

PCU044243

NSW Government Planning and Infrastructure
GPO Box 39,
SYDNEY, NSW 2001

5th May 2013

Attention: Director Mining and Industry Projects
Re: WaterMark Coal Mine
App No: SSD-4975, WaterMark Coal Project

Victor Camilleri ,Camilleri Farms
Email: camillerivac@activ8.net.au
Address: 1868 Pullaming Road
Curlewis
NSW 2381



We made no political donations.

I am a CCAG member and LiverPool Plains land Holder. I object to the Shenhua WaterMark Coal mine. I am in support of the earth Systems submission CCAG.

This submission covers my grave concerns in relation to the proposed open cut coal mine in our region. This venture should not proceed for the following reasons;

- 1) Food is set to become the gold of the future and it is not good business sense to destroy high quality, food producing land in the name of a destructive, extractive industry. In the face of economic uncertainty, food security becomes paramount and this is one of the most fertile regions in NSW.
- 2) A large group of highly reputable international scientists have determined the urgent need for a "carbon budget" to limit the upheaval associated with global warming. They have clearly stated that 80% of known coal reserves must stay in the ground if we are to have a viable future. In this context, the coal miners opening new mines are a rogue industry that jeopardise our future in the name of short term profit. How can this be acceptable when it also seriously impacts food producers.
- 3) These enterprises invariably impact water supply and water quality and this is not an acceptable outcome to those of us farming in this region. Contamination of ground water and the river is a very real threat as is a lowering of the water table and increased salinity.
- 4) There are also well documented threats to human health associated with the nitric oxide used in this industry. Nitrates are a proven carcinogen and nitric oxide is also a major contributor to the problem of greenhouse gases. In fact, the gas associated with blasting is a greenhouse gas 230 times more potent than CO2 (in terms of thickening the blanket of greenhouse gases, trapping more heat and changing our climate).

5) There is a substantial threat to the retention of organic certification in the face of mine contamination. I am a large scale organic producer, as are other growers in the region, and we will be seeking full compensation should our livelihoods be affected by this decision.

6) There is a major question mark about the wind modelling submitted by the miners. After collecting just one year of data they contend that there is no issue with westerly winds in our region. I have lived here for many years and I can assure you that this is a ludicrous suggestion. Westerly winds are a common occurrence from July to October and they will most certainly carry contaminants across the plains.

In Conclusion

We expect that our Government bodies will always act for the greater benefit of our community and in this instance we are desperate for your support. The Chinese government has just introduced serious restrictions of the use of nitric oxide in their own country and we are hopeful that you will recognise a similar need on the Liverpool Plains. Just today we see a major US corporation seeking to buy our Wheat Board. The world is well aware that food production is becoming more important than mining but we are lagging behind in this understanding, locally. I trust you will have the foresight to address this oversight.

Please find Attached supporting letter from organisations that I supply Grains products on the Liverpool plains.

Attachment, 1. The WholeGrain Milling Company

Attachment, 2. Vitasoy Australia Products PTY LTD.



VITASOY AUSTRALIA PRODUCTS PTY LTD

(A Vitasoy International Holdings Ltd & National Foods Joint Venture)

April 22nd 2013

Mr Victor Camilleri
Camilleri Farms P/L
1868 Pullaning Road
Curlewis NSW 2381

Dear Victor,

I am writing regarding the potential impact of coal mining in your area.

You have been a valued supplier to Vitasoy Australia Products for many years with contracts for this coming season for 600MT of graded organic soybeans. You are also one of only two organic soybean providers we currently contract with on the Liverpool Plains.

Whilst we are not in a position to comment specifically on the potential for contamination by mining dust it is important to note that our contracts include a requirement that soybeans sold to us meet the requirements of the Australian Organic Foundation (for organic status) and the Australian Food Standards Code. Anything that compromises the organic or quality status of the soybeans you supply us will result in us being unable to use those soybeans and the cancellation of your contracts for supply with the associated financial implications.

It would be very disappointing, after such a long standing relationship, if you were no longer able to supply us soybeans due to being unable to meet our quality requirements however as you know the soybeans you provide are processed in Australia into high quality premium soymilk which is sold throughout Australia/NZ and we have a clear responsibility to our consumers and regulators to ensure our product meets our claims and the relevant food standards.

If you have any questions regarding any of the above please don't hesitate to contact me.

Yours Sincerely

Anthony Ainsworth
Supply Manager
Vitasoy Australia Products



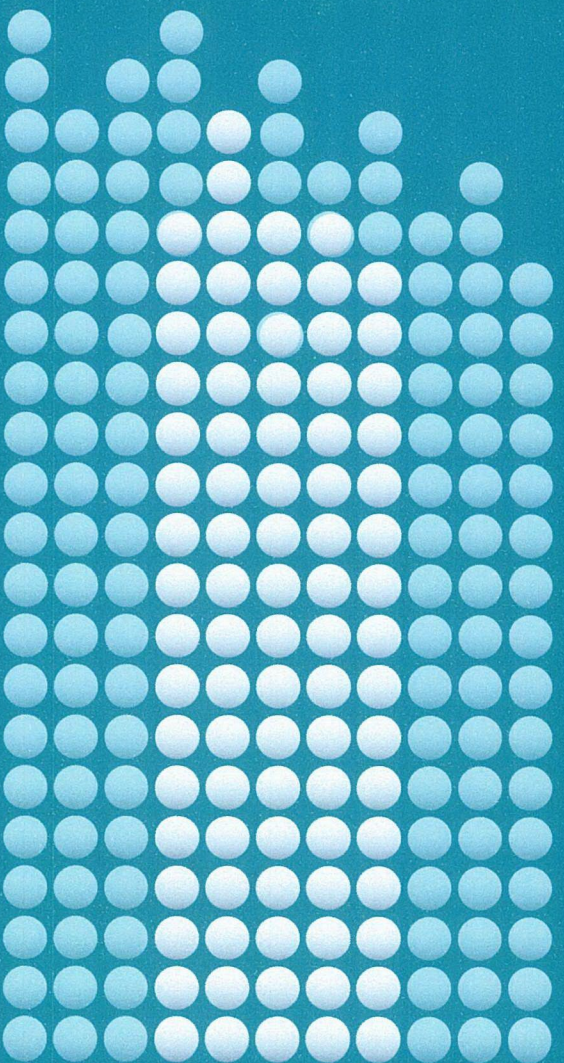
Wholegrain Milling Company Pty Ltd
17-21 Borthistle Road, Gunnedah NSW 2380
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tel: + 61 2 6742 3939 | **fax:** + 61 2 6742 5615
email: admin@wholegrain.com.au | **web:** www.wholegrain.com.au

To whom it may concern,

My company has purchased Certified Organic grains from Camilleri Farms now for several years. It seems that with the introduction of coal mining into the area this will make it very difficult for the Camilleri Family to achieve Certified Organic status hence we will no longer be able to purchase produce from this family.

Craig Neale
Manager
Wholegrain Milling Company Pty Ltd

100% certified
organic flour millers



Dealing with resource development activities

Guidelines for organic producers and resource
development companies

November 2011

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QUESTION

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Acknowledgment and disclaimer

Acknowledgment

The Department of Employment, Economic Development and Innovation wishes to acknowledge and thank Biological Farmers of Australia Ltd (BFA) and clients of BFA's subsidiary company, Australian Certified Organic, for its assistance and support with the production of this publication, including extensive research and consultation with industry stakeholders. For further information regarding organic production and standards, visit www.bfa.com.au.

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The information in these guidelines should not be relied on as legal advice or as a substitute for legal advice. We strongly advise producers to engage solicitors as legal representatives during negotiations, particularly before signing any conduct and compensation agreements. Remember that an agreement will grant legal rights to others and will bind future owners. We also recommend that producers obtain professional financial advice about GST and other tax issues related to any compensation payments received.

Purpose of this document

Resource development affects organic operations differently from other farming systems. These guidelines will:

- explain to organic producers what they need to do to enter into conduct and compensation agreements with mineral or energy resource development companies
- help resource development companies understand organic certification requirements and how certified lands may affect their operations.

These guidelines supplement *Tips for landholders negotiating with resource companies*, which can be downloaded from: www.mines.industry.qld.gov.au.

The land access laws that came into effect on 29 October 2010 set out requirements for resource development companies and landholders regarding access to private land and related compensation. More information about these new laws and the Land Access Code can be found at www.mines.industry.qld.gov.au.

The Queensland Government has developed a standard conduct and compensation agreement and a standard deferral agreement. These will help producers prepare contracts and negotiate with resource development companies. Producers can obtain these agreements from the Department of Employment, Economic Development and Innovation by calling 13 25 23.

Resource development companies are required by law to compensate producers for the reasonable and necessary costs incurred in negotiating and preparing conduct and compensation agreements. These include costs for accountancy and valuation services.

Organic producers in other Australian states will need to refer to their relevant state agencies for information about regulation of resource companies and requirements for conduct and compensation agreements.

The *Mineral Resources Act 1989*, the *Petroleum Act 1923* and the *Petroleum and Gas (Production and Safety) Act 2004* classify petroleum and gas activity on organic or bio-organic farms as an **advanced activity**. This means that there is no scope for resource development companies to conduct preliminary activities on an organic or bio-organic farm. Before a resource development company enters an organic or bio-organic farm to conduct activities, the company must enter into a **conduct and compensation agreement** or a **deferral agreement** with the landholder or, if such an agreement cannot be negotiated, commence proceedings in the Land Court.

What is organic farming?

Organic farming is a form of agriculture that avoids using synthetic chemicals, artificial fertilisers or genetically modified organisms. Organic certification and standards can only be achieved through the adoption of environmentally sustainable practices.

According to section 4 of the Australian Certified Organic standard, basic principles of organic farming include:

- achieving optimum quantities of produce and food of high nutritional quality without using artificial fertilisers or synthetic chemicals
- preferring renewable resources and conserving energy, soil and water
- minimising the use of non-renewable resources and avoiding polluting activities.

Organic producers may be certified to varying international standards for their targeted markets. As a result, they may have different requirements for compliance. All inputs into certified lands (i.e. materials brought onto the property) must comply with the requirements of their specific certification; any noncompliant input may lead to loss of certification (decertification) of that land and associated production for an extended period.

Relevant certification standards are as follows:

- the domestic Australian Standard (AS6000)
- the National Standard for Organic and Biodynamic Produce (NS2009)
- the Australian Certified Organic Standard (ACOS) 2010
- standards of other bodies accredited by the Australian Quarantine and Inspection Service (AQIS)
- standards of the International Federation of Organic Agriculture Movements (IFOAM)
- standards of the United States National Organic Program (NOP)
- the Japanese Agricultural Standard (JAS)
- the Korean Environmental Friendly Agriculture Promotion Act (EFAPA)
- standards of the Canadian Organic Regime (COR)
- standards of European Union accreditation bodies.

Documentation and verification requirements are outlined in section 6.1.1–3 of NS2009 and section 3.4 of ACOS 2010. These sections outline the reporting required to maintain certification, which includes the traceability of all products arriving at, and all significant processes occurring on, the operation.

Ten steps for organic producers

This section outlines the steps organic producers need to take when dealing with resource development companies.

1. Establish an **organic management plan** with the resource development company.
 - Make the key points in this plan outcomes based.
 - Clearly describe the actions needed to comply with certification requirements.
2. Document and cost the time spent addressing issues relevant to certification that arise during any resource development project (include the cost of consultants employed). This will help when negotiating a conduct and compensation agreement.
3. Keep records of the personnel the company deals with, including personnel who negotiate agreements.
4. Make sure that each meeting with representatives of the resource development company has a closing agenda item where agreed and proposed actions are documented and signed off by both parties.
5. Ensure appropriate compensation arrangements are agreed to before access is granted. Any actions by a resource development company that could affect the operations or financial returns of the property need to be considered when negotiating the conduct and compensation agreement.
6. Assess the likely volume of traffic through the life of the resource development project, and manage this to ensure that the organic integrity of the property is maintained.
 - Consider possible weed incursion and the inputs used for resource extraction.
 - Develop protocols to manage organic control points and set up a verification process through a document-control system.
7. Address any issues relating to prime agricultural land incursion/destruction according to strategic cropping land requirements detailed in government communications.
8. Consider joining local network groups to remain informed of current activities and trends in the mineral and energy sectors.
9. Check with your certification body if you need to clarify any certification issues.
10. Keep a copy of the organic standards relevant to your operation on hand when negotiating with a resource development company. Make the company aware that the standards describe what is required to maintain your organic certification.

General guidelines for resource development companies

This section outlines the key organic control points that should be compatible with the environmental management plan of the resource development company. The conduct and compensation agreement should either specify the organic risk-management processes undertaken by the company, or directly refer to a pre-existing organic risk-management process in the company's current management plans.

Operating requirements

- Declare any chemical that will be used on the property and make available to the producer the material safety data sheet (MSDS) and/or product specification sheet.
Organic producers must declare to their certification body all inputs used on certified lands.
- Ensure all machinery and vehicles are clean.
Organic producers must have wash-down protocols for contractors operating on the property to prevent contaminants coming onto the land.
- Plan activities well in advance and in negotiation with the producer.
 - For any semipermanent facility, long-term maintenance must be a priority to ensure areas remain weed free.
 - Any activity or facility in place for more than one season should be planned in agreement with the organic producer and with their farming practices in mind.
 - Facilities and infrastructure (e.g. roads, gates, fences, grids) should benefit both the organic producer and the resource development company.
- Consider the source of inputs and research options (e.g. an on-site gravel pit, materials sourced with supporting information such as contaminant residue sampling, materials sourced from neighbouring organic farms).
Some inputs (e.g. gravel for roads) brought onto the property may result in decertification.

Contamination risks and incidents

- Notify organic producers before any outside input is brought onto the property and tell them how and where it will be used.
- Establish a buffer zone around any site that loses certification.
 - The size of the buffer is determined on a case-by-case basis and relates to the nature and scale of the contamination that led to the decertification.
- Have ready conduct and compensation arrangements for unexpected loss of certification and include clauses that cover changes in market conditions, lost premiums and losses associated with changes in buyers' perceptions of products.
- As sites of contamination are assessed on a case-by-case basis to determine impacts on certification, support each case with an incident report that details the compounds involved, volume spilled, area affected and action taken. Drill sites will not necessarily lead to decertification, especially if compliant inputs (e.g. compounds of agricultural origin) are used.
- Exercise caution to ensure noncompliant products are not applied or spilled on the farm during construction and rehabilitation of pipeline corridors. Include rehabilitation

and contingency processes in the resource management plan to maintain soil structure, manage subsidence and respond to unexpected incidents (such as major rain events that lead to the scouring of unconsolidated trench soils).

- Develop strong buffer zones (e.g. thick vegetative screens) to minimise the risk of overburden piles transporting solids by wind and water.

Other relevant factors

The premium for certified organic products is based on both the basic principles of organic farming and the **perception** in the marketplace that organic food is produced in clean environments.

Resource development companies need to understand that individual producers (both conventional and organic) will have buyers (both large and small) visiting the property to inspect farm operations and environmental conditions. This is especially the case for organic and biodynamic properties, as large international buyers will inspect farms to assure their own customers by providing paddock-to-plate traceability.

How these buyers will interpret nearby gas wells, evaporation dams or overburden piles is impossible to predict. However, there is a risk that producers may lose supply contracts or receive reduced prices if the buyers view such structures unfavourably.

During negotiations

These are the key things that both producers and companies should consider or do during negotiations over the conduct and compensation agreement.

Organic management plan¹

- Allow for the costs incurred in identifying the potential risks of a resource development project, treating these to comply with organic standards and rewriting the organic management plans.
- Find out whether the certification body must be told when resource development activity is to go ahead.
- Assess whether an organic risk management plan should be developed by both parties. If so, it could be incorporated into the standard operating procedures of the resource development company so that organic control points can be effectively managed.
- Implement a document-control system that allows both parties to verify compliance to certification standards.
- Include baseline data requirements (such as water quantity, water quality, weeds and biodiversity) as required in an organic farm plan or organic livestock management plan.
- Allow for costs incurred when updating any of the above (on an annual or as-required basis) for ongoing certification requirements.

Brought-in materials, vehicles and equipment

- Specify that inputs must be free from contaminants and contaminating agents, and must comply with the relevant organic standard.
- Detail the wash-down procedures required for machinery and vehicles.
- Maintain documentation to verify compliance with decontamination requirements.

Pest and weed control

- Decide whether the resource development company needs to adopt organic control methods or other agreed compliant-control measures for pests and weeds.
- Specify that chemicals (where required) must be stored securely, to minimise contamination risk to end products and certified land.
- Establish buffer zones for well heads and access roads.
- Develop site management strategies to prevent weed incursion and to allow for effective weed management. Make sure these comply with demarcation responsibilities/issues and occupational health and safety requirements. (The organic producer must be made aware of any demarcation issues between the resource development company and subcontractors before the agreement is finalised.)

Incidents

- Ensure that both parties agree on clean-up procedures and products, and document them in the company's environmental management plan, resource management plan and organic management plan.

¹ Including organic farm plan and organic livestock management plan.

- Specify the responsibility for decertification/rehabilitation/recertification costs (including any loss of revenue during the rehabilitation/recertification process).
- Provide for compensation in the case of loss of market access or market premium due to a resource activity on the farm; also consider whether compensation may be needed for testing if contamination residues are found in or on certified products.

Hydraulic fracturing²

- Check whether chemicals to be used are allowed or prohibited for use under the relevant organic standards. Refer to your certification body as necessary.
- Ask for information, including the MSDS, about the composition each material used. (Resource development companies must provide this information.)
- Check with your certification body about reporting requirements and document these. (Different bodies may interpret the effects of this activity differently.)
- Refer to the factsheet *Hydraulic fracturing in CSG wells* (www.derm.qld.gov.au), which explains the fracking process and the laws governing it.

Water³

- Obtain baseline data on water composition and quality on the farm water before a resource development company gains access.
- Consider whether beneficial water use constitutes waste water under certification standards, and whether the standards prohibit its use on food crop production and pastured areas for grazing livestock (irrigation uses), or for livestock watering.
- Determine and specify the water quality required (to maintain organic certification) for dust-suppression activities, vehicle wash-down and other ancillary purposes.
- Verify the water quality and supply if coal seam gas water is to be used.
- Map out water containment facilities and buffers and prepare overflow contingency plans.
- Check with your certification body about reporting requirements and document these. Different bodies may interpret the impacts on ground and surface water differently.
- Check Environmental Protection (Waste Management) Regulation 2000 for beneficial use approval for coal seam gas water and note any requirements.

Environmental and biodiversity management

- Where necessary, provide for the preservation of shelter belts, corridors, wetlands and remnant vegetation in accordance with legislation.
- Note any measures needed to protect primary ecosystems. Clearing of primary forest and destruction of primary ecosystems is not permitted under organic standards; however, it may be permitted under government regulations.
- Refer to the basic principles of organic farming as outlined in the NS2009. Ensure that activities will maintain biodiversity and its associated environmental services/ functions.

² Hydraulic fracturing (fracking) depends on the resource development company and its operating licence.

³ Refer to the requirements of NS2009 section 3.6 and ACOS 2010 section 4.4 as a guide.

More information

- Call 13 25 23
- Visit www.lng.industry.qld.gov.au or www.mines.industry.qld.gov.au