

STRATEGIC REGIONAL LAND USE POLICY

Guideline for Agricultural Impact Statements

The requirement for an Agricultural Impact Statement (AIS) applies to mining and petroleum (including coal seam gas) exploration activity requiring approval under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and all State Significant Development applications for mining and petroleum (including coal seam gas).

This guideline has been prepared to assist applicants and others understand the information required for an AIS for State Significant Development applications.

The information requirements for an AIS for exploration activities are outlined in the Guideline for Agricultural Impact Statements at the Exploration Stage and is available on the Department of Trade, Investment, Regional Infrastructure and Services [website](#).

INTRODUCTION

Some areas of regional 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 has delivered its Strategic Regional Land Use Policy, which sets 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.

A key element of the Strategic Regional Land Use Policy is the identification and mapping of Strategic Agricultural Land across the entire State. This mapping will be incorporated into either a new Strategic Regional Land Use Plan or via the review of existing Regional Strategies, some of which are already underway.

Strategic agricultural land mapping has now been completed for the Upper Hunter and New England North West regions through finalised Strategic Regional Land Use Plans and will be included in an amendment to *State Environmental Planning Policy (Mining, Petroleum Production and Extractive industries) 2007* (the Mining SEPP).

REQUIREMENT FOR AN AGRICULTURAL IMPACT STATEMENT

Since November 2011, all new State Significant Development applications for mining and petroleum (including coal seam gas) projects (as well as applications for associated State Significant Infrastructure such as pipelines) with the potential to affect agricultural resources or industries have been required to submit an Agricultural Impact Statement (AIS) as part of the Environmental Impact Statement (EIS) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This applies whether the proposal is located on strategic agricultural land (SAL) or not.

Additionally, an AIS is required for exploration activities subject to further approval under the Mining Act 1992 or the Petroleum (Onshore) Act 1991 and submission of a Review of Environmental Factors (REF) for assessment under Part 5 of the EP&A Act.

Local councils should also consider the need for an explicit assessment of the agricultural impacts of any mining and petroleum (including coal seam gas) projects for which they are the consent authority.

THE PURPOSE OF AN AIS

The purpose of an AIS is to ensure a focused assessment of the potential impacts of mining and petroleum (including coal seam gas) projects and exploration activities on agricultural resources or industries.

The term 'agricultural resources or industries' is used to describe the land on which agriculture is dependent and the associated water resources (quality and quantity) that are linked to that land. The term 'agricultural industries' means industries that produce plants or livestock or are directly associated service, processing or marketing industries commercially reliant on agricultural products.

The information will form a key component of the assessment process in terms of evaluating and avoiding impacts on and loss of agricultural lands.

The assessment of agricultural impacts forms one part of a balanced assessment of the project.

A merit assessment of the AIS will be undertaken by the approval authority, in consultation with the Office of Agricultural Sustainability and Food Security, to determine:

- the value of the agricultural resources and associated enterprises to be impacted
- the impact of the project on agricultural resources and enterprises
- whether the impacts are unacceptable and should be avoided.

Submissions received from the Office of Agricultural Sustainability and Food Security in response to consultation will be made publicly available on the approval authority's website.

All AISs should demonstrate that the project design considers and minimises potential impacts on agricultural lands or industries.

Projects located on or within 2 kilometres of SAL must further demonstrate that they will not have

significant or unacceptable detrimental impacts on agricultural lands or industries which have been identified as SAL (see pages 3 and 4).

An AIS will not be a requirement for projects that do not have the potential to affect agricultural resources.

WHAT SHOULD BE INCLUDED IN AN AIS

For State Significant mining and petroleum (including coal seam gas) development applications and relevant State Significant Infrastructure proposals, the Director-General's Requirements (DGRs) will identify the matters which should be considered for each individual project. In relation to agricultural impacts, the following matters will be required to be considered unless varied by the DGRs:

Information relating to the site and region

Detailed assessment of the agricultural resources and agricultural production of the project area

This baseline information will help in determining the direct on-site impacts of the project on agriculture. The information will also guide project closure and rehabilitation criteria in the event the proposal is approved.

This section should include detailed information (including maps) on the soils, slope, land characteristics, water characteristics (availability, quality) and relevant history of the agricultural enterprises from within the project area and also surrounding land acquired as part of the development's buffer and/or offset zone.

For the project area this should include a description of:

- any land identified as SAL in a Strategic Regional Land Use Plan on or within two kilometres of the project site (SAL will be further identified in an amendment to the Mining SEPP);
- the location and area of land to be temporarily removed from agriculture

- during operation of the project, and the period of time;
- the location and area of land to be returned to agricultural use post-project, and its productive potential relative to pre-project;
- the location and area of land that will not be returned to agriculture, including areas to be used for environmental plantings or biodiversity offsets; and
- the agricultural enterprises to be undertaken on any buffer and/or offset zone lands for the life of the project, and comparison with enterprises undertaken on the land prior to the project.

Identification of the agricultural resources and current agricultural enterprises within the surrounding locality of the project area

The information on the agricultural resources and enterprises helps in understanding the current and potential production in the area. Information on current agricultural enterprises helps to identify potentially affected users.

Agricultural resources

The AIS must contain maps/information for areas within the locality surrounding the project describing existing agricultural resources. This should include:

- soil characteristics, including soil types and depth;
- topography/slope;
- key agricultural support infrastructure (e.g. roads, railways, processing facilities);
- water resources and other water users' extraction locations;
- location and type of agricultural industries; and
- climate conditions.

Current agricultural enterprises

Describe the location and production levels of each commodity produced by all agricultural enterprises within the locality surrounding the project area. Only information that is publicly available need be provided in the AIS.

Commercial-in-confidence information is not required.

Assessment of Impacts

Identification and assessment of the impacts of the project on agricultural resources or industries

The AIS should identify any adverse impacts (including cumulative impacts) on agricultural resources and production on the site and in the local area during the operation and post-operation phases of the project.

The AIS should include a risk-based assessment (guided by the DGRs) of:

- the effects of the project on agricultural resources;
- consequential productivity effects of this on agricultural enterprises, including productivity impacts of any water moved away from agriculture and any water quality issues as they affect agriculture;
- uncertainty associated with the predicted impacts and mitigation measures and the consequences of and likelihood that these uncertainties will be realised; and
- further risks such as weed management, biosecurity, subsidence, dust, noise, vibration and traffic conditions.

The impact assessment relating to agricultural enterprises should extend to farm productivity, land values and flow on impacts to regional communities and the environment.

The AIS should take a holistic view of the proposed development and consider the impacts of all aspects of the proposal. This could include, for example, whether any biodiversity offsets proposed as part of the development would result in a loss or dislocation of agricultural resources or industries.

If the project site is located on or within 2 kilometres of any land identified as SAL in a Strategic Regional Land Use Plan, the AIS must specifically address the potential impacts of the

project on the relevant SAL. This should include a consideration of the relevant Gateway criteria which include matters such as:

- surface area disturbance, subsidence and soils;
- salinity, soil pH and groundwater;
- access to agricultural resources and infrastructure; and
- agricultural scenic and landscape values.

Indicative Gateway criteria are listed in Table 2 of the Upper Hunter and New England North West Strategic Regional Land Use Plans (Gateway criteria and SAL will be further identified in an amendment to the Mining SEPP).

Account for any physical movement of water away from agriculture

Any water that is transferred or will no longer be available for agricultural use as a result of the proposal should be identified and fully accounted for. Where these volumes cannot be fully accounted for, options for mine inflow mitigation measures will need to be identified to the point where the volumes can be accounted for. For each option, a plan of management should address the short and long term consequences, the risks associated with each option and the methods to minimise the risks.

These impacts can vary over time both during the course of a project activity and post-closure. For the latter, identify the manner by which licences may be required to be retained and the period of ongoing impact until such time as a new equilibrium in groundwater resources is reached or some other agreed outcome is attained.

The transferred water needs to be of an appropriate volume, category and location to fully account for any volumetric water impacts. Strategies for accounting for permanent inflows to the mine site during periods of low water availability need to be identified.

The potential impacts of the development on water resources should be assessed against the

minimal impact considerations, consistent with the requirements of the [Aquifer Interference Policy](#).

All predicted impacts should be based on robust modelling.

Assessment of socio-economic impacts

The AIS should include an assessment of the impacts on agricultural support services, processing and value adding industries and regional employment. Where relevant, the AIS should detail critical mass thresholds of agricultural enterprises required to maintain and attract investment in agricultural service industries and infrastructure.

The socio-economic impact assessment must detail agricultural support services and value adding industries relevant to affected agricultural enterprises including potential impacts on local and regional employment.

The socio-economic impact assessment must also address any potential impact on visual amenity, landscape values and tourism infrastructure relied upon by local and regional agricultural enterprises.

Mitigation Measures

Identification of options for minimising adverse impacts on agricultural resources, including agricultural lands, enterprises and infrastructure at the local and regional level

The AIS should document feasible options to avoid, minimise or mitigate potential impacts on agricultural resources including:

- project design review/alternatives;
- proposed monitoring programs to assess predicted versus actual impacts as the project progresses;
- trigger response plans and trigger points at which operations will cease or be modified or remedial actions will occur to address impacts including a process to respond to unforeseen impacts;

- the proposed remedial action to be taken in response to a trigger event;
- the basis for assumptions made about the extent to which remedial actions will address and respond to impacts;
- demonstrated capacity for the rehabilitation of disturbed lands to achieve the final land use and restore natural resources; and
- Demonstrated planning for progressive rehabilitation that minimises the extent of disturbances.

Department of Planning & Infrastructure
website:
www.planning.nsw.gov.au

Department of Trade and Investment, Regional
Infrastructure and Services website:
www.industry.nsw.gov.au

Department of Primary Industries website:
www.dpi.nsw.gov.au

Consultation

Document consultation with adjoining land-users and Government Departments

Effective early engagement with stakeholders is important to clarify potential issues, minimise the risk of conflict and provide additional information to assist with preparation of the AIS. An active and comprehensive engagement with the local community will establish a firm foundation for good relationships and identifying impacts and appropriate mitigation measures.

An AIS should include details of an engagement strategy including:

- consultation undertaken to date, including consultation undertaken at the Exploration Licence stage;
- consultation with relevant government agencies;
- consultation with impacted landholders and community groups;
- the issues identified and measures to address these issues;
- the outcomes of the consultation; and
- any commitments for further consultation.

FOR FURTHER INFORMATION

If you would like further information relating to the preparation of Agricultural Impact Statements, or the Strategic Regional Land Use Plans, you can contact: