 1 of 3
A394293

EPOLA also introduces transitional provisions in the form of a requirement to obtain an Associated Water Licence (AWL) with the intent of providing continuity and stability for business' that have existing project proposals on hand which are well advanced in their approvals process.

The explanation behind the need for an AWL is that if a proposed development has started the approvals process requiring a water licence it can continue through the same process. However, in practice, a problem arises when you view this approach in the context of what has happened in the last few years in the underground water assessment space at Federal and State level.

In mid-2013, the Federal Government introduced new controlling provisions under the Environmental Protection and Biodiversity and Conservation Act 1999 (EPBC Act), the so called "water trigger", which require CSG and large coal mine proponents to undertake a groundwater assessment for environmental impacts and impacts on other underground water users.

Projects that have gone through an EIS process under the Bilateral Agreement after 2013 had to undertake this assessment.

In addition, in 2014 the State Government introduced the Water Reform and Other Legislation Amendment Act 2014 (WROLA) and even though it has not commenced yet, project proponents and assessing agencies have been taking it into account.

"Coordinated Projects" that went through the EIS process during 2013-2014 under the Bilateral Agreement after 2013, have not only gone through the assessment process, but have also had conditions imposed, stated or recommended by the Coordinator General, negotiated with the Department of the Environment and Energy and also with the Department of Natural Resources and Mines which have then flowed into the final draft Environmental Authorities.

For a number of advanced mining projects that have assessed the impacts on the environment and on underground water users as previously described, there have been already many opportunities for public submissions such as during the EIS, the Additional EIS stages and through the public notification of the final draft Environmental Authority. In some instances some advanced mining projects have also been referred to Land Court pursuant to s 185 of the Environmental Protection Act 1994 (EP Act) on the same basis.

NHG believes that the transitional provisions in EPOLA should be amended to acknowledge that some advanced mining projects have already achieved the policy objectives of EPOLA and therefore it is proposed that these projects would require:

- to apply for an associated water licence
- the application to be publicly notified (with third parties able to make submissions)
- that submitters be provided with the information notice on the decision on the application

REGISTERED OFFICE

P: PO Box 47, Ipswich, QLD Australia 4305
 A: 3/22 Magnolia Drive, Brookwater, QLD Australia 4300
 T: +61 7 3418 0500 F: +61 7 3418 0355 W: newhopegroup.com.au

CONTACT DETAILS

P: +61 7 3418 0565
 M: +61 408 713 831
 E: hkljaic@newhopegroup.com.au

DOCUMENT INFO

Page 2 of 3
 A394293

However:

- remove the right for a submitter to seek internal review or appeal the licence to the Land Court where the EA application has already been referred to the Land Court prior to commencement of these provisions.

EPOLA also contains proposed amendments to the Water Act 2000 to ensure that there can be ongoing scrutiny of underground water during the operational phase. It is important to make sure that clear guidelines on when and what would trigger amendments of the environmental authority are developed.

NHG confirms this submission may be made public.

Please contact Kylie Gomez Gane, Manager Environment, Policy and Approvals on [REDACTED] for further information on this matter.

Yours faithfully,
NEW HOPE GROUP



SHANE STEPHAN
Managing Director

REGISTERED OFFICE

P: PO Box 47, Ipswich, QLD Australia 4305
A: 3/22 Magnolia Drive, Brookwater, QLD Australia 4300
T: +61 7 3418 0500 F: +61 7 3418 0355 W: newhopegroup.com.au

CONTACT DETAILS

P: +61 7 3418 0565
M: +61 408 713 831
E: hkljaic@newhopegroup.com.au

DOCUMENT INFO

Page 3 of 3
A394293

