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Submission to the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill 2016

Dear Sir or Madam,

WWF-Australia welcomes the opportunity to provide this submission to the Environmental Protection (Underground Water Management) and Other Legislation Amendment Bill (EP(UWM)aOLA Bill), which is being examined by the Agriculture and Resource Committee.

We support the proposed amendments to the Water and Environmental Protection Acts in the EP(UWM)aOLA Bill, as they will significantly improve how impacts to groundwater that occur from exercising underground water rights are managed. However, there are other issues that must be addressed in the EP(UWM)aOLA Bill to ensure that exercising of underground water rights by proponents of resource projects and activities does not cause adverse socioeconomic or environmental impacts.

Other key issues that must be addressed under the EP(UWM)aOLA Bill to ensure that Queensland's groundwater resources are protected and sustainably managed include:

1. Apply Ecological Sustainable Development (ESD) principles to applications for associated water licences

Under the *Water Act 2000*, applications for water entitlements (including licences) by farmers and other water users are assessed against the principles of ESD to ensure the take of Queensland's water resources for consumptive purposes is ecologically sustainable and considers the water use requirements of future generations.

Despite applying to the assessment of water licences for farmers and other water users, applications by proponents of mining projects for the proposed associated water licence under clause 36 of the EP(UWM)aOLA Bill will not be assessed against the principles of ESD.

As applications for associated water licences are not assessed against ESD principles, there is a significant risk that the take of groundwater authorised under the associated water licence will be unsustainable, which will potentially result in:

- Reducing the reliability of existing water user's entitlements, which may cause substantial socioeconomic impacts
- Cause significant adverse impacts to the environmental values of surface and underground water resources
- Significantly alter catchment hydrology, which is likely to cause a wide range of adverse socioeconomic and environmental impacts

Without applying the principles of ESD, the assessment of an associated water licence will be significantly weaker than the process that currently applies under the *Water Act 2000* when mining companies apply for a water licence.

Recommendation

- Amend the clause 36 (s1250E) of the EP(UWM)aOLA Bill to include the require for applications for associated water licences to be assessed against Ecological Sustainable Development principles

2. Include applications for standard Environmental Authority's in new s126A of the Environmental Protection Act

Clause 5 of the Bill introduces a new section into the Environmental Protection Act 1994, which outlines the information that must be provided and other criteria that must be addressed in applications for site-specific Environmental Authorities for resource projects and activities.

Proponents of certain types of mining projects are able to apply for an Environmental Authority under a standard or variation application, and they will therefore not be required to comply with the requirements of the proposed new s126A of the Environmental Protection Act under clause 5 of the EP(UWM)aOLA Bill.

Given that adverse impacts to groundwater can potentially occur from resource projects and activities with an Environmental Authority granted under the standard criteria, it is essential that standard and variation Environmental Authority applications must comply with the requirements under clause 5 of the bill to ensure that a consistent approach is taken under the Environmental Protection Act to managing adverse impacts potentially caused to groundwater by all resource projects and activities.

Recommendation

- Amend clause 5 of the EP(UWM)aOLA Bill such that it applies to all standard, variation and site-specific applications for Environmental Authorities for resource projects and resource activities in the new s126A of the Environmental Protection Act

3. Assessment of cumulative impacts

Due to the high risk of cumulative impacts occurring to groundwater from individual and multiple mining projects, the EP(UWM)aOLA Bill must contain provisions requiring proponents of mining projects to provide an analysis of the potential cumulative impacts that could occur to regional groundwater from theirs and other nearby mining projects when applying for standard and site-specific Environmental Authority's.

Applications for an Environmental Authority for resource projects and activities that contribute to unacceptable cumulative impacts to groundwater environmental values should not be approved.

Recommendation

- Amend Clause 5 (new s126A in EP Act) of the EP(UWM)aOLA Bill to include the requirement that proponents of resource projects and activities must provide an analysis of potential cumulative impacts to groundwater when applying for standard and site-specific Environmental Authority's under the Environmental Protection Act

4. Include requirement to make good impacts that occur to groundwater environmental values from exercising of underground water rights

Under Chapter 3 of the Water Act, proponents of mining projects must include a spring impact management strategy in the Underground Water Impact Reports they are required to provide.

However, due to the significant risk that measures in spring impact management strategies will not prevent adverse impacts to springs and other groundwater environmental values from occurring, adverse impacts that inadvertently occur to springs and other groundwater environmental values as result of the exercising of underground water rights must be made good by the responsible proponent.

Options to make good adverse impacts that have occurred to springs and other groundwater environmental values includes the responsible proponent providing an equivalent offset and being required to rehabilitate any residual adverse impacts to springs and other groundwater environmental values. Resource projects and activities that cause adverse impacts to springs and other groundwater environmental values which cannot be offset or made good (rehabitated) should not be approved.

Recommendation

- Amend the EP(UWM)aOLA Bill to include provisions in the *Environmental Offsets Act 2014* and other relevant legislation to require proponents of mining projects to offset and make good (rehabilitate) impacts to groundwater environmental values that have occurred from exercising underground water rights

5. Conclusion

Whilst our organisation is supportive of the EP(UWM)aOLA Bill, we believe the ability to protect and manage Queensland's groundwater resources will be significantly enhanced through the adoption of the abovementioned recommendations.

WWF-Australia would appreciate the opportunity to appear before the committee to further discuss the issues raised in this submission and; please do not hesitate to contact me should you require any further information or clarification regarding the matters raised in this submission.

Yours sincerely,

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