

25 March 2013

The Director Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir/ Madam

Re: Proposed Amendment of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

Thank you for the opportunity to provide a submission on the Proposed Amendment of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013. Council understands that this submission will not be confidential.

At the Ordinary Meeting of Council on 26 February, 2013, Council resolved that:

'Council call upon the NSW State Government to ban any coal seam gas drilling in Bankstown and to review its decision regarding Coal Seam Gas activity and place a moratorium on any new drilling until such time that all potential risks are thoroughly assessed, quantified and explained to the people of NSW.'

This submission represents Council's call to the NSW State Government to ban any coal seam gas drilling in Bankstown and to review its decision regarding Coal Seam Gas activity and place a moratorium on any new drilling until such time that all potential risks are thoroughly assessed, quantified and explained to the people of NSW, as resolved by Council on 26 February, 2013.

Please find attached for your consideration Council's submission. If you would like more information, please contact me on 9707 9522.

Yours sincerely



Matthew Stewart
GENERAL MANAGER

Bankstown City Council's Submission to the Department of Planning and Infrastructure

Proposed Amendment of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

At the Ordinary Meeting of Council on 26 February, 2013, Council resolved that:

'Council call upon the NSW State Government to ban any coal seam gas drilling in Bankstown and to review its decision regarding Coal Seam Gas activity and place a moratorium on any new drilling until such time that all potential risks are thoroughly assessed, quantified and explained to the people of NSW.'

While Council supports the exclusion zones and acknowledges that this is a positive step in developing more rigorous restrictions on Coal Seam Gas production and exploration, Council does not believe that these amendments go far enough. The issue of extracting coal seam gas throughout NSW has raised a number of potential environmental issues and concerns, particularly in relation to threats to our drinking water, waterways such as the Georges River and agriculture.

It would appear that the current approach to its exploration, particularly in urban areas, has failed to appropriately address the uncertainties and impacts it would have on the residents throughout our City and the broader Sydney Metropolitan area.

The Government's response suggests that all is not clear, certain or guarantees the safety of our communities. Their decisions suggest that if feasible, they could allow coal seam gas activity to occur in close proximity to our City, such as at the Holsworthy Military Reserve, Mirrambeena Regional Park, and along the Georges River Foreshore.

Given the uncertainty, its decision does not go far enough, particularly given that a review is being conducted which may suggest that there should be a much wider ban on any activity in the broader metropolitan area.

Until such time as we have all the facts on its impact on our residents, our City and broader urban areas, Council calls upon the NSW State Government to review its decision and place a moratorium on any new drilling until such time that all potential risks are thoroughly assessed, quantified and explained to the people of NSW.

srlup - Submission to Draft Amendment - Upper Hunter Shire Council

From: "Ben Oliver" <BOliver@upperhunter.nsw.gov.au>
To: <srlup@planning.nsw.gov.au>
Date: 4/10/2013 3:42 PM
Subject: Submission to Draft Amendment - Upper Hunter Shire Council

To the Director Strategic Regional Policy
 Department of Planning and Infrastructure

On 9 April 2013, Councils Development and Environmental Services Committee considered a report on the Draft Amendment to the Mining SEPP – Coal Seam Gas Exclusion Zones which is currently on exhibition and resolved the following:

"That Council note the report on the draft amendments to the Mining SEPP and make a submission which includes the following comments:

- (a) The Council maintains its strong support for exclusion zones as the most effective means of separating incompatible land uses.*
- (b) The Council recommends the Department of Planning and Infrastructure consider extending exclusion zones to encompass areas identified as Strategic Agricultural Lands in the Strategic Regional Land Use Plan and additional strategic agricultural land and additional critical industry clusters yet to be identified.*
- (c) The Council reiterates its concerns with the regional CIC verification process currently being undertaken by NSW Trade and Investment and the potential for a reduction in the extent of previously mapped CIC's.*
- (d) That Council nominate all land currently zoned 1(c) Rural Small Holdings and proposed to be zoned R5 Large Lot Residential under the Draft Upper Hunter LEP for listing in the SEPP as a village, for prohibition from coal seam gas exploration and production activities.*
- (e) That Council recommends the Department of Planning and Infrastructure consider the implementation of exclusion zones for coal mining exploration and production activities to the same extent as recommended by Council for Coal Seam Gas activities."*

Please accept this email submission as Council formal response to the Draft Amendment.

Regards



Ben Oliver | Director Environmental Services

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11 April 2013

Reference: DWS#1055464
Contact: David Morrison/
Terry Dwyer

The Director – Strategic Regional Policy
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir

Public exhibition - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

I refer to the above matter recently released for public exhibition and comment.

Council has recently considered a staff report on this matter and would like to make a number of comments (below) as part of its submission.

Exclusion zones

Council seeks the inclusion of the following areas as "exclusion zones" under proposed clause 9A (4) (b) and Schedule 3 of the "Mining SEPP":

- i. The balance of those areas at Gulmarrad and Woombah zoned R5 and that have a 4000m² lot size and are contiguous with those areas that are within 2km of land zoned Residential (R1, R2 or R3) that will enjoy exclusion.
- ii. Land at Waterview Heights zoned R5 and with a 4000m² lot size – on the basis that it is a substantial long established rural residential area in close proximity to the South Grafton/Grafton urban area enjoying community facilities such as a squash court, sports field, motel and active rural fire brigade/shed.
- iii. That part of the Gulmarrad and James Creek proposed "Growth Area" and future urban release area identified in the Mid North Coast Regional Strategy not already zoned residential.
- iv. The drinking water catchments of the Clarence - Coffs Harbour Regional Water Supply upstream of the Nymboida Weir and associated with the Shannon Creek Dam; and the SP2 zone over the Shannon Creek Dam.

Note: a copy of mapping of the above areas can be supplied to you upon request.

Exhibition/consultation period

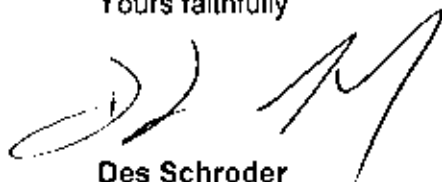
Council is particularly concerned about the brief exhibition/consultation period allowed to comment on the Draft Amending SEPP. It notes that the period is less than the 28 days allowed for comments and submissions on exploration licence applications (as outlined in NSW Trade & Investment's October 2011 guideline entitled "*Public Comment Process for the exploration of coal and petroleum, including coal seam gas*").

Such a brief period is of a token nature and against the "Public Participation Charter" focus espoused the NSW Planning Green Paper. The haste to finalise the proposals outlined in the Draft Amending SEPP and acceptable reforms to the CSG planning framework ahead of a comprehensive (independent) review by the NSW Chief Scientist and Engineer is not necessarily justified.

Council is also making a submission to the Terms of Reference for the current independent review by the NSW Chief Scientist and Engineer (Chief Scientist) of all CSG activities in NSW. A copy of this submission is enclosed for your information together with a copy of the staff report on the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013.

If you require further information please contact either myself, David Morrison (Manager Strategic & Economic Planning) or Terry Dwyer (Senior Strategic Planner, Policy) on telephone 66430200.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Des Schroder', written over a horizontal line.

Des Schroder
Acting General Manager

Committee:	ENVIRONMENT, ECONOMIC & COMMUNITY
Section:	Strategic & Economic Planning
Date:	9 April 2013
Item:	12.070/13 AMENDMENT TO MINING SEPP - COAL SEAM GAS EXCLUSION ZONES

ATTACHMENT

REPORT SUMMARY

The purpose of this report is to advise Council in more detail of the recently announced amendments of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP) to establish Coal Seam Gas Exclusion Zones. A draft SEPP amendment is currently on exhibition to 12 April 2013.

Council resolved at its 19 March 2013 meeting to effectively request the State Government to halt coal seam gas mining until further scientific analysis and testing has been undertaken to assure that there will be no detrimental impacts.

The proposed amendments to the Mining SEPP establish a mechanism to only halt CSG mining in or within 2 kilometres of urban residential zones and in selected critical industry clusters (eg horse breeding in the Hunter Valley). Draft criteria are also established to enable rural residential areas to also be excluded where they meet those "village character" criteria, which in reality to be very difficult to meet.

The likely effect of the proposed amendments to the mining SEPP therefore only halts mining in a relatively small portion of the local government area and is not supported by Council's adopted position. Comments on the draft SEPP close on 12 April.

OFFICER'S RECOMMENDATION

That:

1. Council receive and note the report on the Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 and independent review by the NSW Chief Scientist and Engineer of all CSG activities in NSW.
2. Council make a submission to the Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 as follows:
 - a) That Council seek inclusion of the following areas as "exclusion zones" under proposed clause 9A(4)(b) and Schedule 3 of the "Mining SEPP":
 - i. The balance of those areas at Gulmarrad and Woombah zoned R5 and that have a 4000m2 lot size and are contiguous with those areas that are within 2km of land zoned Residential (R1, R2 or R3) that will enjoy exclusion.
 - ii. Land at Waterview Heights zoned R5 and with a 4000m2 lot size – on the basis that it is a substantial long established rural residential area in close proximity to the South Grafton/Grafton urban area enjoying community facilities such as a squash court, sports field, motel and active rural fire brigade/shed.
 - iii. That part of the Gulmarrad and James Creek proposed "Growth Area" and future urban release area identified in the Mid North Coast Regional Strategy not already zoned residential.
 - iv. The drinking water catchments of the Clarence - Coffs Harbour Regional Water Supply upstream of the Nymboida Weir and associated with the Shannon Creek Dam; and the SP2 zone over the Shannon Creek Dam.

- b) That Council express grave concern over the brief exhibition/consultation period allowed to comment on the Draft Amending SEPP noting that:
 - i. The period is less than the 28 days allowed for comments and submissions on exploration licence applications (as outlined in NSW Trade & Investment's October 2011 guideline entitled *"Public Comment Process for the exploration of coal and petroleum, including coal seam gas"*).
 - ii. Such a brief period is of a token nature and against the "Public Participation Charter" focus espoused the NSW Planning Green Paper.
 - iii. The haste to finalise the proposals outlined in the Draft Amending SEPP and acceptable reforms to the CSG planning framework ahead of a comprehensive (independent) review by the NSW Chief Scientist and Engineer is not necessarily justified.
 3. Council make a submission to the Terms of Reference for the current independent review by the NSW Chief Scientist and Engineer (Chief Scientist) of all CSG activities in NSW, as follows:
 - a) The Terms of Reference are too narrow and not comprehensive and should be widened to include:
 - i. review of existing data/information pertaining to the land, subsurface, surface water and ground water environments in which CSG activities operate including data and studies on:
 - ground water systems including water quality, volumetric and spatial data on ground water systems (biological, chemical, physical, geological)
 - connectivity between ground water and surface water systems and between other ground water systems
 - soils including sub surface soil and strata data – chemical, structural characteristics, etc
 - ii. determination of the full range of data needs for assessing environmental/ecological, social and economic impacts of CSG exploration, prospecting and production activities both at broader and site specific scale.
 - b) The time frame for making submissions to the Independent Reviews Terms of Reference and the reporting back to the Premier are considered to be too short. A greater period of time (at least 6 months) for a more comprehensive review of the science, data and planning/regulatory framework should be allowed so as to permit greater public input and independent peer review.
4. That Council seek assistance from the Local Government and Shires Association to lobby the NSW Government to allow a greater period of time for public involvement in both the Draft Amending SEPP and independent review of CSG activities in NSW.

BACKGROUND

In February 2013, the Premier announced new measures to strengthen the regulation of the coal seam gas (CSG) industry in NSW. According to the government these measures will ensure heightened protection for residential areas and certain critical agricultural industries by prohibiting CSG activity within or close to these areas.

The new measures are being implemented by an amending SEPP known as the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 which amends the principal Mining SEPP.

Currently on exhibition is the following:

- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 (Draft Amending SEPP)

- S38 Explanation of Intended Effect
- Critical Industry Cluster Land maps
- Future Residential Growth Areas maps
- Frequently asked questions (FAQs)

A copy of the Draft SEPP amendment, S38 Explanation of Intended Effect and FAQs is in the Attachments. The exhibition/submission period is 21 March - 12 April 2013. A detailed summary of the proposed amendments is contained at Schedule 1 to this report.

ISSUES

1. Scope of prohibition and exclusions criteria - residential

The proposed CSG "residential" exclusion coupled with the village exclusion criteria has created a new and arbitrary "R5 Village" concept. Council possesses many areas that are zoned R5 Large Lot Residential and that are spread far and wide throughout the Council area. The R5 zoned areas or precincts that have a lot size of no greater than 4000m² are listed in the Table below.

CVC R5 zoned precinct	Lot size (Min)	Comment
Gulmarrad	4000m ²	Most of the area zoned R5/4000m ² can meet exclusion as it is within the 2km buffer to land zoned R1 (mainly by virtue of Lot 355, DP 751388) or future residential growth area (by virtue of Part Lot 71, DP 1156995).
Waterview Heights	4000m ²	Cannot meet exclusion – outside the 2km buffer to a residential zone.
South Grafton – Fairway Drive precinct	4000m ²	All of the area zoned R5/4000m ² can meet exclusion as it is within the 2km buffer to land zoned R1.
Woombah	4000m ²	Most of the area zoned R5/4000m ² can meet exclusion as it is within the 2km buffer to Woombah village zoned R2.
Ashby – adjacent to village and Murrayville Rd area	4000m ²	All of the area zoned R5/4000m ² can meet exclusion as it is within the 2km buffer to Ashby village zoned R2.
Illarwill – Golf Links Rd	4000m ²	All of the area zoned R5/4000m ² can meet exclusion as it is within the 2km buffer to Illarwill village zoned R2.
Lawrence	4000m ²	All of the area zoned R5/4000m ² can meet exclusion as it is within the 2km buffer to Lawrence village zoned R2.
Taloumbi	4000m ²	Cannot meet exclusion – outside the 2km buffer to a residential zone.
Clarenza – Edward Ogilvie Drive	4000m ²	All of the area zoned R5/4000m ² can meet exclusion as it is within the 2km buffer to land zoned R1.
Glenreagh	4000m ²	All of the area zoned R5/4000m ² can meet exclusion as it is within the 2km buffer to Glenreagh village zoned R2.
Seelands – Whiting Estate	4000m ²	Cannot meet exclusion – outside the 2km buffer to a residential zone.
Grafton – North Street	4000m ²	All of the area zoned R5/4000m ² can meet exclusion as it is within the 2km buffer to land zoned R1.
Junction Hill	4000m ²	All of the area zoned R5/4000m ² can meet

CVC R5 zoned precinct	Lot size (Mln)	Comment
		exclusion as it is within the 2km buffer to land zoned R1.
Mountainview	4000m ²	Cannot meet exclusion – outside the 2km buffer to a residential zone.
Note: this table does include those areas zoned R5 and having a (minimum) lot size exceeding 4000m ² .		

If most of the lands zoned R5 and with a lot size of no greater than 4000m² were not within 2 kilometres of land zoned residential it could be argued that the scope of prohibition and associated criteria are somewhat problematic. A particular case in point is Waterview Heights which is a significant rural residential precinct close to South Grafton but beyond the 2km buffer to a residential zone. Whilst its lot size on the lot size map is now 4000m² (for most of the rural residential settlement at Waterview Heights) under CV LEP 2011, historically it enjoyed and much of it was largely subdivided and developed under a 6000m² minimum lot size. The Waterview Heights R5 zone will not enjoy exclusion from CSG activity despite its significant extent and high level of development, because:

- it is Located 3 – 4 kilometres from the nearest Grafton/South Grafton residential zone
- the predominant developed lot size pattern is based upon 6000m² minimum.

Other issues with the "exclusion criteria" is omitting proximity to other zonings typically associated with urban areas including Industrial, Business, Public Recreation and certain Infrastructure zones (eg SP2 zone – Shannon Creek Dam). The Mining SEPP is also silent on exclusions or protective controls or considerations in and near drinking water catchments (Nymboida Weir and Shannon Creek Dam drinking water catchments). Therefore protection of these drinking water catchments from future CSG activities is not assured.

Few if any local government areas around NSW may have settlements that can strictly meet the "R5 Village" concept and exclusion criteria.

Council should at least strive to seek inclusion within the SEPP of the following areas as "exclusion zones" under clause 9(4) (b) and Schedule 3 of the Mining SEPP:

- v. The balance of those areas at Gulmarrad and Woombah zoned R5 and that have a 4000m² lot size and are contiguous with those areas that are within 2km of land zoned Residential (R1, R2 or R3) that will enjoy exclusion.
- vi. Land at Waterview Heights zoned R5 and with a 4000m² lot size – on the basis that it is a substantial long established rural residential area in close proximity to the South Grafton/Grafton urban area enjoying community facilities such as a squash court, sports field and active rural fire brigade/shed.
- vii. That part of the Gulmarrad and James Creek proposed "Growth Area" and future urban release area identified in the Mid North Coast Regional Strategy not already zoned residential.
- viii. The drinking water catchments of the Clarence - Coffs Harbour Regional Water Supply upstream of the Nymboida Weir and associated with the Shannon Creek Dam; and the SP2 zone over the Shannon Creek Dam.

2. Critical Industry Clusters

At a first glance, the Clarence Valley LGA does not appear to have any industries, enterprises or areas that would seem to fall under the same scope/criteria and scale of CIC's such as the already identified equine and viticultural industries. However, Council should encourage the State Government to engage more meaningfully and in a more targeted fashion with rural industries and communities in this regard eg sugar cane cooperative in view of the extent of the mapped "regionally significant farmland" in the Council area and region generally.

3. Excluded projects/activities

The new definition of *coal seam gas development* would appear to be satisfactory and provide some comfort and clarity that anything to do with CSG prospecting, exploration and drilling/production will be prohibited in the proposed exclusion zones.

Note – the definition *coal seam gas development* means the following:

- (a) development for the purposes of petroleum exploration, but only in relation to prospecting for coal seam gas,
- (b) development for the purposes of petroleum production, but only in relation to the recovery, obtaining or removal of coal seam gas, but does not include the following:
- (c) the recovery, obtaining or removal of coal seam gas in the course of mining,
- (d) development to which clause 10 or 10A applies.

4. Independent Review of coal seam gas activities in NSW - Chief Scientist

The terms of reference on the one hand would appear to be quite comprehensive. However there would appear to be a fundamental flaw in that there is to be no review of existing data/information pertaining to the land, subsurface, surface water and ground water environments in which CSG activities operate.

Data may well be there or held in a variety sources, formats scales etc. If so, there needs to be disclosure and a review of the adequacy of this data to ensure that it is fit for purpose right down to local and site specific scales. The general community needs to be assured that if governments and institutions have a range of relevant data that it should be public domain and open for scrutiny. This should include for instance data and studies on:

- ground water systems including water quality, volumetric and spatial data on ground water systems (biological, chemical, physical, geological)
- connectivity between ground water and surface water systems and between other ground water systems
- soils including sub surface soil and strata data – chemical, structural characteristics, etc

The review should also determine the full range of data needs for assessing environmental/ecological, social and economic impacts of CSG exploration, prospecting and production activities both at broader and site specific scale.

5. Exhibition and submission period

As reported earlier the exhibition/submission period for the Draft Amending SEPP is 21 March - 12 April 2013, being a period of 22 days. The submission period for the Terms of Reference of the Chief Scientists independent review is 22 March – 26 April 2013, being a period of 35 days.

The 22 day period allowed for comment on the Draft Amending SEPP in particular is considered to be inadequate for all stakeholders for such an important amendment to the CSG planning and regulatory framework. This period is less than the 28 days allowed for submission to exploration licence applications allowed for in NSW Trade & Investment's October 2011 guideline entitled *"Public Comment Process for the exploration of coal and petroleum, including coal seam gas"*.

A request was recently made by staff to the DoPI seeking an extension to the 12 April 2013 submission deadline. Unfortunately this was declined as in the Department's words *"the implementation of the CSG exclusion zones is a high priority for Government and, accordingly, the Department is currently working towards finalisation of the SEPP amendment at the earliest possible time"*.

This is less than satisfactory and Council should record its strongest possible concern in relation to the haste to finalise what could be a flawed process (including consultation) for both the Draft Amending SEPP and the Chief Scientists Review.

CONSULTATION

See 5. Exhibition and submission period, above for discussion on external consultation.

Unfortunately, the timing of the release of the Draft Amending SEPP and Chief Scientists Review/Terms of Reference has not permitted adequate internal consultation or consultation with the community of the Clarence valley Council area. This sentiment should be conveyed to the NSW Government (DoPI and Chief Scientist).

SUSTAINABILITY ASSESSMENT

Summary Statement

The Draft Amending SEPP is a step in the right direction to providing some clarity as to where all new CSG exploration and production activity will be prohibited. This will still not address the concerns of the community in those areas outside of the proposed exclusion zones. It is considered that a more fundamental review of the CSG planning and approval/regulatory process should be undertaken following a more comprehensive review of all CSG activities in NSW by the Chief Scientist.

Ecology

The Draft Amending SEPP is a step in the right direction to ensuring greater ecological outcomes in the areas that are proposed for exclusion. However the Chief Scientist's review of CSG activities in NSW is not considered to be wide ranging enough to assure that ecological systems will be protected from any impacts of new CSG activity particularly in the areas not proposed for exclusion.

Economic

The economic impacts of the Draft Amending SEPP are not known at this stage. An economic impact statement has not accompanied the exhibition/consultation process. Impacts can only be speculated at this stage.

Social & Cultural

The social & cultural impacts have not been considered as part of the exhibition/consultation process of the Draft Amending SEPP. These impacts are not a key part of the Chief Scientist's review of CSG activities. The social & cultural interests of those in the proposed exclusion areas are being better served by the Draft Amending SEPP than those outside the proposed exclusion areas.

Human Habitat & Infrastructure

The proposals in the Draft Amending SEPP should ensure that there is no or little impact upon human habitat & infrastructure in the proposed exclusion areas. It should be incumbent upon the Chief Scientist's review of CSG activities to address impacts upon human habitat and infrastructure right across the board.

Governance

As mentioned earlier the exhibition/submission period for the Draft Amending SEPP particularly is considered to be too brief to allow proper and transparent community consultation. This gives the impression that the NSW Government is handling stakeholder consultation in a somewhat token and perfunctory manner which is not considered to be good governance considering the emphasis placed on public participation by the Minister for Planning and Infrastructure in the NSW Planning "Green Paper" released for comment in the second half of 2012.

Council's submission should urge the NSW Government (DoPI and Chief Scientist) to take a less hasty and more considered approach to CSG planning reform and CSG activity/data review.

Risk Management - N/A

Guiding Sustainability Principles

The following guiding sustainability principles are relevant to this issue:

- Protecting ecological processes and biodiversity.
- Supporting social and intergenerational equity.
- Promoting ecologically sustainable development.
- Encouraging community involvement and awareness.
- Taking a precautionary and anticipatory approach.
- Focusing on continuous improvement.

OPTIONS

Option 1 – That Council receive and note the report on the Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 and independent review by the NSW Chief Scientist and Engineer of all CSG activities in NSW.

Option 2 – That Council make a submission to the Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 as follows:

- a) That Council seek inclusion of the following areas as "exclusion zones" under proposed clause 9A(4)(b) and Schedule 3 of the "Mining SEPP":
 - i. The balance of those areas at Gulmarrad and Woombah zoned R5 and that have a 4000m2 lot size and are contiguous with those areas that are within 2km of land zoned Residential (R1, R2 or R3) that will enjoy exclusion.
 - ii. Land at Waterview Heights zoned R5 and with a 4000m2 lot size – on the basis that it is a substantial long established rural residential area in close proximity to the South Grafton/Grafton urban area enjoying community facilities such as a squash court, sports field, motel and active rural fire brigade/shed.
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 - iv. The drinking water catchments of the Clarence - Coffs Harbour Regional Water Supply upstream of the Nymboida Weir and associated with the Shannon Creek Dam; and the SP2 zone over the Shannon Creek Dam.
- b) That Council express grave concern over the brief exhibition/consultation period allowed to comment on the Draft Amending SEPP noting that:
 - i. The period is less than the 28 days allowed for comments and submissions on exploration licence applications (as outlined in NSW Trade & Investment's October 2011 guideline entitled *"Public Comment Process for the exploration of coal and petroleum, including coal seam gas"*).
 - ii. Such a brief period is of a token nature and against the "Public Participation Charter" focus espoused the NSW Planning Green Paper.
 - iii. The haste to finalise the proposals outlined in the Draft Amending SEPP and acceptable reforms to the CSG planning framework ahead of a comprehensive

(independent) review by the NSW Chief Scientist and Engineer is not necessarily justified.

Option 3 - That Council make an alternative submission to the Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013.

Option 4 - Council make a submission to the Terms of Reference for the current independent review by the NSW Chief Scientist and Engineer (Chief Scientist) of all CSG activities in NSW, as follows:

- a) The Terms of Reference are too narrow and not comprehensive and should be widened to include:
 - i. review of existing data/information pertaining to the land, subsurface, surface water and ground water environments in which CSG activities operate including data and studies on:
 - ground water systems including water quality, volumetric and spatial data on ground water systems (biological, chemical, physical, geological)
 - connectivity between ground water and surface water systems and between other ground water systems
 - soils including sub surface soil and strata data – chemical, structural characteristics, etc
 - ii. determination of the full range of data needs for assessing environmental/ecological, social and economic impacts of CSG exploration, prospecting and production activities both at broader and site specific scale.
- b) The time frame for both making submissions to the Independent Reviews Terms of Reference and the reporting back to the Premier are considered to be too short. A greater period of time (at least 6 months) for a more comprehensive review of the science, data and planning/regulatory framework should be allowed so as to permit greater public input and independent peer review.

Option 5 – That Council make an alternative submission to the Terms of Reference for the current independent review by the NSW Chief Scientist and Engineer (Chief Scientist) of all CSG activities in NSW.

Option 6 – That Council seek assistance from the Local Government and Shires Association to lobby the NSW Government to allow a greater period of time for public involvement in both the Draft Amending SEPP and independent review of CSG activities in NSW.

Options 1, 2, 4 and 6 are recommended.

FINANCIAL IMPLICATIONS

There are nil financial implications.

Des Schroder
DEPUTY GENERAL MANAGER – ENVIRONMENTAL & ECONOMIC

Prepared by staff member:	David Morrison/Terry Dwyer
Approved/Reviewed by Manager:	Des Schroder
Section:	Strategic and Economic Planning
Attachment:	Draft SEPP amendment, S38 Explanation of Intended Effect and FAQs

SCHEDULE 1

Summary of proposed amendments and other measures

1. Residential prohibitions

- i. All new CSG exploration and production activity will be prohibited on, under and within two (2) kilometres of, land zoned residential. The prohibition will also extend to future residential growth areas.
- ii. The SEPP will prohibit all new CSG exploration and production in and within two (2) kilometres of the following zones (or their equivalent):
 - R1 – General Residential
 - R2 – Low Density Residential
 - R3 – Medium Density Residential
 - R4 – High Density Residential
 - RU5 – Village

Note: the CVLEP 2011 has the following Residential zones – R1, R2 and R3.

- iii. This prohibition will also apply in and within two (2) kilometres of some areas zoned R5 – Large Lot Residential, which commonly applies to rural or semi-rural areas characterised by individual dwellings on large lots. However, the (exclusion) zone also applies to some village areas, and the SEPP will apply to these areas where they meet defined village criteria – these areas once accepted will be specified in Schedule 3 of the amended SEPP. Areas identified could include an entire area zoned R5 or part of that area. That part of the area zoned R5 that meets the village criteria will be listed in the SEPP as an exclusion zone.
- iv. The criteria and information/evaluation requirements developed by the Department of Planning and Infrastructure (DoPI) that will be used to consider exclusion of certain “R5 zoned Villages” are specified in the Table below:

Criteria:	Comment:	Information to be considered in evaluation:
The area must contain a mix of land uses	A mix of land uses (such as retail, business, industrial, educational or recreation) that service the local rural community is a key point of differentiation between a village and a rural residential subdivision.	Description of current land uses in the area and any information on projected changes to these land uses.
The zone must apply to a settlement that is long established and that has some historic association within the district, region and/or rural hinterland	Villages are generally long established population centres that historically served a particular economic function in a district or regional context. This is a key point of differentiation to rural residential subdivisions that are typically more recently established and, by the nature of their predominantly residential land use, do not provide a regional economic function.	Information on when the settlement was established and its historic association with the surrounding region.
The area must contain a mix of lot sizes, including an average lot size up to 4,000 m ²	Villages are characterised by a range of residential lot sizes, including smaller lots than would typically comprise a rural residential subdivision.	Information on range of residential lot sizes, including number and proportion of lots up to 4,000 m ² in area.

- v. Future residential growth areas will include areas mapped in a Government-endorsed strategy such as a Regional Strategy or council housing strategy, as well as draft local environmental plans. Future residential growth areas currently on exhibition include the North West and South West Growth Centres in the Sydney Metro area. The DOPI is currently compiling information on all future growth areas across the State in consultation with local councils to include in a final map prior to the finalisation of the SEPP amendment.

2. Prohibition in critical industry clusters

- i. All new CSG exploration and production activity will also be prohibited within and under areas identified as Critical Industry Clusters (CIC). A CIC is a localised concentration of activity associated with an agricultural industry of national or international significance that is potentially significantly impacted by mining or CSG development. The Draft amendment has, for the present time, identified two CICs – the equine and viticulture industries in the Hunter/Upper Hunter Valley.
- ii. CIC's will not be subject to the two (2) kilometre buffer in the same way as land zoned residential, future growth areas or Scheduled R5 zoned lands.
- iii. Any CSG activity proposed near a CIC will still be subject to a range of comprehensive policies and requirements to minimise their impacts on land uses within the cluster. These include the requirement to prepare an Agricultural Impact Statement, which must identify whether the proposal is located within two kilometres of any strategic agricultural land, including a CIC. If so, the application must specifically address potential impacts on the cluster.
- iv. Other relevant measures that would still apply to CSG proposals within two kilometres of a CIC include:
 - the Aquifer Interference Policy;
 - new community consultation requirements on licence applications and conditions;
 - updated and improved environmental assessment guidelines for exploration activities;
 - a ban on the use of dangerous BTEX chemicals and evaporation ponds; and
 - codes of practice for the CSG industry covering well integrity and fracture stimulation.

3. Excluded projects/activities

- i. The exclusions will apply to exploration and production proposals that do not have approval at the date that the Mining SEPP is made.
- ii. The changes will also prevent exploration activities in these areas from expanding or transitioning to the production stage.
- iii. In the interim the exclusion zones are being given effect through administrative processes to ensure that no approvals are granted for CSG activity within the exclusion zones.

Note: the Draft SEPP amendment will also insert definitions of the following into the Mining SEPP - *coal seam gas, coal seam gas development, critical industry cluster land, Critical Industry Cluster Land Map, future residential growth area land, Future Residential Growth Areas Land Map and residential zone.*

4. Other measures to manage CSG in NSW

Other new measures recently announced to regulate the CSG industry in NSW include:

- i. Appointment of the independent Environment Protection Authority (EPA) as the lead regulator of environmental and health impacts of CSG activities in NSW with responsibility for compliance and enforcement.

- ii. Establishment of an Office of CSG Regulation within the Department of Trade and Investment to enforce other regulations.
- iii. an independent review by the NSW Chief Scientist and Engineer (Chief Scientist) of all CSG activities in NSW, including the potential impact on rural residences and potential impacts on water catchments.
- iv. A requirement that all exploration, assessment and production titles and activities be required to hold an Environment Protection Licence.

In relation to iii. above, the Terms of Reference are that the Chief Scientist, Professor Mary O'Kane, will conduct a review of CSG related activities in NSW, with a focus on the impacts of these activities on human health and the environment. More specifically the Chief Scientist is to:

1. undertake a comprehensive study of industry compliance involving site visits and well inspections. The Chief Scientist's work will be informed by compliance audits undertaken by regulatory officers, such as the Environment Protection Authority and other government agencies
2. identify and assess any gaps in the identification and management of risk arising from coal seam gas exploration, assessment and production, particularly as they relate to human health, the environment and water catchments
3. identify best practice in relation to the management of CSG or similar unconventional gas projects in close proximity to residential properties and urban areas and consider appropriate ways to manage the interface between residences and CSG activity
4. explain how the characteristics of the NSW coal seam gas industry compare with the industry nationally and internationally
5. inspect and monitor current drilling activities including water extraction, hydraulic fracturing and aquifer protection techniques
6. produce a series of information papers on specific elements of CSG operation and impact, to inform policy development and to assist with public understanding. Topics should include:
 - operational processes
 - NSW geology
 - water management
 - horizontal drilling
 - hydraulic fracturing (fracking)
 - fugitive emissions
 - health impacts
 - wells and bores
 - subsidence.

Public submissions to the review are now being invited – the due date for submissions is 26 April 2013. The Chief Scientist will provide an initial report to the Premier and the Minister for Resources and Energy on her findings and observations by July 2013.



11 April 2013

Reference: DWS#1055544
Contact: David Morrison/
Terry Dwyer

NSW Chief Scientist and Engineer
GPO Box 5477
SYDNEY NSW 2001

Dear Sir

Terms of Reference - Independent review of coal seam gas activities in NSW by the NSW Chief Scientist and Engineer

I refer to the above matter recently released for public exhibition and comment.

Council has recently considered a staff report on this matter and would like to make a number of comments (below) as part of its submission.

Scope of Terms of Reference

Council considers that the scope of the Terms of Reference is too narrow, not comprehensive and should be widened to include:

- i. review of existing data/information pertaining to the land, subsurface, surface water and ground water environments in which CSG activities operate including data and studies on:
 - ground water systems including water quality, volumetric and spatial data on ground water systems (biological, chemical, physical, geological)
 - connectivity between ground water and surface water systems and between other ground water systems
 - soils including sub surface soil and strata data – chemical, structural characteristics, etc.
- ii. determination of the full range of data needs for assessing environmental/ecological, social and economic impacts of CSG exploration, prospecting and production activities both at broader and site specific scale

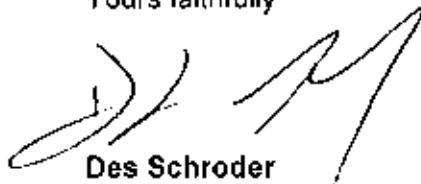
Time frames

The time frame for making submissions to the Independent Review's Terms of Reference and the reporting back to the Premier are considered to be too short. A greater period of time (at least 6 months) for a more comprehensive review of the science, data and planning/regulatory framework should be allowed so as to permit greater public input and independent peer review.

Council is also making a submission to the Department of Planning and Infrastructure regarding the recently exhibited State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013. A copy of this submission is enclosed for your information together with a copy of the staff report on the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 and the Independent Review's Terms of Reference.

If you require further information please contact either myself, David Morrison (Manager Strategic & Economic Planning) or Terry Dwyer (Senior Strategic Planner, Policy) on telephone 66430200.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Des Schroder', is written over the typed name.

Des Schroder
Acting General Manager

The Director Strategic Regional Policy,
Department of Planning and Infrastructure,
GPO Box 39,
SYDNEY NSW 2001

By email to srlup@planning.nsw.gov.au

Dear Sir or Madam,

RE: Draft Mining SEPP Coal Seam Gas exclusion zones

Thank you for the opportunity to comment on the proposed draft. Moree Plains Shire is an area with potential resources both of coal and coal seam gas. Council has previously expressed concerns about coal seam gas in particular, as it relates to strategic agricultural lands. Council is writing to strongly support the thrust of the proposed draft amendments, and commends the Department for giving attention to residential zones.

In Council's view this is both an overdue and welcome amendment to long-standing policy which has permitted mining beneath and in close proximity to residential zone areas. Although limited to coal seam gas extraction Council supports the general principle that residential areas should not be exposed to mining impacts directly below them. Council also strongly supports the implementation of the proposed 2 km radius around residential zones where coal seam gas mining should also be excluded. In Council's view this is a sensible and prudent step that reduces the likelihood of significant land use conflict at a future time. Council is particularly supportive of the intent to include this radius around Village zones. Although characterised in the Standard Instrument as a rural zone, Council supports the inclusion on the basis of their clear residential function.

The proposal includes the creation of Schedule 3, which offers specific listing of Large Lot Residential (R5) land where coal seam gas development is to be prohibited. In Council's submission, it would be preferable for these lands to be included automatically as for any other residential zone. Typically, within Moree Plains Shire, such lands have a minimum subdivision area in the order of 2.5 ha. These rural residential lands form a strong residential function and Council submits that they should be treated in a similar fashion to other residential and rural village lands. For many councils, including for Moree Plains, the Large Lot Residential Zone is utilised primarily as a lifestyle zone.

Should the R5 Zone not be included automatically in the Policy, Council would request that all lands within the Moree Plains Shire that are within the R5 Zone be listed in the policy. A copy of relevant zoning map extracts is appended. In Council's experience, all categorised land within the R5 zone has either a village or a peri-urban

character. In particular, residents of these areas have a strong sense of local identity and of community/neighbourhood. In this regard, it is Council's submission that these lands are consistent with a village character although at a lower density than most traditional villages. Council notes that many villages are surrounded by a "halo" of smaller allotments which derive their social orientation and community connection from the village. A similar principle applies to towns and other urban centres within both the Shire and region.

Council notes that the explanatory document indicated that the Department would be separately publishing criteria regarding land of a village character. It is assumed that these criteria are those outlined in the Frequently Asked Questions document which accompanied the exhibition. In Council's submission the proposed criteria are too narrow. Council submits that village character is strongly associated with a sense of place and social belonging rather than arbitrary criteria relating to mix of land uses and small lot sizes. In this respect while Council notes the intent to differentiate between villages and rural residential subdivisions, in Council's view rural residential subdivisions are equally entitled to protection from coal seam gas extraction. A particular issue Council would like to raise is the notion of "long established" settlement. This would appear to preclude the future development of rural residential communities that would enjoy the same level of protection from coal seam gas extraction as existing communities. In Council's view where such communities are zoned through the Planning Proposal process they should automatically be added to the area of exclusion (including the 2 km radius) in the Policy.

Council strongly supports the inclusion of future residential growth areas and notes that in Moree Plains these are almost solely associated with Large Lot Residential zones, which are necessary to provide living diversity. Council's 2011 LEP was underpinned by a Growth Management Strategy which identified these areas. Relevant extracts are appended. The area of Gwydirfield, in particular, is identified as a future rural residential community although only partially rezoned at this stage, in order to ensure that zoning and market demand keep in step. The inclusion of Gwydirfield is requested.

The policy has not given consideration to the Rural Smallholdings Zone (RU4). In Moree Plains, this zone generally consists of land between 10-20 ha in size which is predominantly utilised for lifestyle purposes. Council requests that consideration be given to including a Schedule in the proposed Policy that would allow land developed within this zone, and land within a 2 km radius of this zone to be included within areas where coal seam gas development is prohibited.

Council also supports the principle of a 2 km buffer around Critical Industry Clusters. Council has made previous extensive submission regarding the identification of and definition of such clusters, and while still of the view that such definition is currently too narrow, strongly supports the general principle.

Council notes the transitional provisions. Council strongly supports the intent to prohibit the expansion of exploration activities within exclusion zones or their transitioning to production stage. Council recognises that when applications have been lodged this generates certain expectations regarding approval processes, and therefore strongly supports the Government's intent to restrict coal seam gas mining even when applications have been lodged but not determined.

In summary, Council's position is as follows:

1. The principle of exclusion areas applying to residential zones, critical industry clusters and a 2 km radius is strongly supported.
2. Council requests that the R5 zone be automatically included (together with a 2 km radius) within the identified residential zones to which exclusions apply as the zone is a residential zone.
3. Council requests that the RU4 zone be included as a schedule where councils can "opt in" to exclusions.
4. Council requests that the attached areas of R5 Zone be included in Schedule 3 if the R5 Zone is not included in the residential zones where exclusions apply.
5. Council requests that the growth areas attached be included in the Growth Area Maps as proposed in the SEPP.
6. The transitional provisions are strongly supported.

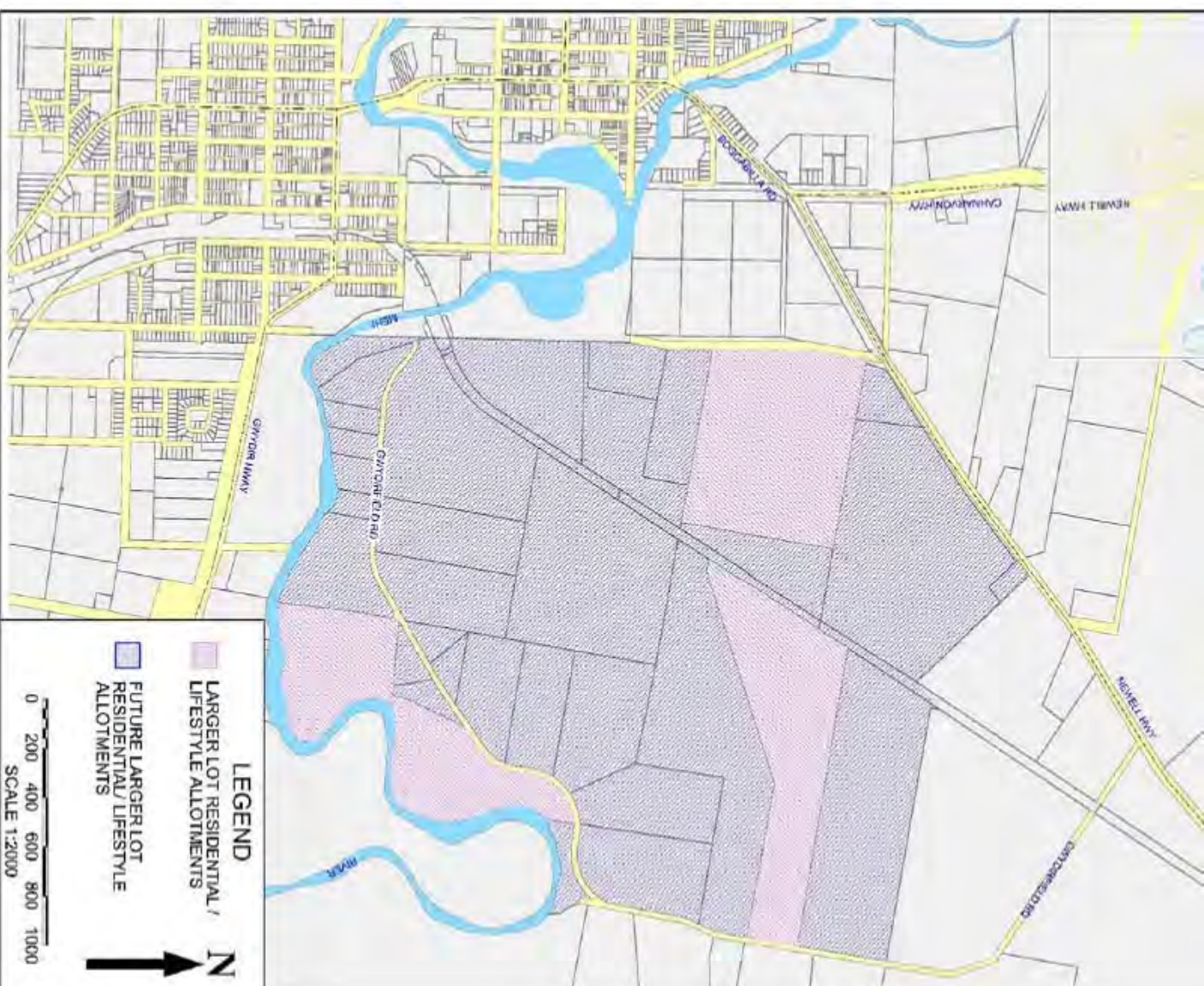
Council appreciates the opportunity to participate in the public exhibition process for these proposed amendments. The management of non-urban land uses is a significant issue in Moree Plains Shire and Council has put much consideration into submissions made for the Draft Strategic Regional Land Use Plan – New England North West, Mining Sepp amendment in late 2012 and the present Mining Sepp amendment.

Should you seek additional information, please contact Mr Murray Amos of Council's Planning and Development Department on 67573252..

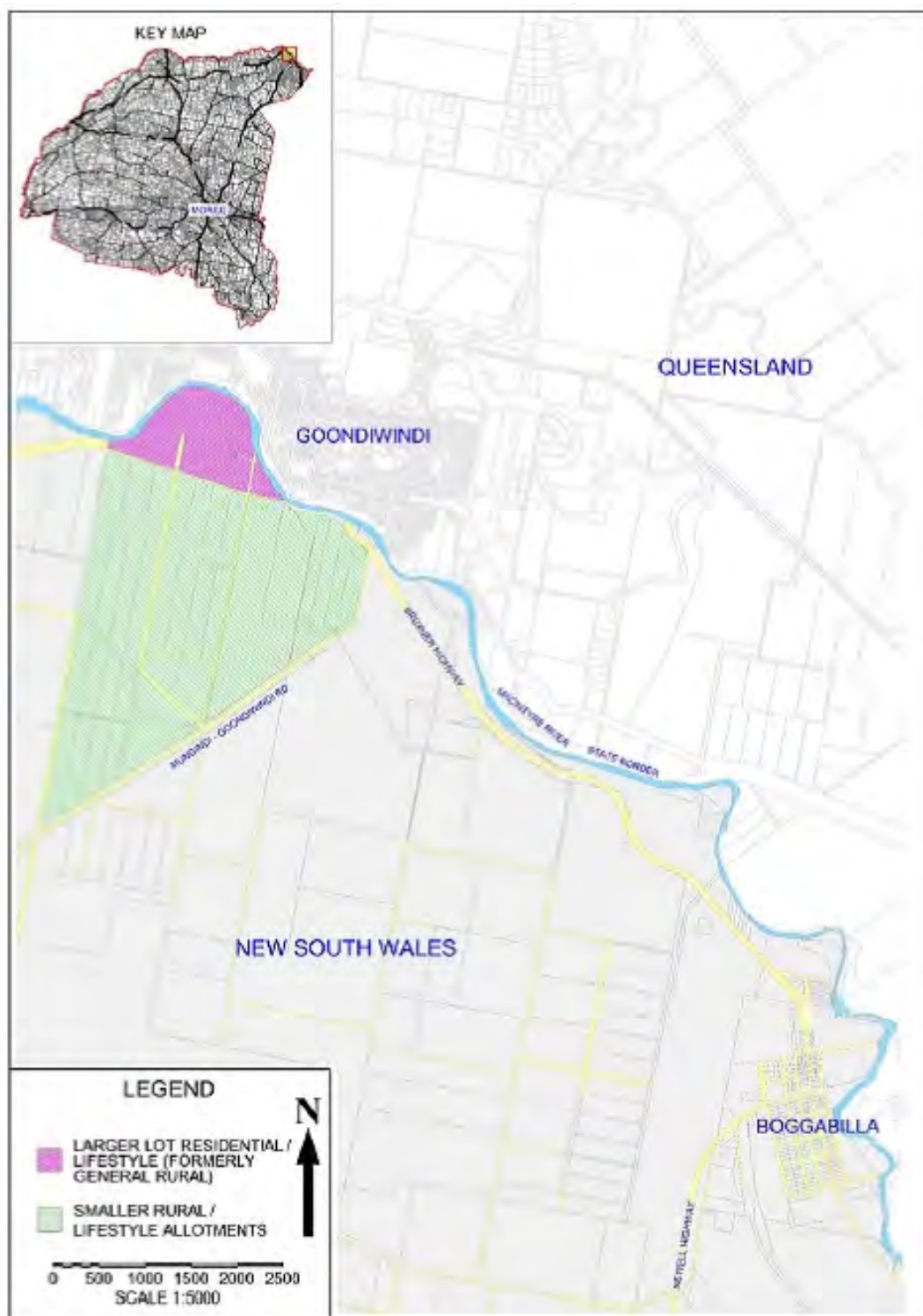
Yours sincerely

A handwritten signature in black ink, appearing to read 'David Aber', with a stylized flourish at the end.

David Aber
GENERAL MANAGER



Map 8.19: Gwydirfield – Closer settlement options



Map 8.24: Boggabilla - Potential zoning and land use approach

The Office of the General Manager

11 April 2013

The Director Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

Willoughby City Council (WCC) is pleased that the Department is consulting the community on the Draft SEPP (mining) in relation to Coal Seam Gas exclusions Zones and make the following submission.

WCC is extremely concerned about Coal Seam Gas activities and the impacts that this will have both on human health and the health of our environment.

Willoughby is a medium sized local government area occupying 23 square kilometres on the lower North Shore of Sydney, 8.5kms north of the Sydney Central Business District (CBD), with its very own busy CBD of Chatswood. Willoughby has a population of about 68 000 people in an estimated 28 000 households.

WCC is committed to striving towards sustainability, by providing leadership and working with the community. The City's scenic waterways, bushland reserves, parks, playgrounds, stunning bush walks, combined art and environmental projects, green corridors and significant heritage items provide an inspiring and healthy environment for its communities and visitors.

Principle 11 of the WCC Sustainability Charter notes that:

We adopt the precautionary principle, so that those proposing development will need to show that their actions are without significant harm to the environment, rather than the community needing to demonstrate absolute proof of cause.

Coal Seam Gas (CSG) extraction is becoming one of Australia's fastest growing petroleum industries. It is understood that whilst electricity produced by gas has lower carbon emissions than coal fired power, the inadvertent release of coal seam methane during the fracking process produces extremely high levels of greenhouse gases, as methane is more than 20 times more potent than carbon as a greenhouse gas.

WCC is concerned not only about the obvious adverse impacts of Coal Seam Gas mining activities, but also the minimal amount of information that is currently being given by mining companies about their activities, the footprint of operations, chemicals that are used, greenhouse gas emissions, water consumption and resulting wastewater; and potential noise impacts to name a few.

Human health impacts are also of major concern. A submission to the Senate on the "Impact of Coal Seam Gas mining in the Murray Darling Basin" from Doctors for the

Willoughby City Council

Environment Australia (Contributors included Professor Peter Doherty - Nobel Laureate for Physiology or Medicine) noted that:

Coal seam gas mining may have adverse impacts on human health by contamination of drinking and agricultural-use water, and air. Contaminants of concern include many of the chemicals used for fracking, as well as toxic substances produced through this process and mobilised from the sedimentary regions drilled. Some of these compounds can produce short-term health effects and some may contribute to systemic illness and/or cancer many years later.
(Doctors for the Environment Australia June 2011).

In addition, the submission also states that:

There is a significant threat of ground water pollution, for the hydrological systems involved are complex and inadequately researched.
(Doctors for the Environment Australia, June 2011).

The unknown cumulative impacts of Coal Seam Gas mining on human health and the environment are therefore foreboding.

Whilst the proposed 2km exclusion zone is a start and goes some way to protect communities, the distance could be much further, especially considering that some State Governments have, ironically, imposed a 2km exclusion zone for wind farms which have no environmental or human health impacts. The exclusion zone also does not protect individual lots or farm homesteads, water catchment areas including groundwater, prime land and agriculture or natural areas with high biodiversity and environmental value.

Critical Industry Clusters (CIC)'s should be redefined as a 'network' rather than a 'concentration' of interrelated 'uses' rather than 'industry'. This would allow identification of a network of farming communities and the interconnected natural environment to be protected under a "Critical Network of Uses" (CNU's).

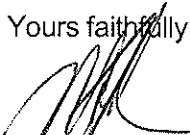
CNU's would provide opportunity for additional protection for:

1. Drinking water catchments and groundwater supplies;
2. Productive agricultural land providing food and related agricultural products;
3. The natural environment and recreational areas, including National Parks, State Conservation Areas and remnant forests of high ecological value.

Furthermore, the right to veto for local councils should be removed unless it is matched with an equivalent power for councils to list new prohibited areas.

WCC implores the NSW Government to also adopt the precautionary principle and increase the exclusion zone and redefine CICs in order to protect human health and the environment until all impacts are rigorously assessed by independent scientists and medical professionals.

Yours faithfully



Nick Tobin
GENERAL MANAGER

Enquiries to: Ken Horner
(02) 6578 7331

Our Ref: 01/0212

Your Ref:

11 April 2013

Mr Daniel Keary
The Director – Strategic Regional Policy
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Daniel,

Re: Coal Seam Gas Exclusion Zones – Submission to exhibition of draft Mining SEPP amendment

Council considered a report on the above matter at its meeting held 8 April 2013. It was resolved Council:

1. Lodge this report as a submission to the exhibition of the draft amendment to the Mining SEPP.
2. Nominate land currently zoned 1(d) Rural Small Holdings which meets the defined village criteria. This includes the villages of Broke, Bulga, Jerrys Plains and Camberwell. Mapping identifying these villages is **appended**. While three of these villages lie within the CIC land, as mapped, it should also include the two kilometre buffer which is to be provided to residential land.
3. Request the inclusion of its future residential growth areas as depicted on page 40 of its DP&I endorse Singleton Land Use Strategy 2008 (appended as **Attachment 3**).
4. Request the inclusion of its rural residential areas around Singleton and Branxton in the exclusion zones. This involves land currently zoned 1(d) Rural Small Holdings, which is proposed to be zoned R5 Large Lot Residential and E4 Environmental Living under the draft Singleton LEP 2013.
5. Request the inclusion of the Putty Valley, Belford and Lower Belford (to the eastern side of Black Creek), Whittingham and Milbrodale settlements as exclusion zones, similar to the residential exclusion zones as these areas contain schools and/or community halls.
6. Request the inclusion of Tourism and Dairy Industries as a CIC.
7. Not opt out of any of the exclusion areas.



ABN 52 877 492 396

Address all
correspondence to
the General Manager:

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NSW 2330

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Administration Centre
located at:
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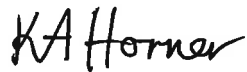
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A progressive
community of
excellence and
sustainability."*

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Recycled Stock.*

A copy of the minute and report, including attachments and the nominated village maps (which were tabled at the meeting) are enclosed as a submission to the exhibition of the draft Mining SEPP amendment.

Should you wish to discuss this matter further please contact me on direct line 6578 7331.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'KA Horner'.

Ken Horner
Coordinator Sustainable Development

Singleton Council LEP 1996 Zones Broke Village



THE EXTENT OF THE VILLAGE OF BROKE IS OUTLINED



Projection GDA 1994
MGA Zone 56

Scale NOT TO SCALE
IDENTIFICATION
PURPOSES ONLY

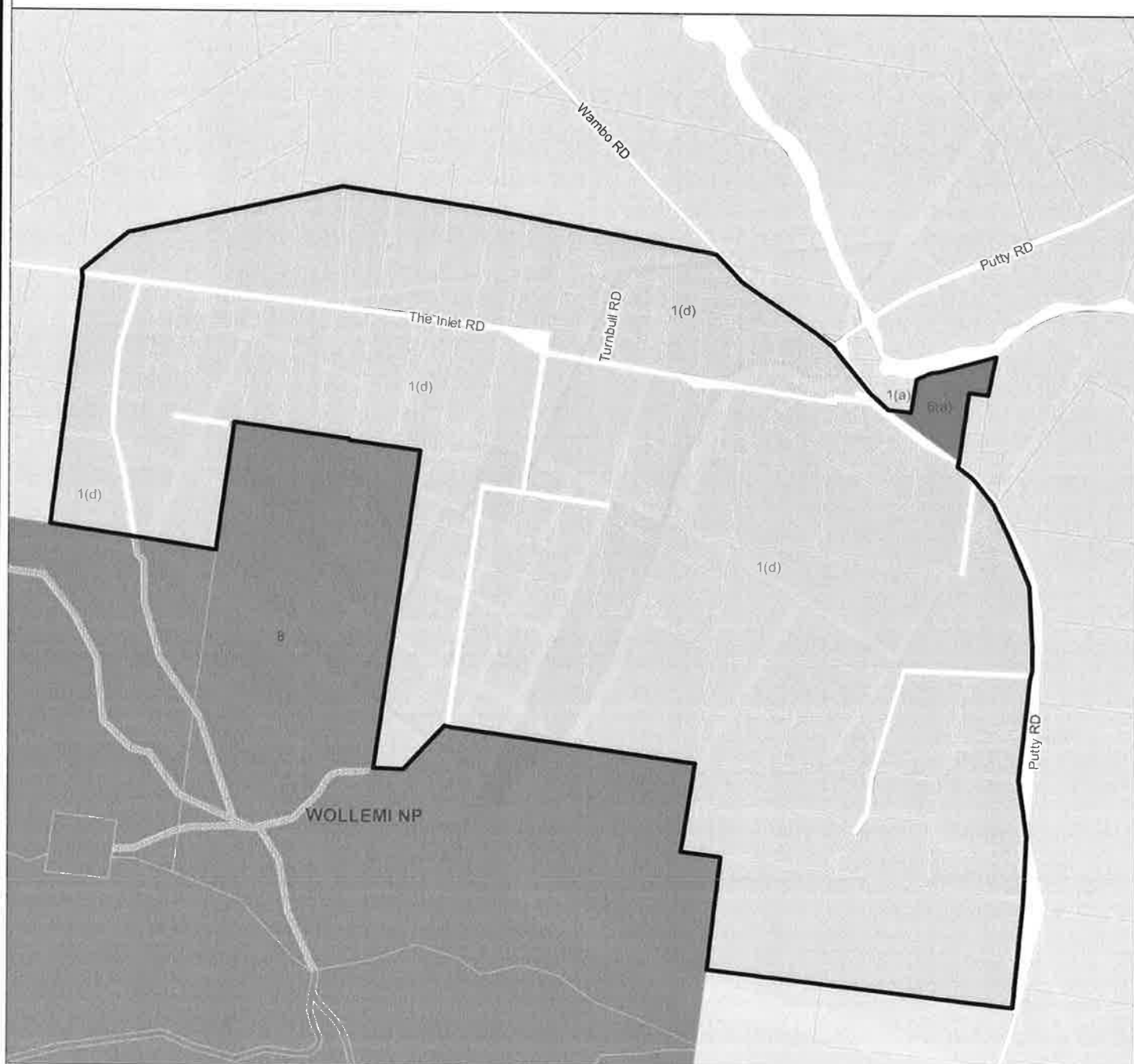
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Date: 08/04/2013
Drawn: GRA
Client: K Horner

Document Title:
LEP Zones - Broke Village

Singleton LEP 1996 Land Zoning

	1(a) - Rural		6(b) - Private Open Space
	1(b) - Rural Hobbyfarms		7 - Environment Protection
	1(d) - Rural Small Holdings		7(b) - Environmental Living
	2 - Residential		7(b) - Environmental Living
	3 - Business		8 - National Parks & Nature Reserves
	4 - Industrial		B1 - Neighbourhood Centre
	4(b) - Heavy Industrial		R1 - General Residential
	5 - Special Uses		R2 - Low Density Residential
	6(a) - Public Open Space		

Singleton Council LEP 1996 Zones
Bulga Village



THE EXTENT OF
 THE VILLAGE OF BULGA
 IS OUTLINED



Projection GDA 1994
 MGA Zone 56

Scale NOT TO SCALE

**Singleton LEP 1996
 Land Zoning**

	1(a) - Rural		6(b) - Private Open Space
	1(b) - Rural Hobbyfarms		7 - Environment Protection
	1(d) - Rural Small Holdings		7 (b) - Environmental Living
	2 - Residential		7(b) - Environmental Living
	3 - Business		8 - National Parks & Nature Reserves
	4 - Industrial		B1 - Neighbourhood Centre
	4(b) - Heavy Industrial		R1 - General Residential
	5 - Special Uses		R2 - Low Density Residential
	6(a) - Public Open Space		

Map Details
 Date: 08/04/2013
 Drawn: GRA
 Client: K. Horner

Document Title:
 LEP Zones - Bulga Village

Singleton Council LEP 1996 Zones
Camberwell Village



THE EXTENT OF
THE VILLAGE OF CAMBERWELL
IS OUTLINED



Projection GDA 1994
MGA Zone 56

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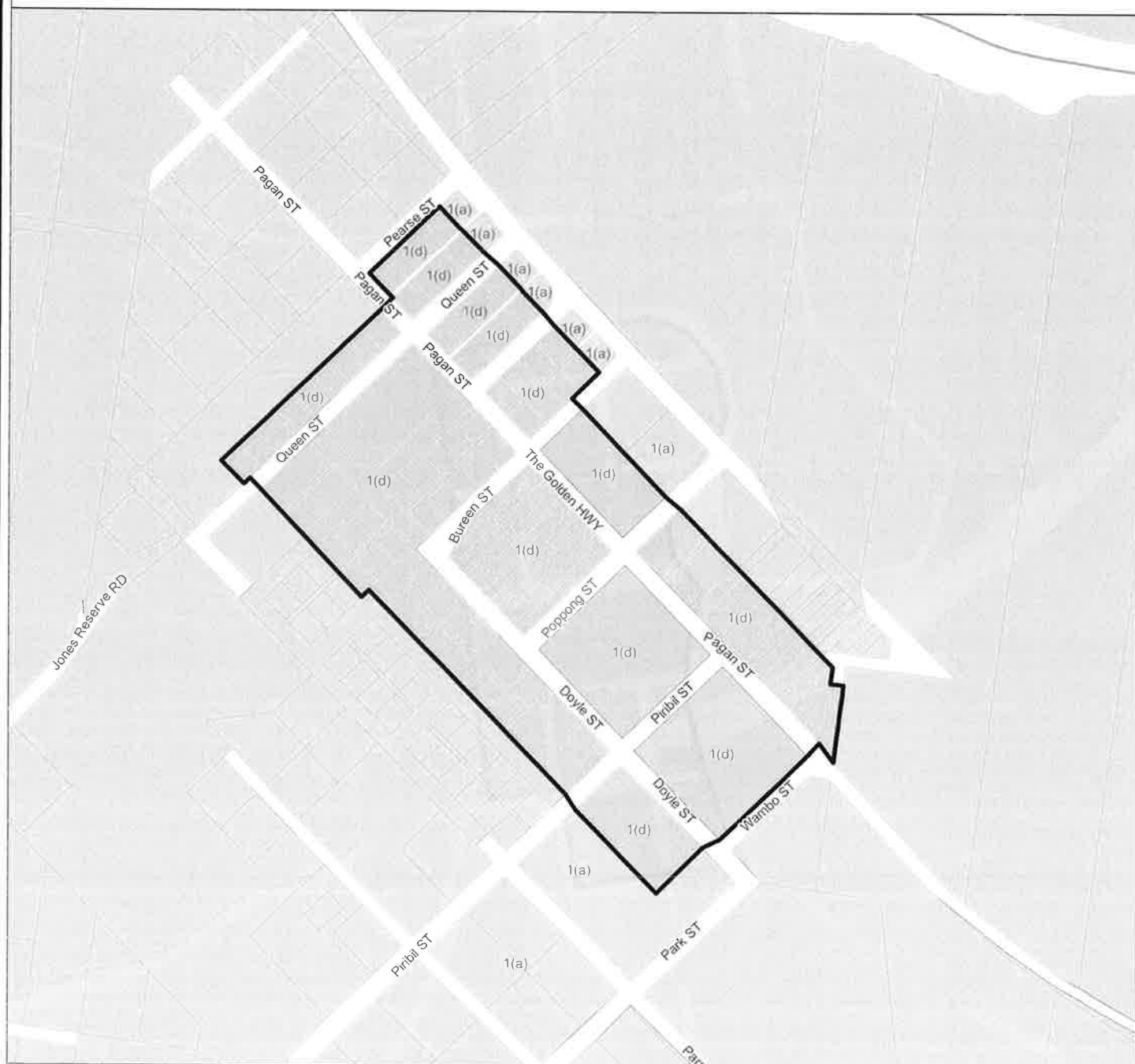
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Date: 08/04/2013
Drawn: GRA
Client: K. Horner

Document Title
LEP Zones - Camberwell Village

**Singleton LEP 1996
Land Zoning**

	1(a) - Rural		6(b) - Private Open Space
	1(b) - Rural Hobbyfarms		7 - Environment Protection
	1(d) - Rural Small Holdings		7 (b) - Environmental Living
	2 - Residential		7(b) - Environmental Living
	3 - Business		8 - National Parks & Nature Reserves
	4 - Industrial		B1 - Neighbourhood Centre
	4(b) - Heavy Industrial		R1 - General Residential
	5 - Special Uses		R2 - Low Density Residential
	6(a) - Public Open Space		

Singleton Council LEP 1996 Zones
Jerrys Plains Village



THE EXTENT OF
 THE VILLAGE OF JERRYS PLAINS
 IS OUTLINED



Projection GDA 1994
 MGA Zone 56

Scale NOT TO SCALE

Map Details
 Date: 08/04/2013
 Drawn: GRA
 Client: K Horner

Document Title:
 LEP Zones - Jerrys Plains Village

**Singleton LEP 1996
 Land Zoning**

	1(a) - Rural		6(b) - Private Open Space
	1(b) - Rural Hobbyfarms		7 - Environment Protection
	1(d) - Rural Small Holdings		7 (b) - Environmental Living
	2 - Residential		7(b) - Environmental Living
	3 - Business		8 - National Parks & Nature Reserves
	4 - Industrial		B1 - Neighbourhood Centre
	4(b) - Heavy Industrial		R1 - General Residential
	5 - Special Uses		R2 - Low Density Residential
	6(a) - Public Open Space		

*Planning and Sustainable Environment Report (Items Requiring Decision)***DP&SE9/13 Coal Seam Gas Exclusion Zones****FILE:01/0212**

Public Access was granted to Mr Graeme O'Brien, who addressed the meeting.

Public Access was granted to Mr Chris Robertson, who addressed the meeting.

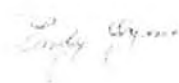
A report was provided to inform Council of the proposed amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 to prohibit Coal Seam Gas exploration and production in residential areas and critical industry clusters.

52/13 **RESOLVED** that Council:

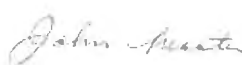
1. Lodge this report as a submission to the exhibition of the draft amendment to the Mining SEPP.
2. Nominate land currently zoned 1(d) Rural Small Holdings which meets the defined village criteria. This includes the villages of Broke, Bulga, Jerrys Plains and Camberwell. Mapping identifying these villages is appended. While three of these villages lie within the CIC land, as mapped, it should also include the two kilometre buffer which is to be provided to residential land.
3. Request the inclusion of its future residential growth areas as depicted on page 40 of its DP&I endorse Singleton Land Use Strategy 2008 (appended as **Attachment 3**).
4. Request the inclusion of its rural residential areas around Singleton and Branxton in the exclusion zones. This involves land currently zoned 1(d) Rural Small Holdings, which is proposed to be zoned R5 Large Lot Residential and E4 Environmental Living under the draft Singleton LEP 2013.
5. Request the inclusion of the Putty Valley, Belford and Lower Belford (to the eastern side of Black Creek), Whittingham and Milbrodale settlements as exclusion zones, similar to the residential exclusion zones as these areas contain schools and/or community halls.
6. Request the inclusion of Tourism and Dairy Industries as a CIC.
7. Not opt out of any of the exclusion areas.

(Scott/Adamthwaite)

**Upon being put to the meeting, the motion was declared carried.
For the Motion were Councillors Adamthwaite, Capsanis, Diemar-Jenkins,
Keown, Lowe, Martin, Moore, Rogers and Scott Total (9).
Against the Motion was Nil Total (0).**



General Manager



Mayor



LATE AGENDA

Council Meeting

Monday 8 April 2013

AGENDA

PAGE

Planning and Sustainable Environment Report (Items Requiring Decision)

DP&SE9/13.....Coal Seam Gas Exclusion Zones2

.....
GENERAL MANAGER

9. Coal Seam Gas Exclusion Zones
Author: Ken Horner**FILE: 01/0212****Executive Summary**

The purpose of this report is to inform Council of the proposed amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 to prohibit Coal Seam Gas exploration and production in residential areas and critical industry clusters.

Councils are specifically requested to identify villages which meet the defined village criteria so they can be included as residential land.

It is recommended that the report be forwarded to the Department of Planning & Infrastructure as a submission to the exhibition of the draft amendment, which closes on 12 April 2013.

RECOMMENDED that Council:

1. Lodge this report as a submission to the exhibition of the draft amendment to the Mining SEPP.
2. Nominate land currently zoned 1(d) Rural Small Holdings which meets the defined village criteria. This includes the villages of Broke, Bulga, Jerrys Plains and Camberwell. Mapping identifying these villages is appended. While three of these villages lie within the CIC land, as mapped, it should also include the two kilometre buffer which is to be provided to residential land.
3. Request the inclusion of its future residential growth areas as depicted on page 40 of its DP&I endorse Singleton Land Use Strategy 2008 (appended as **Attachment 3**).
4. Request the inclusion of its rural residential areas around Singleton and Branxton in the exclusion zones. This involves land currently zoned 1(d) Rural Small Holdings, which is proposed to be zoned R5 Large Lot Residential and E4 Environmental Living under the draft Singleton LEP 2013.
5. Request the inclusion of the Putty Valley and Lower Belford (to the eastern side of Black Creek) settlements as exclusion zones, similar to the residential exclusion zones.
6. Request the inclusion of the Dairy Industry as a CIC.
7. Not opt out of any of the exclusion areas.

Background

The NSW Government is proposing to amend the State Environmental Planning Policy (SEPP) on Mining to implement its announcement on 19 February 2013 that it will prohibit Coal Seam Gas (CSG) operation in residential areas and critical industry clusters.

Planning and Sustainable Environment Report (Items Requiring Decision) - DP&SE9/13

The proposed SEPP amendment applies across the State and seeks to prohibit CSG exploration and production in and within two kilometres of land zoned residential, as well as proposed future residential areas.

Land "zoned residential" includes the following (or equivalent) zones:

- Zone R1 General Residential;
- Zone R2 Low Density Residential;
- Zone R3 Medium Density Residential;
- Zone R4 High Density Residential;
- Zone RU5 Village.

The prohibition will also apply to some land zoned R5 Large Lot Residential, where it meets defined "village" criteria. Council was advised of the exhibition of the proposed amendment and the defined village criteria by email on 22 March 2013, the day of commencement of the exhibition, and invited to nominate, in its submission, particular areas of land zoned R5 (or equivalent), within the LGA, which meet the defined village criteria. It is also proposed to include future residential growth areas. Only Sydney growth areas are included in the amendment on exhibition, however, the Department of Planning & Infrastructure (DP&I) will liaise with its regional offices to determine growth areas at an LGA level, and mapping will be updated accordingly to accompany the finalised SEPP.

CSG exploration and production will also be prohibited within and under areas identified as Critical Industry Clusters (CIC). Currently two CICs have been identified – the equine and viticulture industries in the Upper Hunter.

An additional provision in the SEPP amendment allows councils to opt out of the provisions of the SEPP, by identifying land to be exempted from the CSG prohibition. This would not represent an automatic green light for CSG activity in the area. All proposed exploration and production activities will still need to go through the assessment regime, as outlined in the Government's Strategic Regional Land Use Policy.

The Premier has also announced that:

- The Environment Protection Authority (EPA) will be the lead regulator of environmental health impacts of CSG activities with responsibility for compliance and enforcement;
- All exploration, assessment and production titles and activities will be required to hold an Environmental Protection Licence; and
- The Chief Scientist and Engineer will conduct an independent review of all CSG activities in NSW, including the potential impact on water catchment.

An Office of CSG Regulation will be established within the Department of Trade and Investment Regional Infrastructure Services (DTIRIS), reporting directly to the Director General of DTIRIS. The Office of CSG will also work closely with the Land and Water Commissioner.

Planning and Sustainable Environment Report (Items Requiring Decision) - DP&SE9/13

A copy of the Department's Frequently Asked Questions - Coal Seam Gas Exclusion Zones is appended as **Attachment 1** for information. A copy of the CIC mapping is appended as **Attachment 2**.

Community Strategic Plan

Our Community

N/A

Our Places

This recommendation supports the community strategies:
Promote village living and lifestyle
Plan considering the past, present and a sustainable future
Plan for a sustainable and safe community

Our Environment

This recommendation supports the community strategies:
Collaborate to protect, enhance and improve our environment
Enable and encourage civic leadership for environmental sustainability

Our Community Leadership

This recommendation supports the community strategies:
Inform, consult, involve, collaborate, empower our community for effective decision making
Respond to the changing needs of our community
Lead, govern and regulate transparently, equitably and ethically

Delivery Program/Operational Plan

This is not relevant to this report.

Council Policy/Legislation

The legislation to be amended is the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. The proposed amendment is titled State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013.

Council's draft Singleton LEP 2013 is yet to be finalised by the Department of Planning & Infrastructure, so the "equivalent" zones to be considered in Council's Singleton LEP 1996 are Zone 2 Residential, Zone R1 Residential, Zone R2 Low Density Residential and Zone 1(d) Rural Small Holdings Zone.

Financial Implications

CSG is used for low cost domestic gas consumption. However, there may be potential for adverse impacts on agricultural and residential environments, which have not been specifically costed.

Further cost implications could be associated with unknown environmental impacts.

Consultation/Social Implications

The State Government has only provided a three-week exhibition period, 22 March to 12 April 2013, for the proposed amendment. In the preparation of Council's Community Strategic Plan the Broke and Putty Valley communities expressed serious concern over the development of CSG resources in their areas. Broke can be included as a village exclusion, however, there is no mechanism for the exclusion of Putty Valley from CSG activities. Putty Valley comprises a relatively closely settled rural community with a community hall and Rural Fire Brigade. Residents strongly lobbied Council in regard to prohibiting CSG activities in its preparation of the draft Singleton LEP 2013.

The Lower Belford and Hermitage Road communities have also made representations to Council. It is unclear from the existing mapping the full extent of impact on the Lower Belford area, although the Standen Drive area to Black Creek would appear to be protected. The Hermitage Road area is fully contained within the CIC and is therefore protected.

The DP&I Frequently Asked Questions response to not including rural residential areas as exclusions is that "managing the impacts of CSG activity on rural residential subdivisions will be considered in the Chief Scientist & Engineer's review". It is considered that Council should request the inclusion of rural residential development in the excluded areas. The rural residential communities around Singleton and Branxton are relatively closely settled areas which may be significantly impacted by CSG activity.

It is understood from recent discussions with representatives of the wine country area that a submission has been made to the NSW Government requesting recognition of the tourism sector as a CIC.

Environmental Consideration

The potential for environmental impacts has been hotly debated over the past few years. There appears to be evidence that impact could be significant and irreversible.

While the equine and viticulture CICs are identified, other CICs have not been identified. An additional CIC which would be important for the Singleton LGA would be the dairy industry.

Risk Implications

There appears to be serious risk of significant environmental impacts, as mentioned above.

Options

Council needs to nominate land currently zoned 1(d) Rural Small Holdings which meets the defined village criteria. This includes the villages of Broke, Bulga, Jerrys Plains and Camberwell. Mapping identifying these villages is will be tabled at the meeting (due to technical difficulties at the time of writing this report). While three of these villages lie within the CIC land, as mapped, this does not include the two kilometre buffer to be provided to residential land. CIC land does not include the two kilometre buffer, and the villages within the CIC land lie close to the edge of it. This issue should be clarified.

Council should request the inclusion of its future residential growth areas as depicted on page 40 of its DP&I endorse Singleton Land Use Strategy 2008 (appended as **Attachment 3**).

Council should also request the inclusion of all of its rural residential areas around Singleton and Branxton in the exclusion zones. This involves land currently zoned 1(d) Rural Small Holdings, which is proposed to be zoned R5 Large Lot Residential and E4 Environmental Living under the draft Singleton LEP 2013.

Council should also request the inclusion of the Putty Valley settlement and Lower Belford as an exclusion zone, similar to the residential exclusion zones.

Council should request the inclusion of the dairy industry as a CIC.

Council can nominate parts of the exclusion areas which it wishes to opt out of. However, it is recommended that Council not opt out of any of the exclusion areas.

Conclusions

It is recommended that Council lodge this report as a submission to the exhibition and that the requests and nominations detailed in the Options section above be made to the Department of Planning & Infrastructure.

Attachments

- AT-1** Mining SEPP Amendment Frequently Asked Questions
- AT-2** Critical Industries Cluster Map
- AT-3** Future Residential Areas Map

**Mark Ihlein**

Director Planning and Sustainable Environment



March 2013

Frequently Asked Questions Coal Seam Gas Exclusion Zones

WHY ARE YOU AMENDING THE MINING SEPP?

- On 19 February 2013, the Premier announced tough new measures to further strengthen the regulation of the coal seam gas (CSG) industry in NSW.
- These will ensure heightened protection for residential areas and certain critical agricultural industries by prohibiting CSG activity within or close to these areas.
- In order to implement these measures, an amendment is required to a State Environmental Planning Policy known as the Mining SEPP.
- As part of the process of amending the SEPP, the proposed changes will be placed on exhibition for public feedback until **Friday 12 April 2013**.

WHAT IS BEING EXHIBITED?

- The proposed changes to the Mining SEPP are known as draft *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013*.
- The proposed changes include amendments to the SEPP to describe what is being prohibited and where.
- The amendments are also accompanied by maps showing Critical Industry Cluster land, as well as an interim map of future residential growth areas which will be updated and completed to accompany the finalised SEPP.
- The exhibited documents can be found on the Department of Planning and Infrastructure's website at www.planning.nsw.gov.au/onexhibition

WHAT PROHIBITIONS ON CSG ACTIVITY WILL BE PUT IN PLACE?

- All new CSG exploration and production activity will be prohibited on, under and within two kilometres of, land zoned residential (see question below). The prohibition will also extend to future residential growth areas.
- All CSG exploration and production activity will also be prohibited within and under areas identified as Critical Industry Clusters. Currently, two Critical Industry Clusters have been identified – the equine and viticulture industries in the Upper Hunter.



- A Critical Industry Cluster is a localised concentration of activity associated with an agricultural industry of national or international significance that is potentially significantly impacted by mining or CSG development.

WHICH RESIDENTIAL ZONES WILL THE EXCLUSIONS APPLY TO?

- The SEPP will prohibit CSG exploration and production in and within two kilometres of the following zones (or their equivalent):
 - R1 – General Residential
 - R2 – Low Density Residential
 - R3 – Medium Density Residential
 - R4 – High Density Residential
 - RU5 – Village
- This prohibition will also apply in and within two kilometres of some areas zoned R5 – Large Lot Residential, which commonly applies to rural or semi-rural areas characterised by individual dwellings on large lots.
- However, the zone also applies to some village areas, and the SEPP will apply to these areas where they meet defined village criteria
- Areas identified could include an entire area zoned R5 or part of that area. That part of the area zoned R5 that meets the village criteria will be listed in the SEPP as an exclusion zone.
- Managing the impacts of CSG activity on rural residential subdivisions will be considered in the Chief Scientist & Engineer's review.

WHAT CRITERIA WILL BE USED TO DEFINE AN R5 VILLAGE THAT WILL BE SUBJECT TO THE EXCLUSIONS?

- A village is a small population centre in a rural setting consisting predominantly of residential development, but likely to also include a range of other land uses such as retail, business, industrial, educational or recreation that service the village or local rural community.
- The following criteria are proposed:
 - The area must contain a mix of land uses.
 - The zone must apply to a settlement that is long established and has some historic association with the district, region and/or rural hinterland.
 - The area must contain a mix of lot sizes, including an average lot size of up to 4,000 square metres.
- These criteria have been designed to provide key points of differentiation between villages and rural residential subdivisions.



WHO DECIDES WHETHER THESE VILLAGE AREAS QUALIFY AS EXCLUSION ZONES?

- Councils have been requested to nominate particular areas zoned R5 within their LGA for listing in the SEPP as an R5 village.
- Nominations will be evaluated by the Department of Planning and Infrastructure and recommendations will be made to the Minister for Planning and Infrastructure for inclusion in the finalised SEPP. The Department is currently consulting Local Government NSW about local government involvement in the evaluation process.

HOW ARE FUTURE RESIDENTIAL GROWTH AREAS DEFINED?

- Future residential growth areas will include areas mapped in a Government-endorsed strategy such as a Regional Strategy or council housing strategy, as well as draft local environmental plans.
- The future residential growth areas map being exhibited as part of the SEPP amendment currently only covers the North West and South West Growth Centres.
- However, the Department of Planning and Infrastructure is currently compiling information on all future growth areas across the State in consultation with local councils to include in a final map prior to the finalisation of the SEPP amendment.

WHY IS A TWO-KILOMETRE BUFFER NOT PROPOSED AROUND CRITICAL INDUSTRY CLUSTERS?

- Any CSG activity proposed near a Critical Industry Cluster will still be subject to a range of comprehensive policies and requirements to minimise their impacts on land uses within the cluster.
- These include the requirement to prepare an Agricultural Impact Statement, which must identify whether the proposal is located within two kilometres of any strategic agricultural land, including a Critical Industry Cluster. If so, the application must specifically address potential impacts on the cluster.
- Other relevant measures that would still apply to CSG proposals within two kilometres of a Critical Industry Cluster include:
 - the Aquifer Interference Policy;
 - new community consultation requirements on licence applications and conditions;
 - updated and improved environmental assessment guidelines for exploration activities;
 - a ban on the use of dangerous BTEX chemicals and evaporation ponds; and
 - codes of practice for the CSG industry covering well integrity and fracture stimulation.



- It's important to note that the exclusions will apply to CSG activity both on and below the surface, meaning it will not be possible for CSG companies to access gas by drilling underneath these areas from outside.

WHICH PROJECTS WILL THE EXCLUSIONS APPLY TO?

- The exclusions will apply to exploration and production proposals that do not have approval at the date that the Mining SEPP is made.
- The changes will also prevent exploration activities in these areas from expanding or transitioning to the production stage.
- In the interim the exclusion zones are being given effect through administrative processes to ensure that no approvals are granted for CSG activity within the exclusion zones.

WILL THESE EXCLUSIONS AUTOMATICALLY APPLY IN MY AREA?

- The Mining SEPP applies to the entire State of New South Wales. As such the exclusions will also apply to residential areas and Critical Industry Clusters wherever they exist across the entire State.
- However, the NSW Government believes that local councils know their local areas better than anyone and is giving councils greater say in the planning decisions that affect their area.
- Therefore, to ensure local communities retain flexibility, local councils will be able to opt out of the exclusion areas should they wish to do so.
- A council opting out does not, however, represent an automatic green light for CSG activity in the area. All proposed exploration and production activities would still need to go through the most rigorous regime of CSG regulations in the country, as outlined in the Government's Strategic Regional Land Use Policy.

HOW CAN I MAKE A SUBMISSION?

- Submissions can be made online at www.planning.nsw.gov.au/oneexhibition
- Alternatively, submissions can be mailed to:
 - The Director – Strategic Regional Policy, NSW Department of Planning and Infrastructure, GPO Box 39, Sydney NSW 2001
- For more information, people can call the Department of Planning and Infrastructure's Information Centre on 1300 305 695.



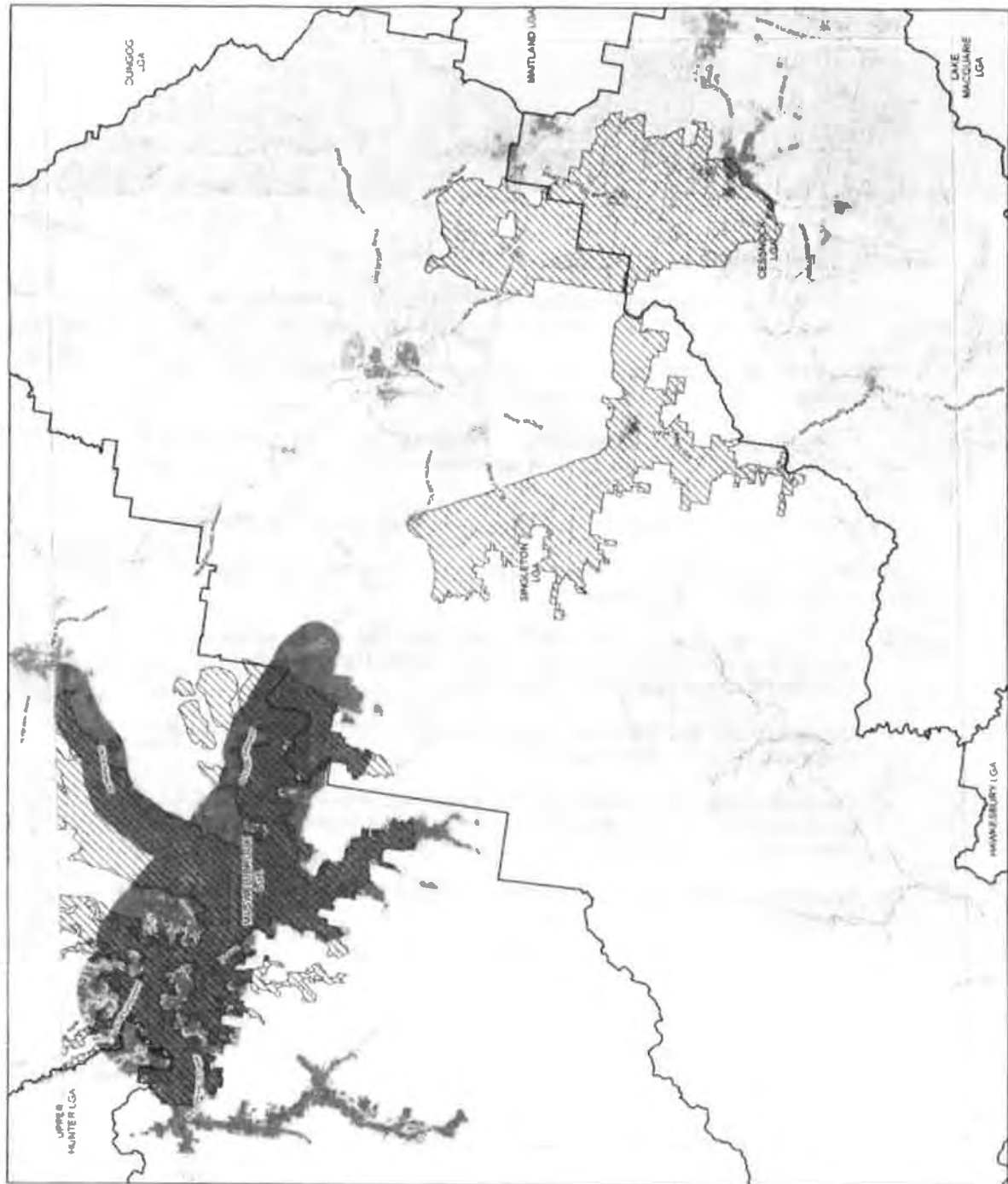
WHAT IS THE PROCESS AFTER THE EXHIBITION IS FINISHED?

- When the public exhibition period finishes, the Department of Planning and Infrastructure will review all submissions and make any changes as necessary.
- The SEPP will be finalised in a timely manner to ensure the Government's announced protections are given legal effect as soon possible.
- The final SEPP amendment will then be approved by the Minister for Planning and Infrastructure and notified on the NSW legislation website www.legislation.nsw.gov.au

WHAT OTHER MEASURES ARE BEING PUT IN PLACE TO MANAGE CSG IN NSW?

The Premier's announcement of 19 February 2013 included a number of additional measures to regulate the CSG industry in NSW:

- The independent Environment Protection Authority (EPA) will now be the lead regulator of environmental and health impacts of CSG activities in NSW with responsibility for compliance and enforcement.
- An Office of CSG Regulation will be established within the Department of Trade and Investment to enforce other regulations.
- The Chief Scientist and Engineer will conduct an independent review of all CSG activities in NSW, including the potential impact on rural residences and potential impacts on water catchments.
- All exploration, assessment and production titles and activities will be required to hold an Environment Protection Licence.



State Environmental Planning
Policy (Mining, Petroleum
Production and Extractive
Industries) 2007

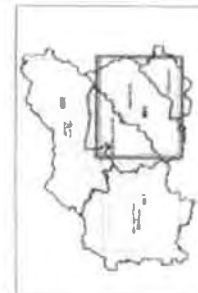
Critical Industry Cluster Land Map -
Sheet C/C_003

Legend

- Critical Industry Cluster Land Map
- Critical Industry Cluster Land Map

Customers

Customers: 18/02/2015 10:00:00 AM



Map: 18/02/2015 10:00:00 AM

SUBMISSION TO NSW GOVERNMENT ON THE PROPOSED STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) AMENDMENT (COAL SEAM GAS EXCLUSION ZONES) 2013

Background

In December 2010, Council wrote to the Premier about Council's concerns about coal seam gas extraction and the licence approval process. Council sought Department of Environment, Climate Change and Water involvement in the licence approval process. Council also requested changes to the approval process that would ensure Council and the community is notified and has at least 90 days to comment when the State Government considers issuing an exploration licence in their area and to request an independent investigation into the full environmental and social impacts of coal seam gas exploration and extraction.

In 2011, Council put forward a motion to the 2011 NSW Local Government Association noting the risks of coal seam gas extraction and requesting the NSW Government undertake an independent investigation into the full environmental and social impacts of coal seam gas extraction and ensure all exploration licences for resource extraction comply with a long-term strategic plan for mining and areas excluded for mining. Council proposed all approvals of exploration licences for resource extraction be subject to independent environmental assessment and oversight, and the relevant Council and community be notified with at least 90 days to comment when the State Government is considering issuing exploration licences in their area.

On 9 September 2011, the City made a submission to the NSW Coal Seam Gas Inquiry with a number of recommendations (see below).

On 4 October 2011, the City made a supplementary submission to the NSW Coal Seam Gas Inquiry which included a new background paper - *Drilling Down: Coal Seam Gas*, which the City had commissioned from the Institute for Sustainable Futures, University of Technology Sydney. The background paper had been foreshadowed in Council's earlier submission. The City's recommendations, including the earlier recommendations to the Inquiry, were as follows:

- The Inquiry should consider and take into account whether New South Wales needs to explore and develop CSG at all and whether New South Wales gas requirements would be better served by importing conventional natural gas from Western Australia via LNG, which is a lot closer than Asia or Europe.
- The Inquiry should ensure that there is independent investigation into the full environmental and social impacts of coal seam gas exploration and extraction. Transparent planning, approvals, and regulatory processes are called for to ensure that if NSW utilises the CSG resource it is not at the expense of water resources or communities.

- NSW Strategic Regional Land Use Policy and Regional Strategic Plans should mandate protection from mining in sensitive areas including important agricultural land, aquifers, National Parks and Sydney and town catchment areas.
- The Inquiry should review and make recommendations for NSW to introduce Exploration Restricted Areas in and around urban areas and regional centres in a manner consistent with restrictions introduced to Queensland in August 2011.
- The inquiry should obtain and make public details of complaints and their outcomes regarding both exploration and production activities for NSW, and details of historic complaints for Queensland.
- Community involvement in decisions and approvals needs to be ensured with project applications notified by the NSW Government in a coordinated and easily accessible way with sufficient time for public exhibition and comment.
- A centralised, coordinated, and transparent procedure for compliance monitoring and reporting should be adopted for all exploration and production activities within NSW.
- The Inquiry should ensure that the precautionary principle is applied and that sufficient regulations are in place to protect aquifers and groundwater.
- The Inquiry should ensure that water quality criteria for beneficial reuse of produced water are clearly defined before approval is granted similar to how this is defined in Queensland through the Environmental Protection Act (QLD) 1994.
- Strategic planning, regulation, and compliance monitoring of CSG should be informed by coordinated regional research on hydrogeological interactions, overseen by a body such as the National Water Commission.
- The Inquiry needs to recommend responsibility for coordinated assessment of potential aquifer impacts and the cumulative impacts of multiple projects.
- The Inquiry should request research on life cycle greenhouse gas emissions from coal seam gas extraction be carried out and published, so the benefit of CSG can be properly assessed.
- Monitoring and reporting of fugitive greenhouse gas emissions should be required for exploration and production wells, with a view to developing minimum standards under consent conditions.

Since the City's submission to the Inquiry it is noted that the Northern Territory Government made a submission to the Australian Government on its draft Energy White Paper¹ proposing to supply natural gas to the domestic gas market with the connection of the Northern Gas Market to the Eastern Gas Market. At present and for the foreseeable future there are no apparent commercial drivers for investment in such a pipeline and coal seam gas could be holding back such investment. In other words, NSW does not have to rely on coal seam gas for future domestic gas supplies as implied in NSW Government's submission to the Inquiry.

Coal Seam Gas Exclusion Zones

The City broadly supports the proposed Coal Seam Gas Exclusion Zones policy with the following provisos:

¹ Northern Territory Submission on the Draft Energy White Paper – March 2012
<http://www.ret.gov.au/energy/Documents/ewp/draft-ewp-2011/submissions/146.Northern-Territory-Government.pdf>
 NSW COAL SEAM GAS EXCLUSION ZONES SUBMISSION (MB Rev 1A)

- Councils should not only have the ability to prohibit coal seam gas exploration and production proposals in their Local Government Areas by the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013, otherwise known as the Mining SEPP, date they should also have the ability to prohibit the exploration and production proposals that already have or will have approvals by the Mining SEPP date. This will avoid the rush to mine or gain approvals by the Mining SEPP date that would otherwise negate the proposed Coal Seam Gas Exclusion Zones policy.
- Any Council proposing to opt out of the exclusion areas should only be able to do so by formal Council resolution in a transparent publicly accessible Council meeting. Such a proposal must not be dealt with as a confidential item excluding the public from the meeting.
- Where a Council proposes to opt out of the exclusion areas they must not be allowed to do so if the vertical and/or horizontal drilling is within 2 kilometres of another Council's local government area boundary and that Council has not agreed to opt out of the exclusion areas.
- Councils must be given sufficient time to nominate R5 – Large Lot Residential and Village areas as exclusion areas and that no coal seam gas exploration and production proposal be allowed to take place or approval granted until such nominations have been made and put into effect.

Allan Jones MBE
 Chief Development Officer, Energy and Climate Change
 12 April 2013

sr lup - Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

From: "Roger Busby" <Roger.Busby@greatlakes.nsw.gov.au>
To: <sr lup@planning.nsw.gov.au>
Date: 4/12/2013 9:13 AM
Subject: Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

Dear Sir/Madam,

At its Strategic Committee meeting of 9 April 2013 Great lakes Council discussed the proposed SEPP amendment. Council decided that a submission be made to the Department of Planning and Infrastructure requesting that the exclusions be extended to cover all areas where CSG exploitation is likely to cause land use conflicts, impact on urban communities or have unacceptable environmental impacts. Specifically, Council requests that the exclusions be expanded to include the following:

1. All land currently and proposed to be zoned for rural residential purposes. In Great lakes these areas have lot sizes of between approximately 4,000m² and 2ha and are predominately used for residential and associated domestic purposes. In addition, many rural residential areas are on the periphery of urban areas. Consequently, there is no reason why they should not be treated the same as residential zones.
2. Great Lakes Council is in the advanced stages of finalisation of its new comprehensive LEP based on the Model LEP template. Drinking water catchments have been mapped in the draft LEP and it is Council's view that CSG development should be excluded from these catchments.
3. There are urban zones, other than residential, which should be excluded from CSG development. These include open space and recreation, shopping and commercial, employment and special use etc. It would seem more appropriate to refer to the exclusion as being applicable to areas within, and within 2km, of an area urban area or an area which is ascribed an urban zone.
4. Areas of significant community infrastructure.
5. Areas of national and international importance, such as RAMSAR wetlands should be excluded from CSG development.
6. There are numerous "paper" subdivisions within Great Lakes with various levels of development and temporary use. These subdivisions have residential lot sizes but are zoned rural. In the future, some of these subdivisions may be developed for urban purposes under the "paper" subdivisions Regulation recently introduced by DPI. All of these areas should be exclude from CSG development.
7. Council has completed all of its growth strategies for the Local Government Area and has identified all potential release areas. It will be essential for these areas to be excluded from CSG development.

It is not clear from the draft SEPP amendment how the 2km exclusion will be determined – will it be a road distance, radius or straight line? To avoid uncertainty and avoid differences in interpretation this will have to be clarified. Similarly, what components of CSG development will be excluded from the exclusion zone? Will it be everything including wells, pipelines, access roads, processing facilities etc

The short exhibition period of the draft SEPP amendment has not allowed Council to make a more comprehensive submission. In the event the department wants further information on the above matters, further information, including maps and detailed information, can be provided.

Please contact me should you wish to discuss this matter or require further information.





Regards

Roger Busby
 Manager Strategic Planning
 Planning and Environmental Services
 Great Lakes Council
 Ph: 02 65917254

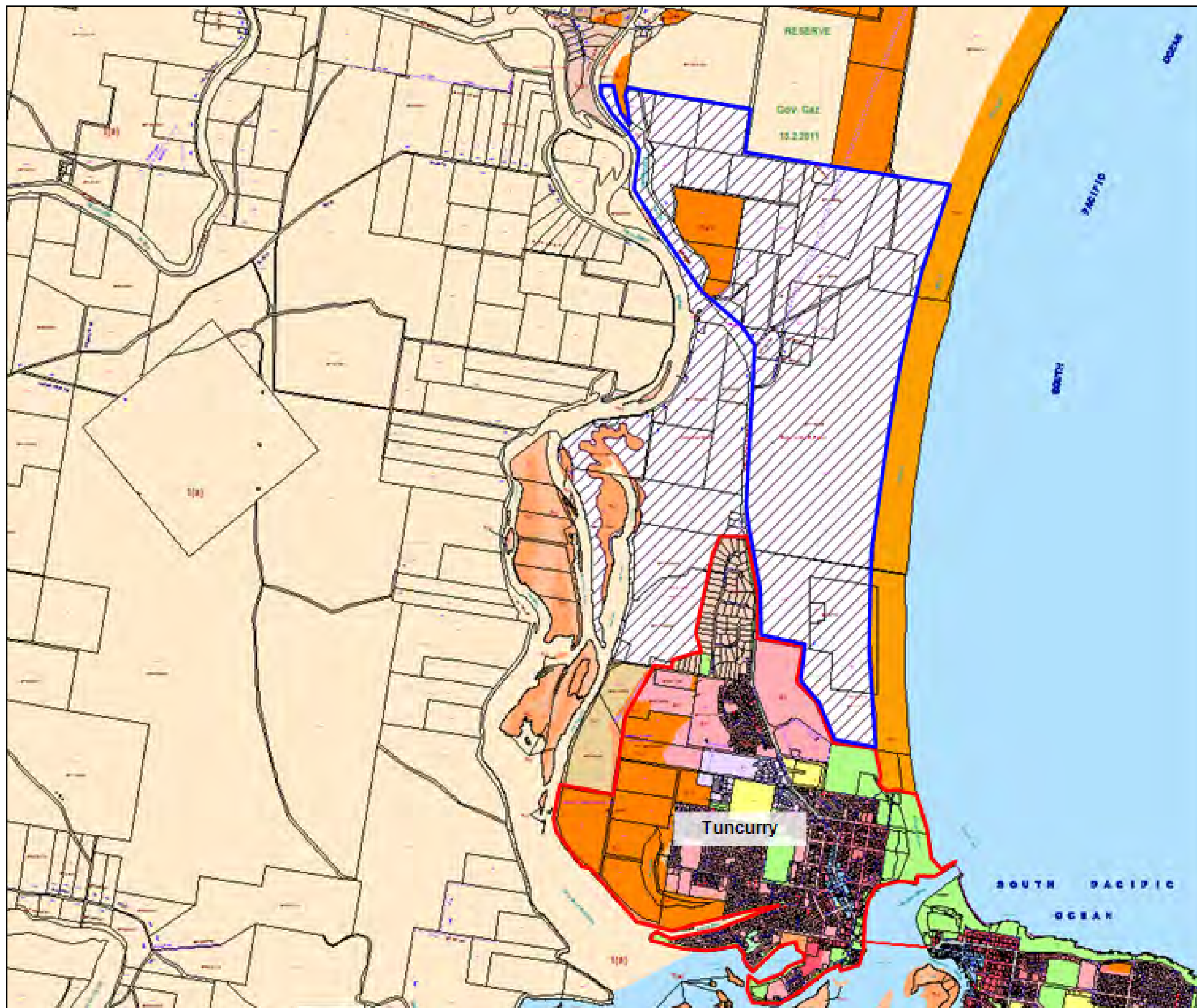
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. :
 This footnote also confirms that this email message has been scanned for viruses and other harmful content by Sophos.

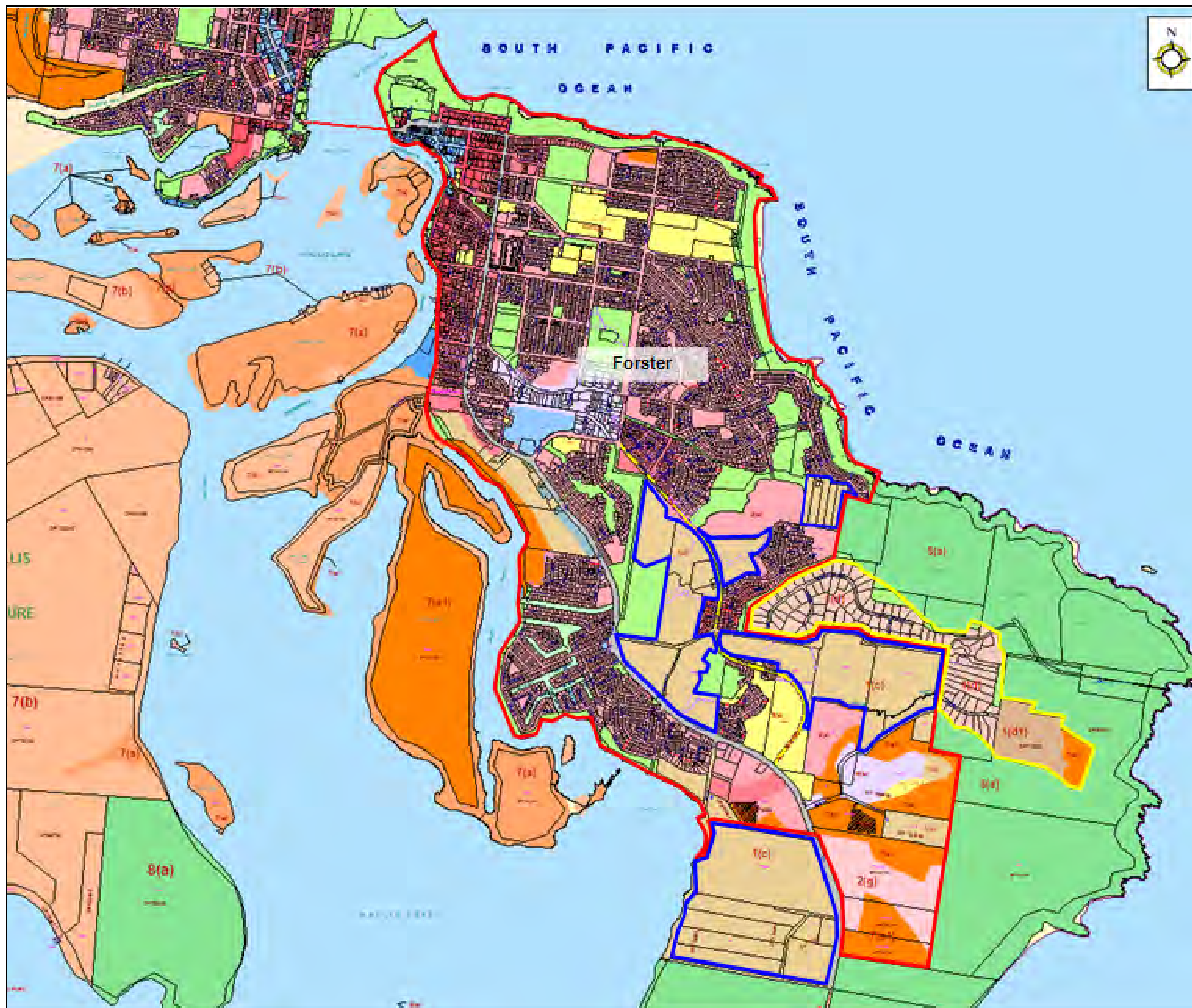
Coal Seam Gas Exclusion Area Maps

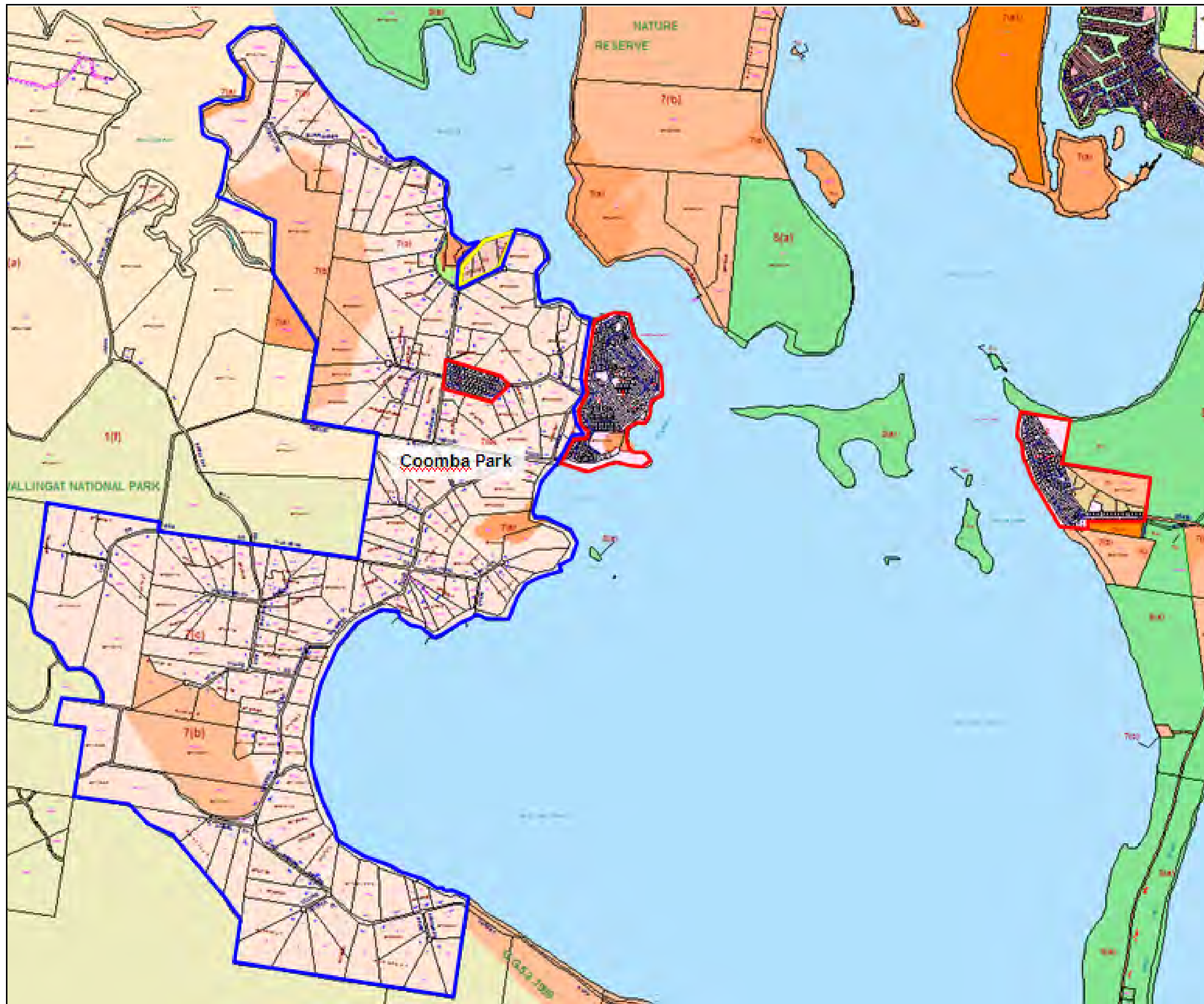
The following maps have been developed by Council in order to depict areas which are believed be unsuitable for Coal Seam Gas exploration. Exclusion areas have been split into the following four categories:

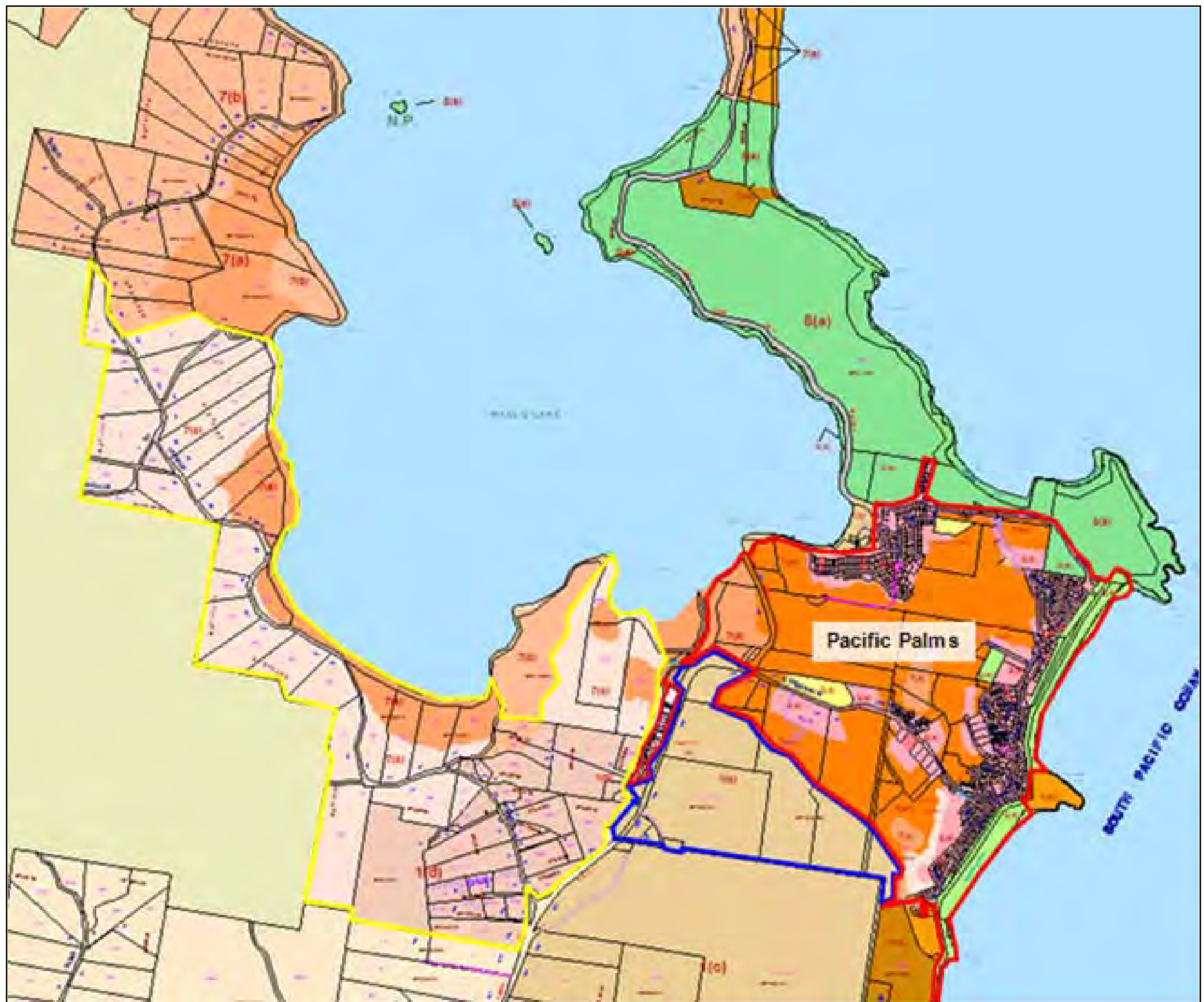
-  Urban Areas
-  Future Urban Investigation Areas
-  Rural Residential Land
-  Paper Subdivisions

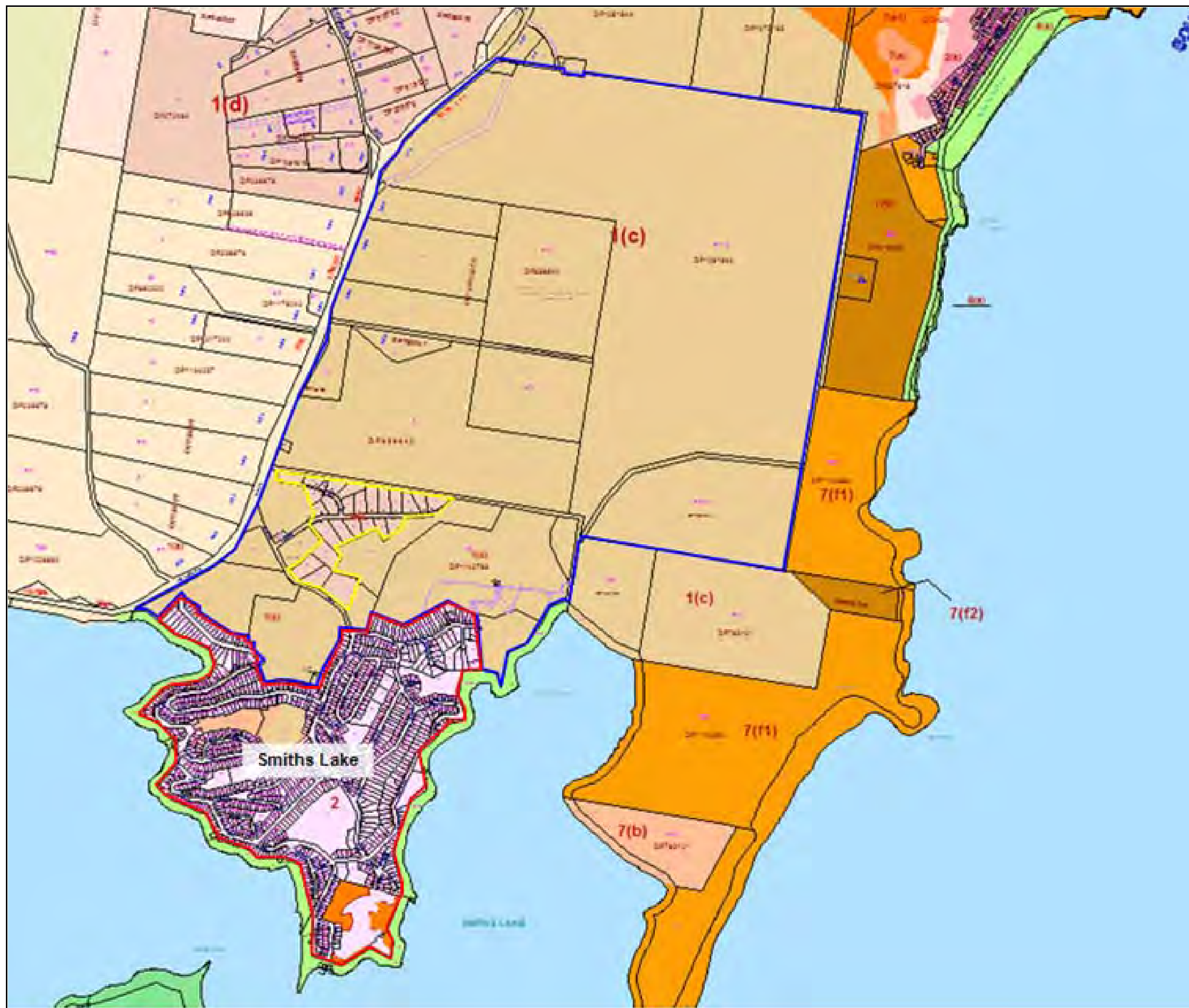
Please note that the following maps are indicative only. Should more accurate mapping information be required, the Great Lakes Council will undertake the preparation of GIS based documents upon request.

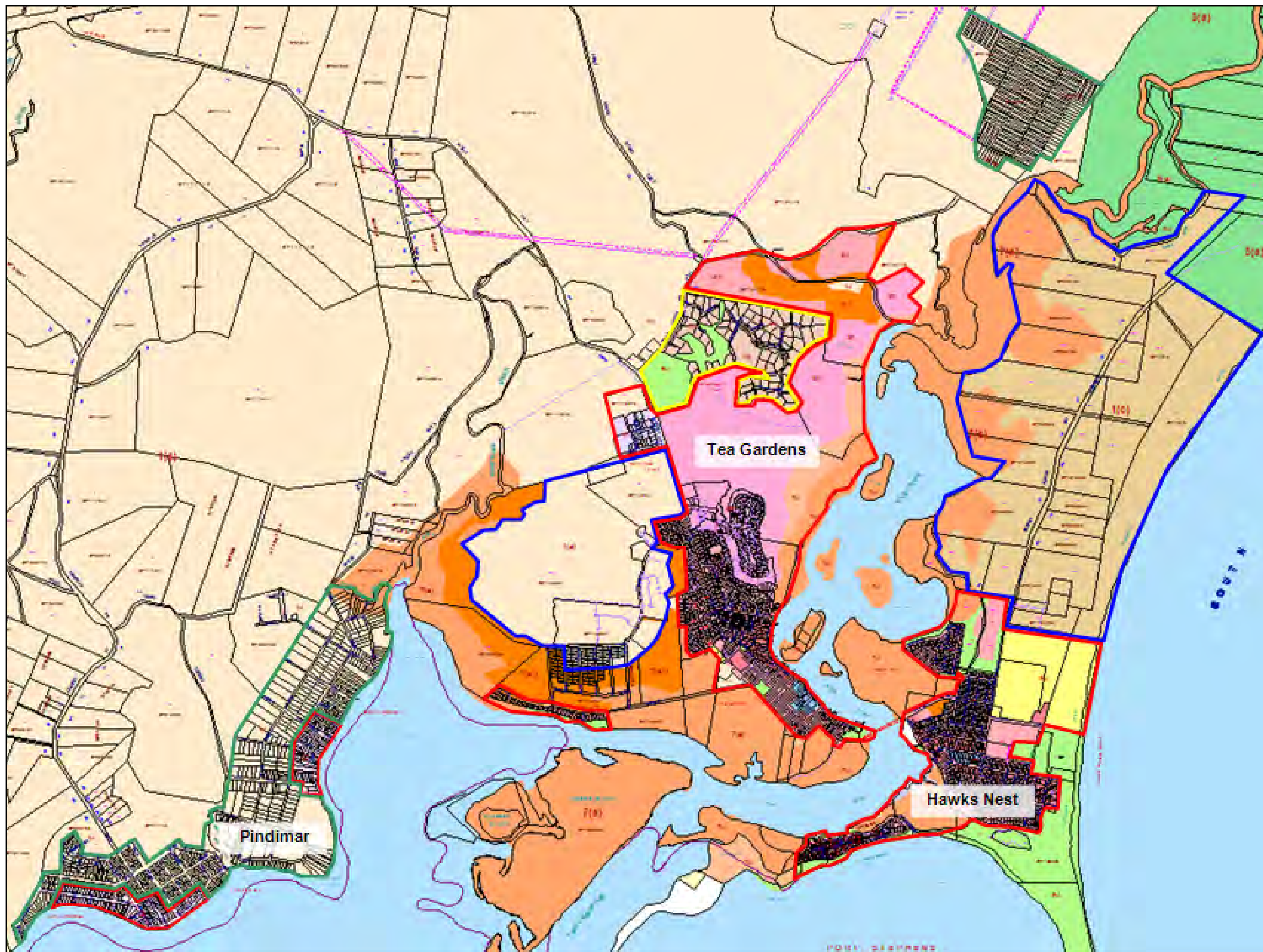


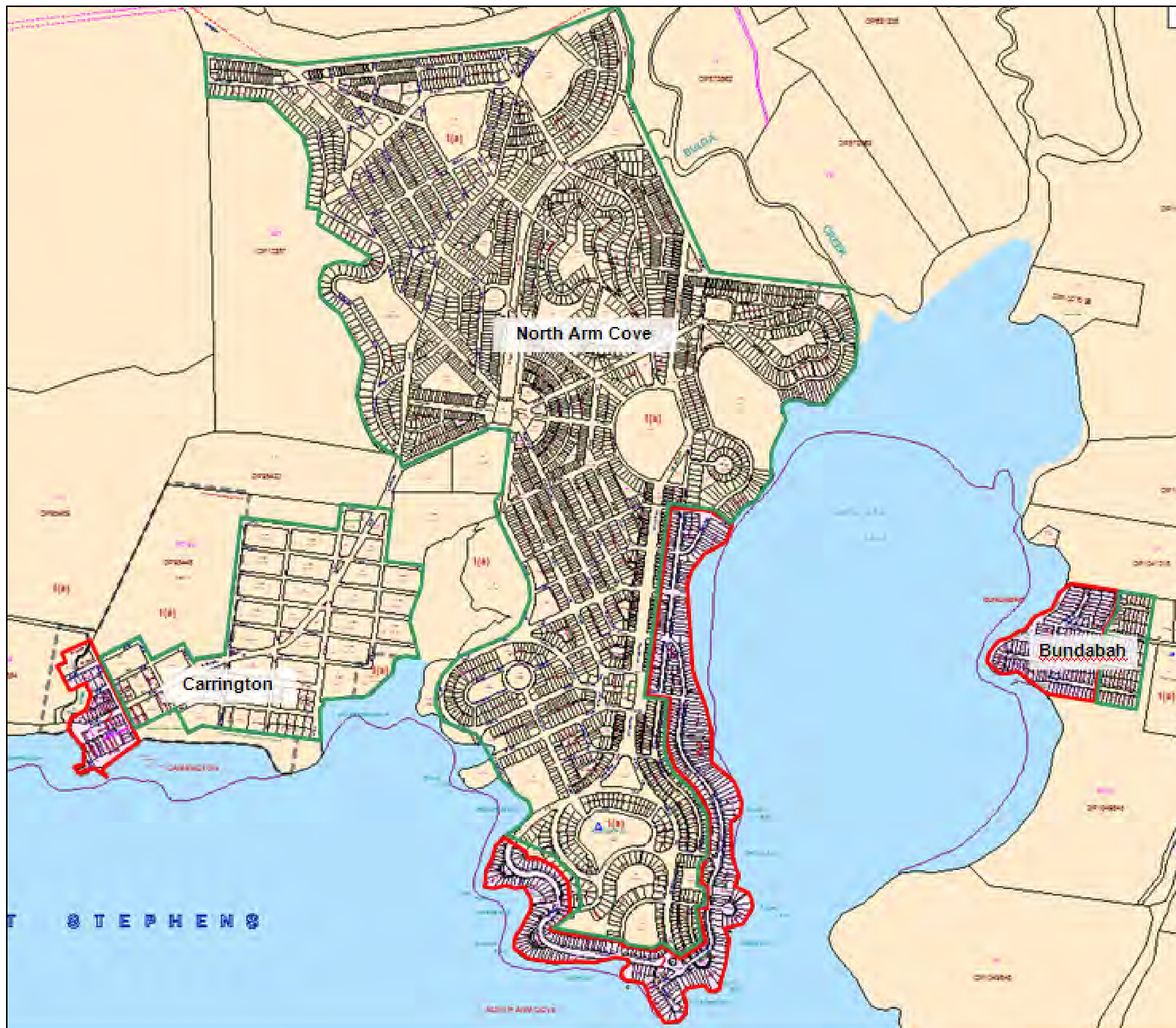


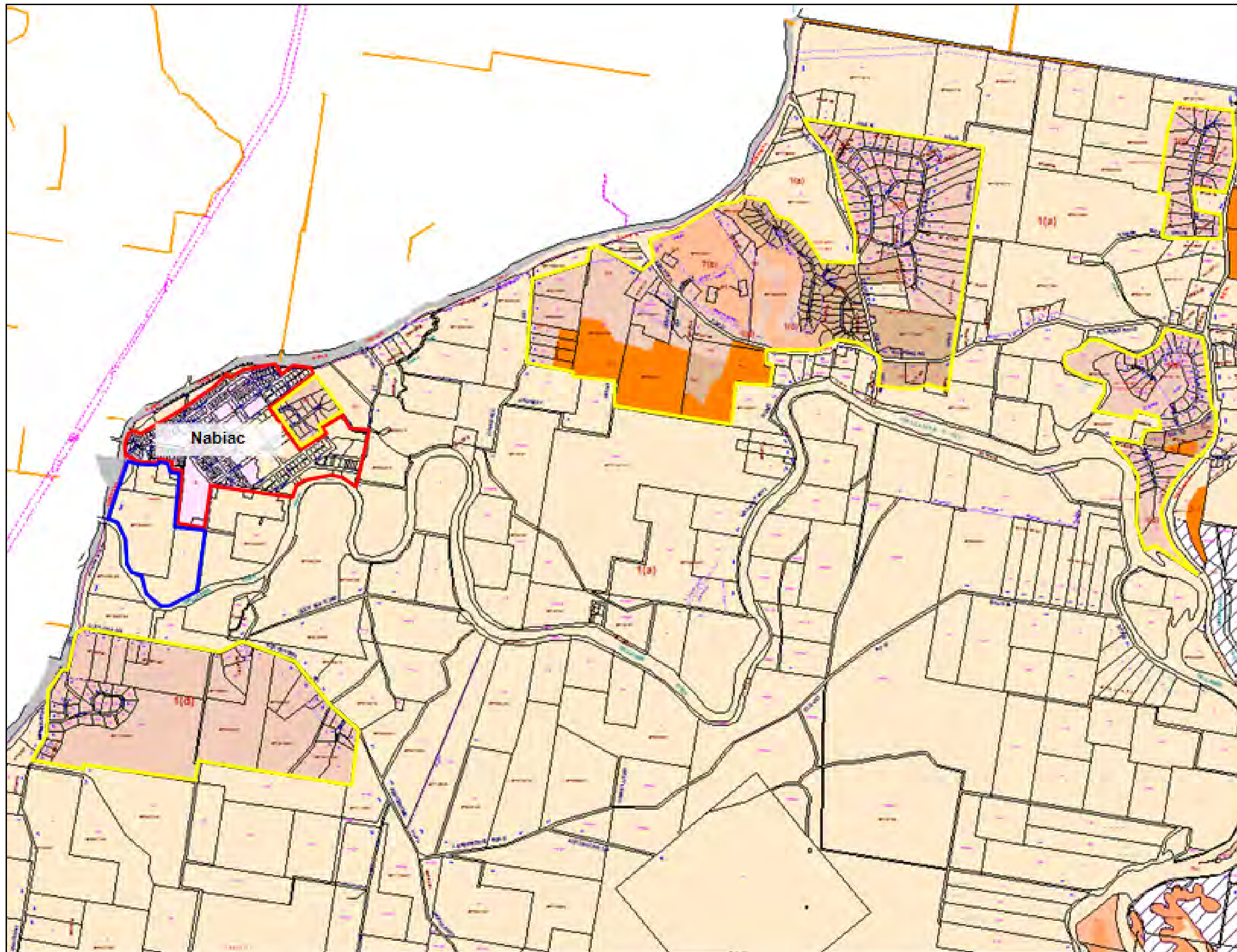


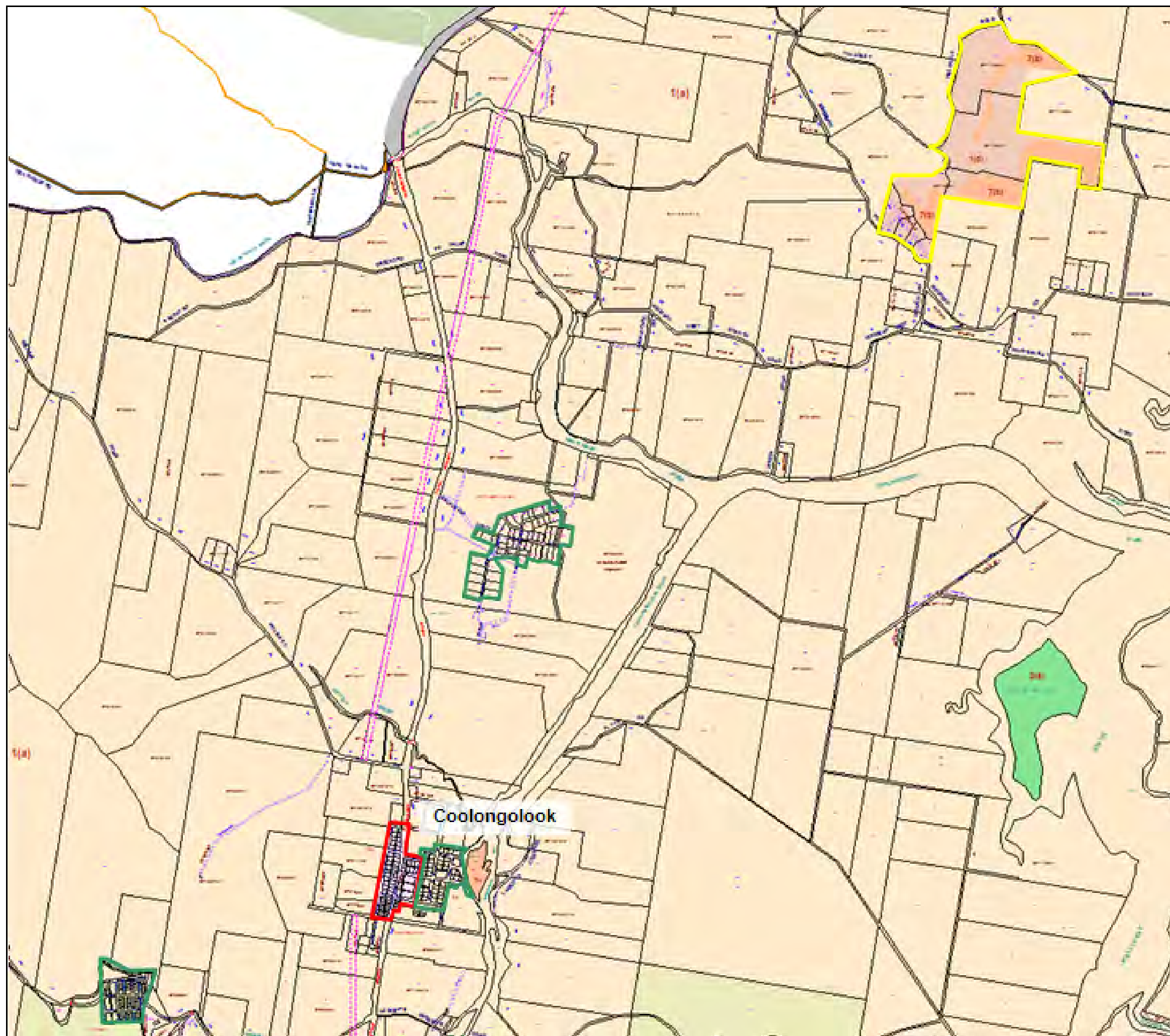


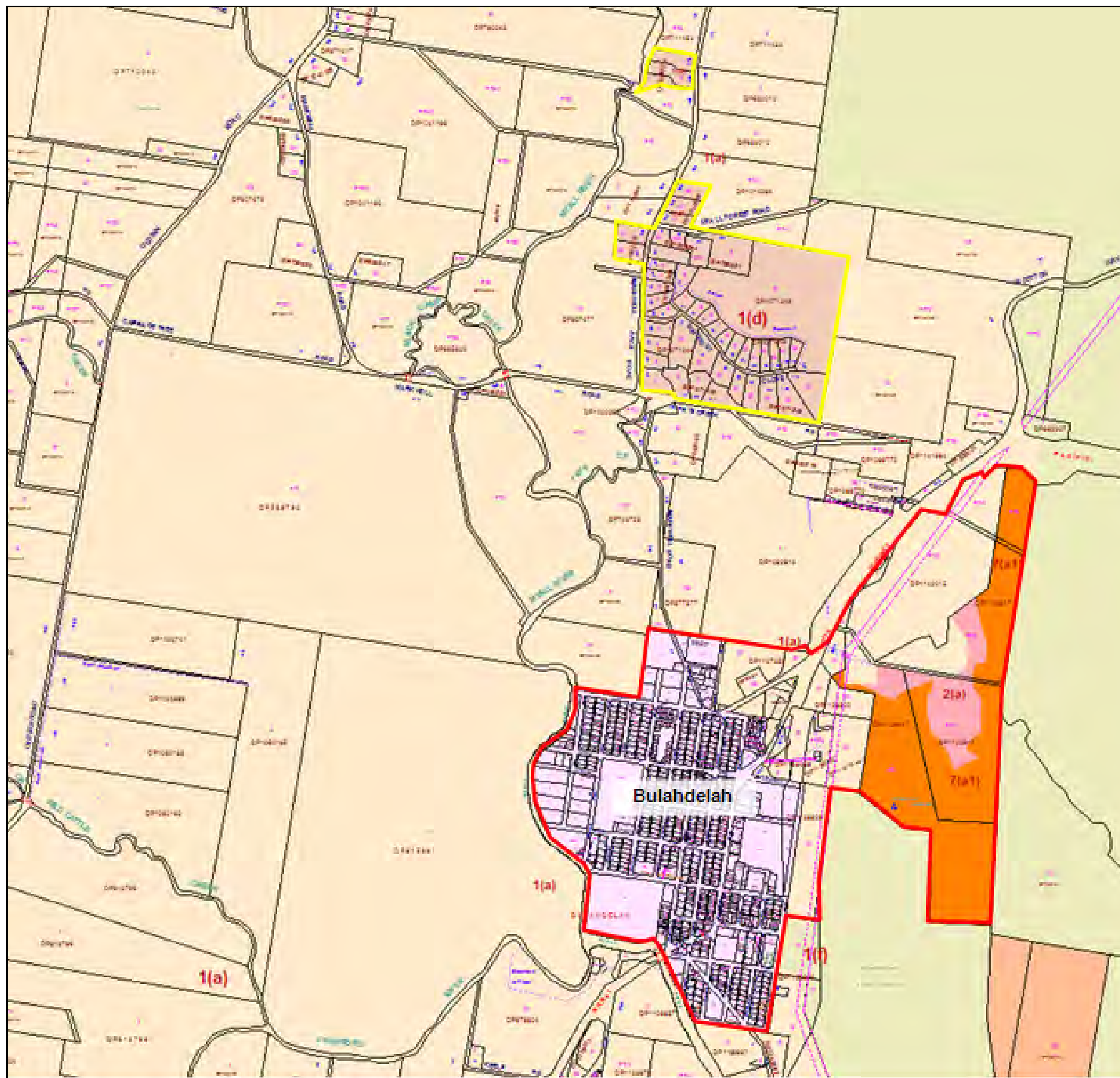


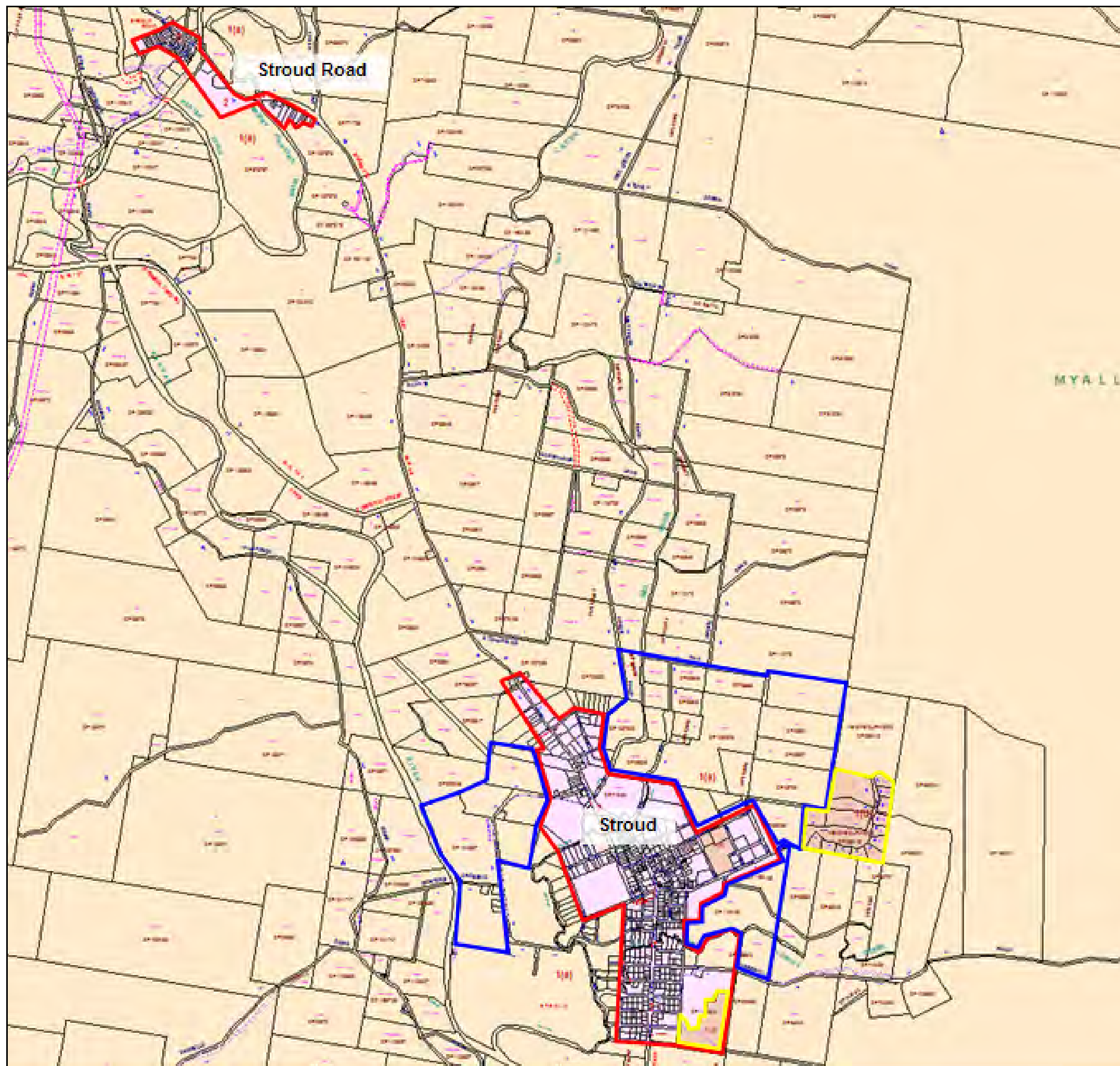












[illegible][illegible]

The aerial map shows a proposed development site outlined in red. The site is labeled with a large red number '2'. Surrounding streets include Liberty St, Main St, and others. A legend indicates various land uses and features.

A map of the Seal Rocks area, showing various land parcels and designations. The map includes labels for 'Seal Rocks', 'DP1166400', 'DP847752', and 'DP77321'. It also shows 'Seal Rocks Beach' and 'Seal Rocks National Park'. The map is color-coded with orange, yellow, and green areas, and a red outline highlights a specific area. The map is labeled with '7(a)', '7(b)', and '5(a)'.

DP563097

1(a)

TARBUCK BAY

2

THE BAY

BAY

WATER BAY

srlup - Submission: Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

From: <PBiswell@ssc.nsw.gov.au>
To: <srlup@planning.nsw.gov.au>
Date: 4/12/2013 9:15 AM
Subject: Submission: Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

Dear Sir / Madam,

Thank you for the opportunity to make a submission on the draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013.

Sutherland Shire Council does not have any areas zoned R5 and therefore will not be nominating any as an exclusion zone.

Sutherland Shire Council also do not wish to nominate any areas where CGS may be permissible. Sutherland Shire Council is strongly opposed to Coal Seam Gas mining exploration and development anywhere within the Sutherland Shire Council LGA and its drinking water catchments.

If you have any queries regarding this submission please don't hesitate to contact me.

Regards
 Phillippa Biswell
 Environmental Scientist / Educator
 Environmental Science & Policy Unit
 Sutherland Shire Council
 Locked Bag 17 Sutherland 1499 Australia
 Tel: 02 9710 0210
 Fax: 61 2 9710 0180
 Email: pbiswell@ssc.nsw.gov.au
<http://www.sutherlandshire.nsw.gov.au>

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#E2013/22293
Your ref:
Contact: Ray Darney

12 April 2013

Daniel Keary
The Director Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

By email: srlup@planning.nsw.gov.au

Dear Mr Keary

Draft State Environmental Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

Thankyou for the opportunity to make a draft submission to the abovementioned amendment.

As I indicated by telephone, Council will hold its meeting on 18 April 2013 and I will forward a final submission on 19 April, after the Council meeting.

Council's draft submission is as follows:

Council appreciates the intent of the SEPP amendment proposed to prohibit Coal Seam Gas (CSG) exploration and production within two kilometres of a residential zone or future residential growth areas.

Our Council has made previous submissions to the Hon Don Page, Minister for Local Government on 7 February 2013, 6 July 2012, 19 May 2011, and to the Hon Chris Hartcher, Minister for Resource and Energy on 6 July 2012 and 19 May 2011, indicating that the citizens of Byron Shire broadly do not support CSG exploration, nor production in this Shire. I enclose copies of these letters.

Council therefore requests that the prohibition on exploration and mining should also be extended to exclude any areas within two kilometres of zoned R5 Rural/Residential zones.

In view of the environmental sensitivity of this Shire, and it being the most sought after tourist destination in NSW outside of the Sydney metropolitan area, Council also requests that the prohibition on CSG exploration and production be totally prohibited in Byron Shire

Yours sincerely

Ray Darney
Executive Manager Environment and Planning

Encl: #E2013/6350 – 7 February 2013 letter to Hon Don Page MP
#DM1249928, #DM1249949 – 6 July 2012 letter to Hon Don Page MP & Hon Chris Hartcher MP
#DM1091800, #DM1091801 – 19 May 2011 letter to Hon Don Page MP & Hon Chris Hartcher MP

ALL COMMUNICATIONS TO BE ADDRESSED TO THE GENERAL MANAGER

PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)
Tel: 02 6626 7000 DX20007 Mullumbimby
Fax: 02 6684 3018 Email: council@byron.nsw.gov.au
Web www.byron.nsw.gov.au ABN: 14 472 131 473
TRADITIONAL HOME OF THE BUNDJALUNG PEOPLE



7 February 2013



Minister of Local Government and Minister for the North Coast
 Hon Don Page
 Level 22 Governor Macquarie Tower
 1 Farrer Place
 Sydney NSW 2000

Email: office@page.minister.nsw.gov.au
Ballina@parliament.nsw.gov.au

Dear Hon Don Page,

RE Council Resolution 12/826 – Safeguarding the Shire from Coal Seam Gas Mining

Council resolved at the Ordinary meeting held on 25 October, 2012 the following:-

12-826 Resolved:

1. *That Council rejects the NSW Government's Strategic Regional Land Use Policy and its failure to rule out coal and CSG development on productive agricultural land and in sensitive environmental areas as promised at the last election.*
2. *That Council reaffirms its moratorium position, recognising the failure of industry and governments to make the scientific case that this industry can operate without harming water, land, food production, tourism and community health.*
3. *That Council call for a new planning system to include a power for local councils to veto mining and CSG development through creating mining no-go zones in Local Environment Plans.*
4. *That Council, to the extent that is legally possible, prohibit CSG mining or exploration activities in road reserves under Council's management or ownership and on Council-owned land.*
5. *That Council write to NOROC requesting it seek legal advice as to the legality of prohibiting CSG mining or exploration activities on land under Councils' ownership.*
6. *That Council supports recommendations from the NSW Upper House Enquiry into Coal Seam Gas Mining being included into the new NSW Code of Practice on coal seam gas mining that is being developed.*
7. ***That the local MP and Minister for Local Government, Mr Don Page, be informed of the notice of motion and resolution, and a letter be sent requesting a response.***
(Richardson/Dey)

Council believes there has been serious concern expressed by farmers, scientists and members of the community across NSW regarding the exploration of coal seam gas (CSG). In the Northern Rivers, members of our community have also expressed their serious concerns at CSG mining in water catchments and in other environmentally sensitive areas greatly valued by our community.

The state government recently announced a range of new policies relating to coal and CSG in NSW. These policies fail categorically in their stated aim of providing a balance between mining and gas extraction and other land uses, and the protection of farmland and water resources. The government has also offered renewals on three exploration licences in the northern rivers – two held by Metgasco and one by Clarence Moreton Resources – and approved the petroleum production lease, which allows Metgasco to proceed with their gas-field development near Casino.

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Web www.byron.nsw.gov.au ABN: 14 472 131 473

TRADITIONAL HOME OF THE BUNDJALUNG PEOPLE



This action came just days after the Lismore community voted overwhelmingly in opposition to this industry.

Recently the NSW Government announced its Strategic Regional Land Use Policy effectively green-lighting CSG development and coal mine expansions across the state.

The policy also makes clear that many areas of NSW will not get a Strategic Regional Land Use Plan with most areas facing only a review of their Regional Strategies to implement the policy.

The new policy and renewal offers for 22 licence areas around the state have been offered despite significant public opposition to CSG. Polling during the council elections showed 87% opposition to CSG in the Lismore area.

Council seeks your response to the issue of Coal Seam Gas Mining, particularly in this northern region of NSW.

Yours sincerely

Ray Darney
Executive Manager, Environment & Planning

Cc The Hon Don Page MP
Member for Ballina
Shop 1 – 7 Moon Street
Ballina NSW 2478



6 July 2012

The Hon Don Page MP
Minister for Local Government MP/ Ballina
Governor Macquarie Tower
Level 33, 1 Farrer Place
Sydney NSW 2000

office@page.minister.nsw.gov.au

Dear Don

Coal Seam Gas

Further to Council's letter dated 19 May 2011 Council resolved at the Ordinary meeting held on 28 June, 2012 to reaffirm their opposition to coal seam gas mining in Byron Shire and their support for a moratorium on coal seam gas mining production licenses in Byron Shire.

Council requests that the NSW government implement a moratorium on coal seam gas mining in Byron Shire, and address the following concerns to the satisfaction of the community prior to lifting of a moratorium:

- Protection of ground and surface water from pollution and environmental disturbance;
- Community health and safety;
- Ensuring no loss of biodiversity;
- Respect for landowner rights; and
- Avoiding economic impacts on agriculture and tourism.

A copy of resolution 12-566 is attached to this letter.

If you require further clarification on the above matter please do not hesitate to contact me on 02 6626 7000 or email council@byron.nsw.gov.au

Yours sincerely

Sharyn French
Acting Executive Manager, Environment & Planning

ENC. Copy of resolution 12-566

Ordinary Meeting 28 June 2012

12-566 Resolved:

1. That Council note the ongoing concern expressed by the community within Byron Shire and the Northern Rivers regarding the exploration and production of coal seam gas.
2. That Council note current exploration licence PEL 445 that includes land in and around Mullumbimby.
3. That Council note current application for exploration PSPAPP 55 that includes land in and around Mullumbimby.
4. That Council reaffirm Res 11-409 expressing Council's opposition to coal seam gas mining in Byron Shire and supports a moratorium on coal seam gas mining production licenses in Byron Shire.
5. That Council again write to Mr Don Page, Minister for Local Government/MP for Ballina and the Minister for Resources and Energy, Mr Chris Hartcher to request the NSW government to implement a moratorium on coal seam gas mining in Byron Shire and address the following concerns to the satisfaction of the community prior to lifting of a moratorium:
 - Protection of ground and surface water from pollution and environmental disturbance;
 - Community health and safety;
 - Ensuring no loss of biodiversity;
 - Respect for landowner rights; and
 - Avoiding economic impacts on agriculture and tourism.
6. That Council again calls upon the Minister for Resources and Energy to facilitate the provision of independent information on the mining process, its impacts on communities and its potential benefits.



6 July 2012

The Hon Chris Hartcher MP
Minister for Resource and Energy
Governor Macquarie Tower
Level 33, 1 Farrer Place
Sydney NSW 2000

Email. Office@hartcher.minister.nsw.gov.au

Dear Hon Chris Hartcher,

Coal Seam Gas

Further to Council's letter dated 19 May 2011 Council resolved at the Ordinary meeting held on 28 June, 2012 to reaffirm their opposition to coal seam gas mining in Byron Shire and their support for a moratorium on coal seam gas mining production licenses in Byron Shire.

Council requests that the NSW government implement a moratorium on coal seam gas mining in Byron Shire, and address the following concerns to the satisfaction of the community prior to lifting of a moratorium:

- Protection of ground and surface water from pollution and environmental disturbance;
- Community health and safety;
- Ensuring no loss of biodiversity;
- Respect for landowner rights; and
- Avoiding economic impacts on agriculture and tourism.

Additionally, Council again calls upon the Minister for Resources and Energy to facilitate the provision of independent information on the mining process, its impacts on communities and its potential benefits.

A copy of resolution 12-566 is attached to this letter.

If you require further clarification on the above matter please do not hesitate to contact me on 02 6626 7000 or email council@byron.nsw.gov.au

Yours sincerely

Sharyn French
Acting Executive Manager, Environment & Planning

ENC. Copy of resolution 12-566

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3. That Council note current application for exploration PSPAPP 55 that includes land in and around Mullumbimby.
4. That Council reaffirm Res 11-409 expressing Council's opposition to coal seam gas mining in Byron Shire and supports a moratorium on coal seam gas mining production licenses in Byron Shire.
5. That Council again write to Mr Don Page, Minister for Local Government/MP for Ballina and the Minister for Resources and Energy, Mr Chris Hartcher to request the NSW government to implement a moratorium on coal seam gas mining in Byron Shire and address the following concerns to the satisfaction of the community prior to lifting of a moratorium:
 - Protection of ground and surface water from pollution and environmental disturbance;
 - Community health and safety;
 - Ensuring no loss of biodiversity;
 - Respect for landowner rights; and
 - Avoiding economic impacts on agriculture and tourism.
6. That Council again calls upon the Minister for Resources and Energy to facilitate the provision of independent information on the mining process, its impacts on communities and its potential benefits.



19 May 2011

Hon Don Page
 Minister for Local Government
 Minister for North Coast
 Level 22 Governor Macquarie Tower
 1 Farrer Place
 Sydney NSW 2000

Email: office@page.minister.nsw.gov.au

Dear Sir

RE: Council resolution 11-409 Moratorium - Coal Seam Gas Mining in Byron Shire

Council resolved at the Ordinary meeting held on the 12 May 2011 the following:-

11-409 resolved:

1. *That Council expresses its opposition to coal seam gas mining in Byron Shire and supports a moratorium on coal seam gas mining production licences in Byron Shire.*
2. *That Council write to Mr Don Page, Minister for Local Government/MP for Ballina and the Minister for Resources and Energy, Mr Chris Hartcher to request the NSW government to implement a moratorium on coal seam gas mining in Byron Shire and address the following concerns to the satisfaction of the community prior to lifting of a moratorium:*
 - *Protection of ground and surface water from pollution and environmental disturbance;*
 - *Community health and safety;*
 - *Ensuring no loss of biodiversity;*
 - *Respect for landowner rights; and*
 - *Avoiding economic impacts on agriculture and tourism.*
3. *That Council calls upon the Minister for Resources and Energy to facilitate the provision of independent information on the mining process, its impacts on communities and its potential benefits. (Cameron/Tabart)*

Council is concerned regarding the possible impacts on human health, safety and the environment due to coal seam gas mining, where multiple sites are spread across the landscape.

In this northern region of NSW there is a potential for food growing, agriculture and tourism to suffer economic consequences where coal seam mining is occurring.

Yours sincerely

Ray Darney
 Executive Manager, Environment & Planning

ALL COMMUNICATIONS TO BE ADDRESSED TO THE GENERAL MANAGER

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19 May 2011

Hon Mr Chris Hartcher
Minister for Resources and Energy
Level 37 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

emailOffice@hatcher.minister.nsw.gov.au

Dear Sir

RE: Council resolution 11-409 Moratorium - Coal Seam Gas Mining in Byron Shire

Council resolved at the Ordinary meeting held on the 12 May 2011 the following:-

11-409 resolved:

1. *That Council expresses its opposition to coal seam gas mining in Byron Shire and supports a moratorium on coal seam gas mining production licences in Byron Shire.*
2. *That Council write to Mr Don Page, Minister for Local Government/MP for Ballina and the Minister for Resources and Energy, Mr Chris Hartcher to request the NSW government to implement a moratorium on coal seam gas mining in Byron Shire and address the following concerns to the satisfaction of the community prior to lifting of a moratorium:*
 - *Protection of ground and surface water from pollution and environmental disturbance;*
 - *Community health and safety;*
 - *Ensuring no loss of biodiversity;*
 - *Respect for landowner rights; and*
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3. *That Council calls upon the Minister for Resources and Energy to facilitate the provision of independent information on the mining process, its impacts on communities and its potential benefits. (Cameron/Tabart)*

Council is concerned regarding the possible impacts on human health, safety and the environment due to coal seam gas mining, where multiple sites are spread across the landscape.

In this northern region of NSW there is a potential for food growing, agriculture and tourism to suffer economic consequences where coal seam mining is occurring.

Yours sincerely

Ray Darney

Executive Manager, Environment & Planning

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Web: www.byron.nsw.gov.au ABN: 14 472 131 473

10 April 2013

The Director
Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

I refer to your email dated 22 March 2013 relating to the abovementioned matter.

Council raises two issues as a result of the proposed amendment to the SEPP.

1) Site Compatibility Certificates

Council considers that the exclusion zone should also take into consideration land where a valid Site Compatibility Certificate has been issued pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or any other SEPP. Development on the land with the Site Compatibility Certificate would be akin to residential scale development, albeit on land zoned rural.

2) Zone R5 Large Lot Residential

Land zoned R5 within the Bathurst Region does not appear to qualify for an exemption under the exclusion criteria set out in the documentation. Council seeks the exclusion of its rural residential areas in the exclusion zone as these localities could just as easily be zoned R1 General Residential with a larger minimum lot size.

Within the Bathurst Region, Council has historically clustered its rural residential land adjacent to its existing urban zones. These areas are within a 6km radius of the Bathurst CBD. Council has **attached** a map illustrating the proximity of the rural residential land (outlined in red) in relation to the urban zoned land.

Council suggests that the process for excluding R5 zoned land be reconsidered and Council specifically seeks the exclusion of R5 zoned land in the Bathurst Region.

Council will be reconsidering the use of Zone R5 in light of the final SEPP amendment.

The Director
Department of Planning and Infrastructure
10 April 2013

If you have any queries please contact me on 02 6333 6213.

Yours faithfully

D R Shaw 
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

Copy to:

srlup@planning.nsw.gov.au

3.2 Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

Report by Director of Planning and Environment

Executive Summary

A Draft SEPP has been distributed by the Department of Planning and Infrastructure which seeks to give effect to the State Government's recent announcement of limitations on new coal seam gas exploration and production activity, on or under land in residential zones, in future identified growth areas and Critical Industry Clusters (the Upper Hunter equine and viticulture industries).

The Department has invited councils to nominate particular areas zoned R5 within their LGA's for listing in the Mining SEPP as an area to which the prohibitions apply. Criteria published by the Department are likely to mean that only Stratford and Barrington would be excluded whilst other areas such as Forbesdale, Avondale Estate and Thunderbolts Estate, would not.

It is proposed that Council nominate all R5 large lot residential land for prohibition from coal seam gas exploration and production activity.

Detailed Report

A copy of the Draft SEPP received by Council is attached to this report. The document seeks to give effect to the recent announcement by the Government of prohibitions on new coal seam gas exploration and production activity on or under land in and within 2 km of a residential zone, or future identified residential growth area, and on or under land in a Critical Industry Cluster (CIC) of which two have been identified being the Upper Hunter equine and viticulture industries.

The draft document lists four of the five residential zones in the template LEP of which only three apply to Gloucester LEP 2010 being;

- R2 – low density residential
- R3 – medium density residential
- R5 – village

The draft SEPP lists a range of criteria to apply to areas zoned R5 as follows;

- the area must contain a mix of land uses
- the zone must apply to a settlement that is long established and that has some historic association within the district, region and/or rural hinterland
- the area must contain a mix of lot sizes, including an average lot size of up to 4000 m².

The Department appears to be seeking to distinguish between a “village” and a “rural residential estate”. In our local area, the villages of Stratford and Barrington would comply with the

Department's criteria. However rural residential estates such as Thunderbolts and Forbesdale would not and would therefore not benefit from the prohibition of CSG activities. Estates such as those mentioned above are contiguous with the town of Gloucester and form part of the urban settlement. No doubt Council supported those estates to encourage development, provide an alternative type of housing, and to enable this housing to occur without requiring significant extensions to reticulated sewerage services.

Council has mapped the areas excluded from CSG activity as documented in the Draft SEPP, and a second map shows the additional areas affected if the R5 areas are added. It is recommended that Council ask the Department to include the R5 areas as shown on the second map.

There have been concerns raised in some communities about a provision in the draft SEPP that allows a local council to request areas to be exempted from the prohibitions. There may be circumstances where such an exemption might be appropriate, but it is considered that such an exemption would be considered very carefully by any council before seeking to apply.

It is also disappointing that the State Government continues to reject the concept of exemptions applying to areas of land zoned for environmental conservation purposes such as the E3 zone around Gloucester. Council has made ongoing submissions about this matter, and it is considered appropriate to again request that the E3 zones be exempted in our submission on this matter.

Gloucester Council has also not identified future growth areas in any development strategy to date and no additional areas are referenced in the Upper Hunter Strategic Regional Land-Use Plan.

The short exhibition period for response on this matter has been a problem. This report has been forwarded to the Department by the deadline of 12 April with a advice that it is to be considered by Council on the 17th. Confirmation of Council's resolution on the matter will be sent immediately following the meeting.

Alignment with Strategic Plan/Program

Council's Community Strategic Plan identifies extractive industries as a significant issue for the local community. The proposed exemption by the State Government supports Council's concerns about minimising the impact of such development on our community.

Financial/Resource Implications

There are no financial implications in regard to this matter.

Policy Implications

There are no policy implications in regard to this matter.

Statutory/Regulatory Considerations

The proposed amendments to the SEPP will amend consent opportunities for future proposed CSG exploration and production activity.

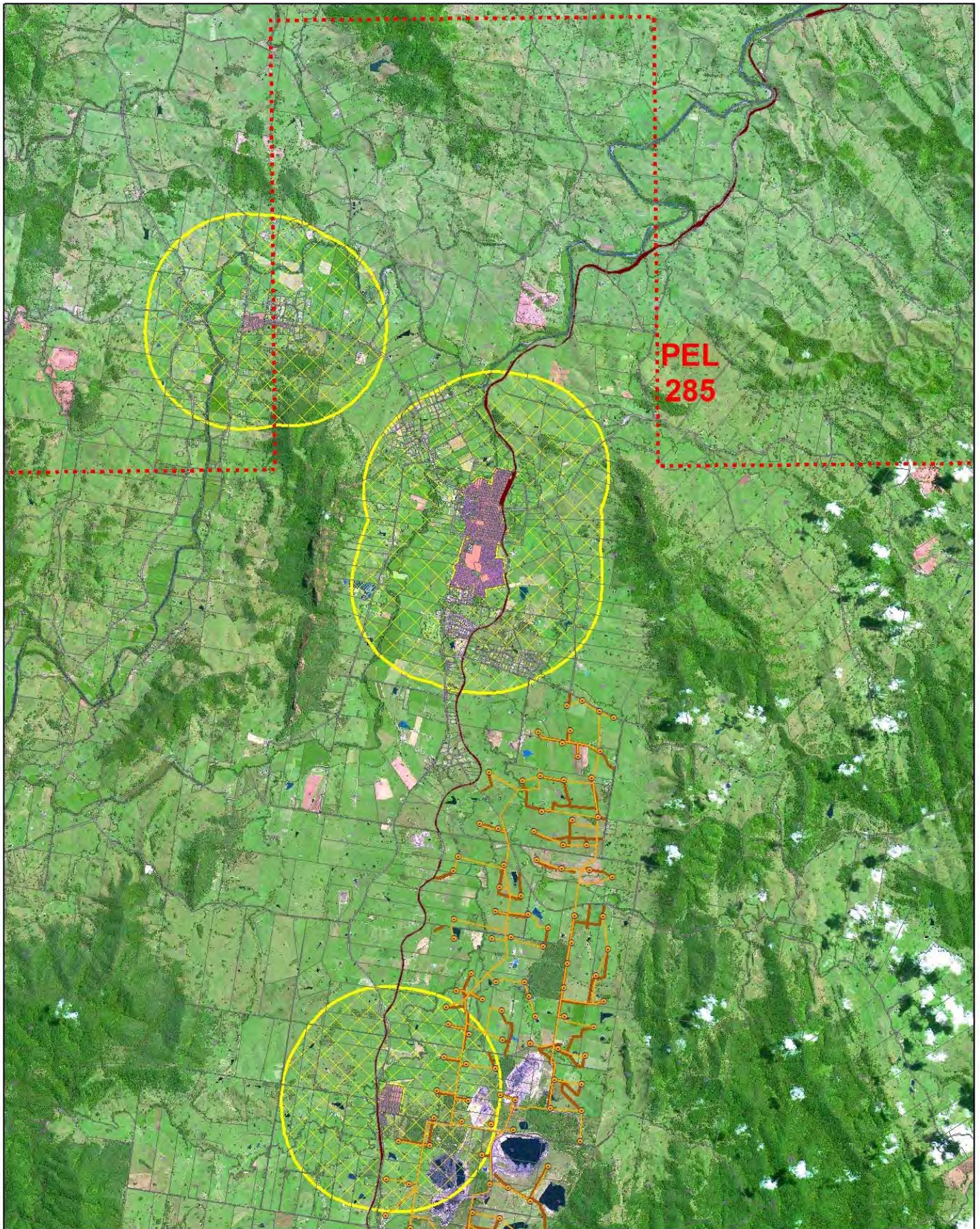
Recommendation

That Council advise the Department of Planning and Infrastructure that it generally supports the proposed amendments to the SEPP (Mining, Petroleum Production and Extractive Industries) subject to inclusion of the R5 zone areas around the township of Gloucester, as shown on the attached map.

Attachments

1. Explanation of proposed SEPP
2. Draft SEPP
3. Map showing exemptions based on proposed draft SEPP
4. Map showing inclusion of R5 zones

PROPOSED 2km BUFFER LZN Zones R1 to R4 and RU5



Legend

AGL Proposal

- AGL Proposed Wells
- AGL Proposed Gas & Water Lines
- AGL Proposed Access Road
- AGL Title PEL 285

Zone

- R2 Low Density Residential
- R3 Medium Density Residential
- RU5 Village
- 2 km Buffer

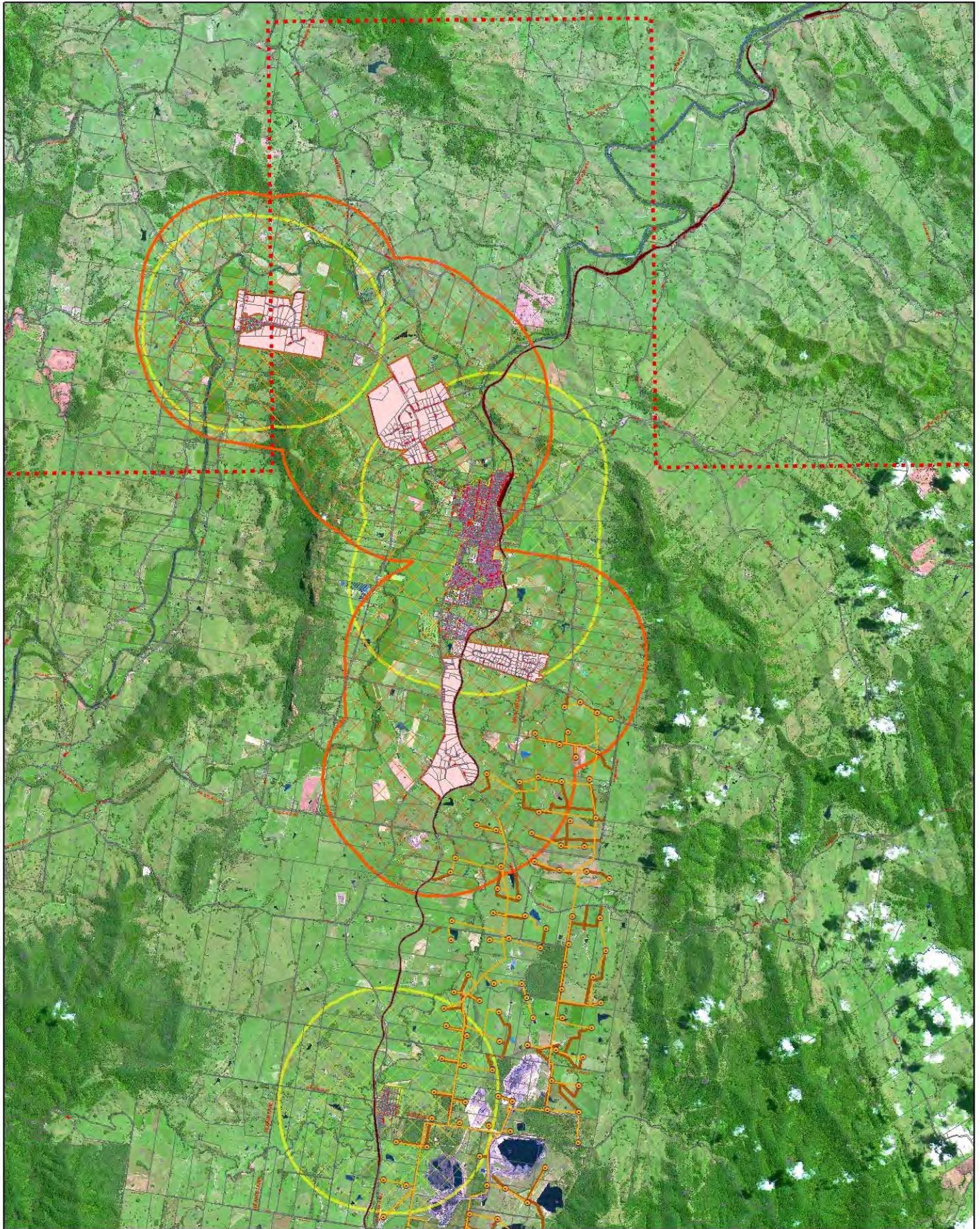
1 0.5 0 1 2 3 4 Kilometers



Enquiries: (02) 6538 5250
Facsimile: (02) 6558 2343
council@gloucester.nsw.gov



PROPOSED 2km BUFFER LZN Zone R5



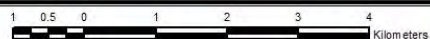
Legend

AGL Proposal

- AGL Proposed Wells
- AGL Proposed Gas & Water Lines
- AGL Proposed Access Road
- ▤ AGL Title PEL 285

Zone

- ▤ R5 Large Lot Residential
- ▤ R5 - 2 km Buffer
- ▤ Current Proposal - 2 km Buffer



Enquiries: (02) 6538 5250
Facsimile: (02) 6558 2343
council@gloucester.nsw.gov



12 April 2013

The Director - Strategic Regional Policy
NSW Department of Planning and Infrastructure
Sydney NSW 2001

Dear Sir/Madam

Subject: Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 - Submission

Thank you for the opportunity to provide comments on the draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013. This submission has been prepared by Council officers on behalf of Lake Macquarie City Council.

1. Lake Macquarie City Council does not intend to 'opt out' of the SEPP exclusion areas (as provided for in clause 9A).
2. Additional categories of land should be added to the exclusion areas listed in the Draft SEPP. Currently the exclusions only apply to residential and RU5 Village zonings, Critical Industry Clusters (none of which are in our LGA), or Sydney growth areas. It is considered that the legislation be amended to include exclusions for:
 - Lake Macquarie City Council's future growth areas, including investigation land (Lake Macquarie City Council is prepared to compile maps identifying future growth areas in the LGA to be included in a final map prior to the finalisation of the SEPP amendment);
 - E1 National Parks and Nature Reserves and E2 Environmental Conservation zoned land;
 - E4 Environmental Living zoned land;
 - Waterway zoned land (W1 & W2);
 - SEPP 14 coastal wetlands;
 - Drinking water catchments, and;
 - RU4 Primary Production Small Lot zone.
3. Existing Coal Seam Gas exploration licenses that include areas that are covered by the exclusion zones described in the SEPP (and areas requested to be included in the SEPP), should be cancelled. In addition, projects that have been approved but

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Phone: 02 4921 0333 • Fax: 02 4958 7257 • ABN 81 065 027 868

E: council@lakemac.nsw.gov.au F: www.facebook.com/lakemaccity T: www.twitter.com/lakemac
www.lakemac.com.au

Our Ref: F2007/01473 Your Ref:

have not yet satisfied their conditions of approval, and have not yet commenced operation should also be cancelled.

4. Critical Industry Cluster (CIC) areas should be expanded to include land that is important for food production, and the Eraring Power Station site. It is noted that the State Government is currently involved in mapping areas of 'high' agricultural value in the Lake Macquarie LGA . Areas identified in this project should be included within the mapped exclusion areas.

Should you require further information, please contact me on 4921 0298.

Yours faithfully

Heath Dennerley
Strategic Landuse Planner
Integrated Planning Department

Ref: D13/9750, F12/403-02
GLR:JH

12 April 2013

The Director Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

Submission - Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

Reference is made to the Draft State Environmental Policy and the email sent to Council dated 22 March 2013, seeking comment.

Council supports the provisions of the draft which prohibits Coal Seam Gas Development in residential zones, including the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential and RU5 Village zones.

It is submitted that the prohibition should be extended to land zoned R5 Large Lot Residential (or equivalent) on the basis that land in the 1(c) or R5 zone in the Kempsey LGA is used primarily for residential purposes with a housing density of 1 dwelling per ha. The potential impacts of Coal Seam Gas Development upon residents in these areas would therefore be the same as for the other nominated residential zones under the draft policy.

If you require further information, please contact Georgia Rayner in Council's Sustainable Environment Department on 02 6566 3200.

Yours sincerely



Robert Pitt
DIRECTOR
SUSTAINABLE ENVIRONMENT

srlup - Submission from Coffs Harbour City Council to draft SEPP (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

From: Sharon Smith <Sharon.Smith@chcc.nsw.gov.au>
To: "srlup@planning.nsw.gov.au" <srlup@planning.nsw.gov.au>
Date: 4/12/2013 3:12 PM
Subject: Submission from Coffs Harbour City Council to draft SEPP (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013
Attachments: CSG Exclusion request.jpg

To srlup@planning.nsw.gov.au
 Attention Mr Daniel Keary
 Director Strategic Regional Policy
 NSW Planning & Infrastructure

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

Please accept this as a submission on behalf of Coffs Harbour City Council to draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013, hereafter referred to as the draft CSG SEPP Amendment, which is on exhibition until 12 April 2013.

Council strongly endorses the initiatives to prohibit exploration and production activity on or under land within 2km of a residential zone or identified growth area. Council requests that in the event that amendments are made to the draft CSG SEPP Amendment, that the 2km exclusion zone be retained at a minimum, and advises that it prefers a 3km exclusion zone.

Council notes that the draft CSG SEPP Amendment proposes to only exclude CSG exploration within R5 Large Lot Residential zones across the state, where these areas meet certain criteria including a mix of land uses and sizes up to 4000m². Coffs Harbour City Council has several historic rural residential zones within the LGA, which do not meet this criteria, but which have average lot sizes of 6000m² and which are essentially residential communities. CSG exploration in these localities would be hugely detrimental to these established communities.

Whilst Council understands the Department's decision to generally allow CSG exploration and production in rural residential areas, Council's position is to request that prohibitions be applied to ALL R5 Large Lot Residential zones and R5 investigation areas across the state.

In the event that the Department rules against this request for general R5 exclusions, Coffs Harbour City Council specifically requests that the following areas be added to the exclusion zone. An illustration is attached identifying these areas outlined in black. Council would be please to provide GIS map data of these areas for inclusion in the SEPP should the department allow these areas to be considered.

- Middle Boambee Rural Residential Area (mix of school, swim centre, residential and rural residential land uses). Lots averaging 6000m². Established in the 1980s.
- Bonville Rural Residential area and extended investigation area (golf resort, limited commercial and residential zoned areas, schools). Existing lots averaging 6000m². Existing areas established in the 1980's, the extended rural residential investigation area is currently underway in terms of environmental studies, and preparation of draft LEP, DCP and S94 contributions plans.
- Grandis Road Rural Residential Area (permanent residential mobile home park, school, church and camping centre in various locations in proximity to the rural residential area). Lots averaging 7000m². Established in the mid 1990s.

Thank you for the opportunity to provide a submission in regard to this SEPP. Please don't hesitate to contact me should you require additional information.

Yours faithfully,
 Sharon Smith

Sharon Smith
Acting Manager Land Use Planning

COFFS HARBOUR CITY COUNCIL

Locked Bag 155 | Coffs Harbour | NSW 2450

T: 02 6648 4660

F: 02 6648 4655

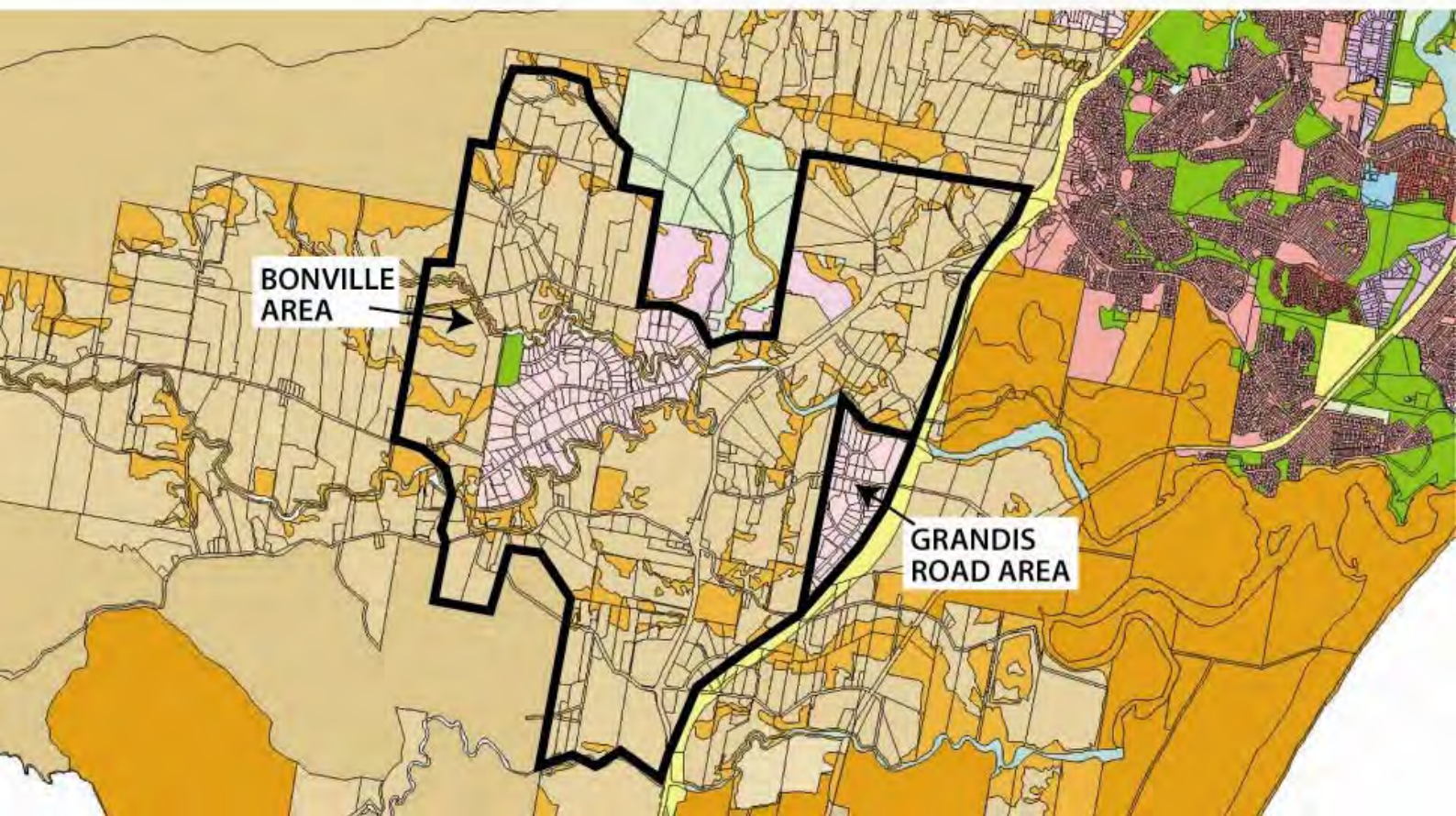
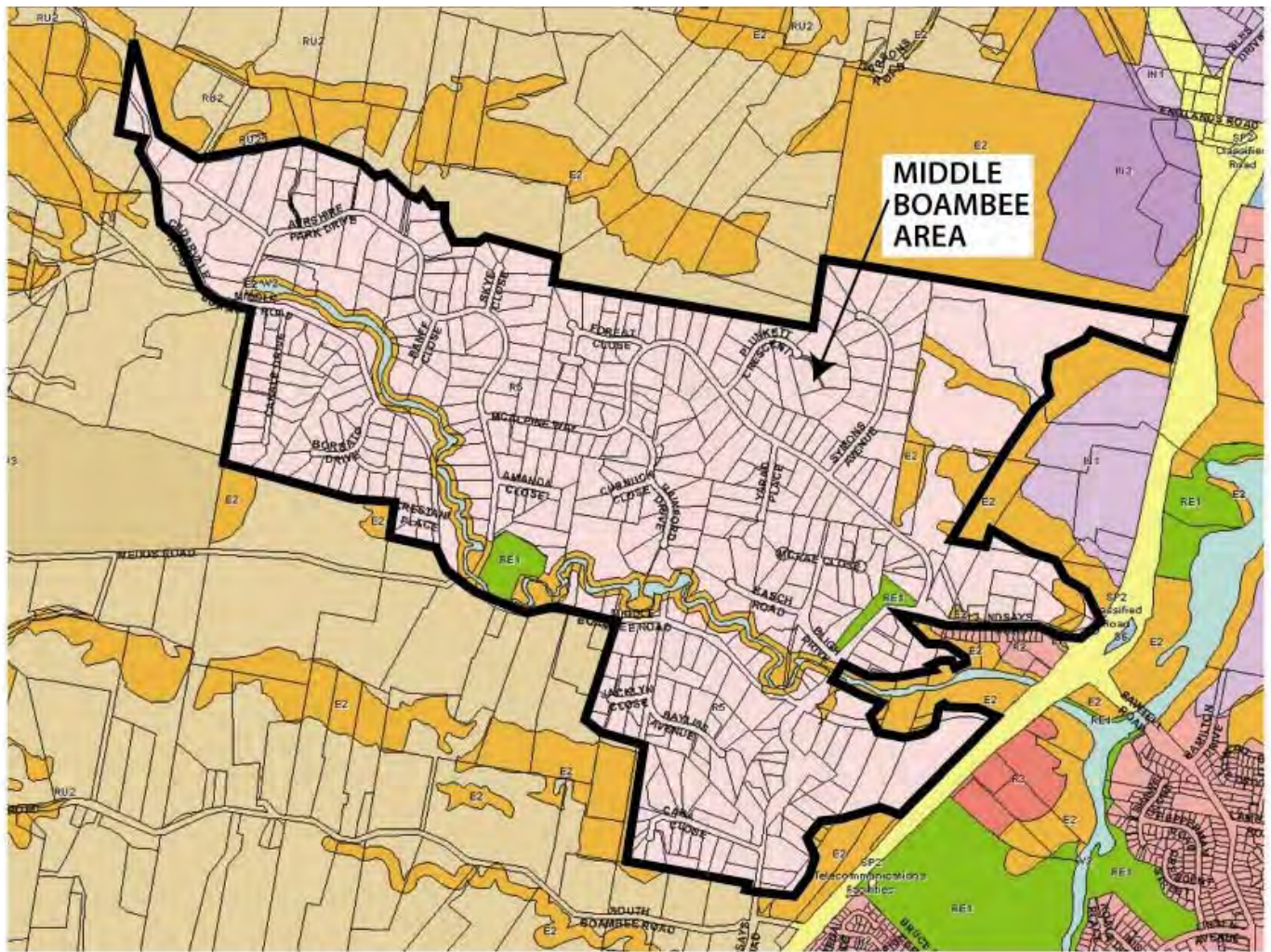
E: sharon.smith@chcc.nsw.gov.au

www.coffsharbour.nsw.gov.au

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Murwillumbah NSW 2484

Please address all communications
to the General Manager

ABN: 90 178 732 496

The Director Strategic Regional Policy
Department of Planning and Infrastructure
PO Box 39
SYDNEY NSW 2001

By email: srlup@planning.nsw.gov.au

Dear Sir/Madam

**Submission to: Draft amendment to the State Environmental
Planning Policy (Mining, Petroleum Production and Extractive
Industries) (Coal Seam Gas Exclusion Zones) 2013**

Thank you for the opportunity to inspect and make comment on the above Policy amendment, which is of great interest to the Tweed Council and community.

Issues:

1. Given the publicity and general concern raised by local communities, organisations, ratepayer's associations, landowners, and many others, the timeframe available for proper consideration by, in our case, a local council is grossly inadequate. The time provided for submissions does not take in to account the monthly reporting cycles common among regional councils, and affords limited time for the Council to consult with its community in advance.

Given the importance of the CSG issue, particularly within rural communities and council areas, it is requested that the exhibition period be extended.

2. The proposed amendments do not provide adequate measures to protect land zoned prime agriculture in the same way that the value and risk to residential land has been mitigated through establishment of defined exclusion zones.

While it is accepted that it may not be practical to link the exclusion zone to the use of the land for agriculture because of the extent of excluded areas that would occur, it is perfectly reasonable that highly valued and productive lands, such as those identified under the Northern Rivers Farmland Protection Mapping and s 117 Ministerial Directions, and zoned Primary Production should likewise with the nominated residential zones be listed as a prescribed zone for the purpose of determined excluded lands.

It is requested that the definition of residential zone, for the purposes of clause 9A, be amended to include land-use zones relating to Primary Production.

3. The amendments proceed without any clear direction as to why the R5 Large Lot Residential zone is being treated differently to the residential zones.

This raises the presumption that the R5 is not generally considered as a "residential" zone for the purposes of the SEPP, when in many cases and as a matter of fact that is their precise function and closest resemblance to any of the land-uses and zones prescribed by the Standard Instrument (Local Environmental Plans) Order 2006.

The amendment proposes, unlike those other zones, to expose rural living (large lot residential) communities to the risks of being excluded from the exclusion zone provisions pending an unclear process of evaluation to determine whether, as a matter of public safety and good practice, they should actually also form part of the exclusion zone area.

It appears totally absurd to expose rural living communities to the very risks causing the Government to establish exclusion zones from habitable-populated areas and to impose additional burden on both those communities and councils to seek their exemptions when by their very description and occupation large lot residential is for all intent and purpose synonymous with general residential occupation.

It is requested that the definition of residential zone, for the purposes of clause 9A, be amended to include the R5 Large Lot Residential zone, and Schedule 2 be utilised to list those R5 areas that have been nominated by a council to be excluded from the exclusion provisions.

5. The amendments do not adequately safe guard any areas of National Park, Nature Reserve or land zoned for Environmental Conservation.

It is recommended that the SEPP exclusions zones be amended to ensure that an appropriate exclusion zone is established for areas of high conservation value.

6. The amendments make no mention of highly vulnerable areas of drinking water catchments, or acknowledge the public health and safety risk associated with potential contamination of water/ground water within these catchments.

It is recommended that the SEPP be amended to provide adequate exclusion area provisions for drinking water catchments.

7. The proposed amendments to the SEPP signify either or a real and perceived risk of harm associated with the CSG activities.

Given the high level, repeat use, and occupation of local parks and sporting grounds it is requested that the definition of residential zone, for the purposes of clause 9A, be amended to include land zoned RE1 Public Open Space and RE2 Private Open Space.

Tweed Shire Council would appreciate any feedback on the amendments to the SEPP and requests to be kept informed of any actions/progress on the amendments to the SEPP.

Yours faithfully



for/

Iain Lonsdale
Coordinator
Planning Reforms Unit



The Director Strategic Regional Policy
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Contact: Ian Turnbull
Our Ref: DOC2013/012258
Your Ref:

Dear Sir/Madam

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries).

Thank you for providing Cessnock City Council an opportunity to nominate areas for inclusion in the Coal Seam Gas Exclusion Zones amendment to the Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries).

Council has reviewed its current R5 Large Lot residential zones against the criteria determined by the Department and wish to nominate the following areas for inclusion in the SEPP:

Land zoned R5 at Greta, Millfield Nulkaba, Bellbird, Kitchener, Kearsley, Paxton, Ellalong, Elrington, Mulbring, Abermain, North Rothbury and Cliftleigh as identified in the attached maps are appropriate for exclusion.

These areas have been analysed against the village criteria and Council staff are confident they illustrate the attributes required by the department. The R5 zone under the Cessnock LEP is an "open" zone allowing for and including a mix of land uses, they are based upon long established population centres as Cessnock City Council has adopted a settlement hierarchy approach based on existing settlement patterns. The areas all contain a mix of lot sizes with the average unlikely to exceed the 4,000m² threshold. Council looks forward to seeing their inclusion in the SEPP Schedule.

For further information or clarification please contact Council's Executive Manager Natural Environment Planning, Mr Ian Turnbull on telephone 02 4993 4276 or via email ian.turnbull@cessnock.nsw.gov.au.

Yours faithfully



LOUISE GEE
GROUP LEADER STRATEGY & SUSTAINABILITY

Enc
Eleven (11) Location Maps
Data files identifying zoned areas

TELEPHONE: (02) 4993 4100, FAX: (02) 4993 2500
POSTAL ADDRESS: PO BOX 152, CESSNOCK, NSW, 2325 or DX 21502 CESSNOCK
EMAIL ADDRESS: council@cessnock.nsw.gov.au VISIT US AT: <http://www.cessnock.nsw.gov.au>
ABN 60 919 148 928



The Director Strategic Regional Policy
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Contact: Ian Turnbull
Our Ref: DOC2013/012258
Your Ref:

Dear Sir/Madam

DRAFT STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES)

Cessnock City Council, at its Ordinary Meeting held on 21 March 2012 resolved to seek from the Minister for Resources and Energy a gazettal, in accordance with Section 9 of the Petroleum (Onshore) Act 1991, for the exclusion from the granting of petroleum titles for production in the Vineyards district of the Lower Hunter, the Wollombi Valley and the Bow Wow Creek Gorge.

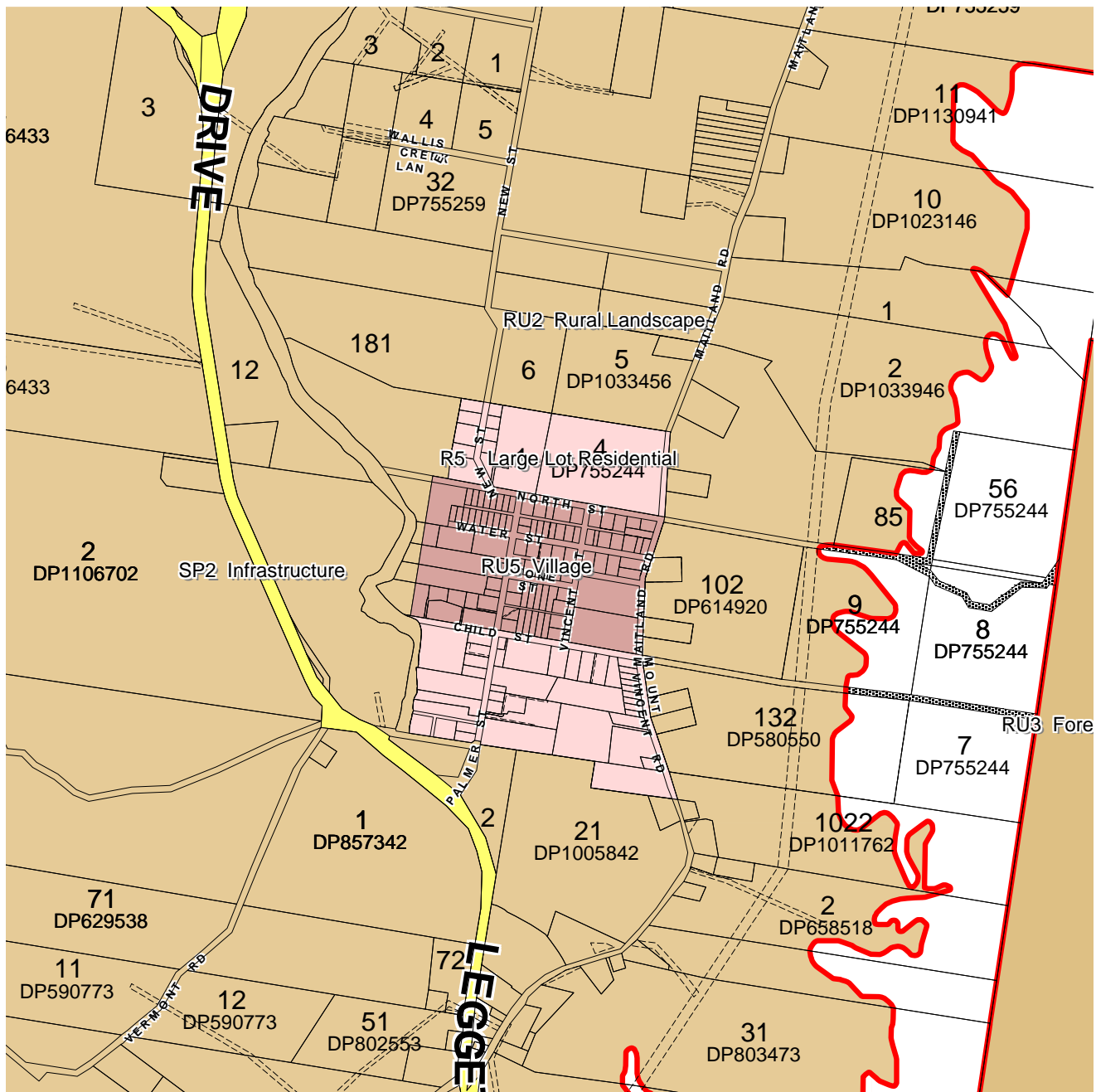
Council sought this exclusion to protect significant economic, environmental and heritage assets within the Local Government area and provide the community with surety that they are fully protected from activities associated with Coal Seam Gas. These assets include a strengthening expansion of the Hunter viticulture industry within the Wollombi Valley.

Cessnock City Council has grave concerns about coal seam gas exploration and production in the Cessnock LGA because at this time the impact on the environment, landowners and their businesses can't be guaranteed to not be adverse. It is with this concern in mind that Council reiterates its desire to have this industry excluded from these areas.

If you require any further information, please do not hesitate to contact Council's Executive Manager Natural Environment Planning, Mr Ian Turnbull on telephone 4993 4276 or via email ian.turnbull@cessnock.nsw.gov.au.

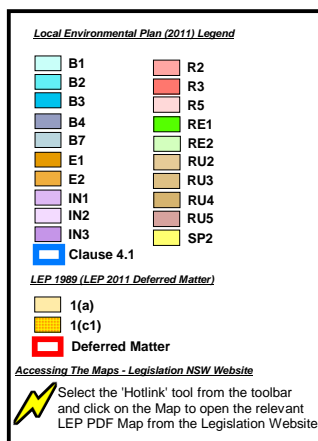
Yours faithfully

LOUISE GEE
GROUP LEADER STRATEGY & SUSTAINABILITY

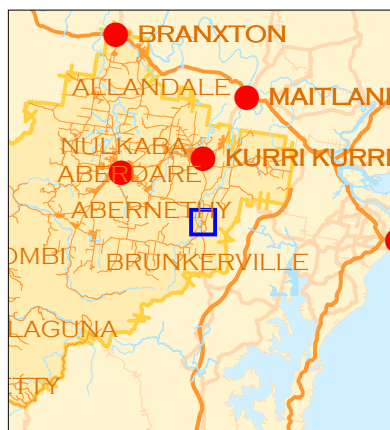


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R5 Mulbring



OverView



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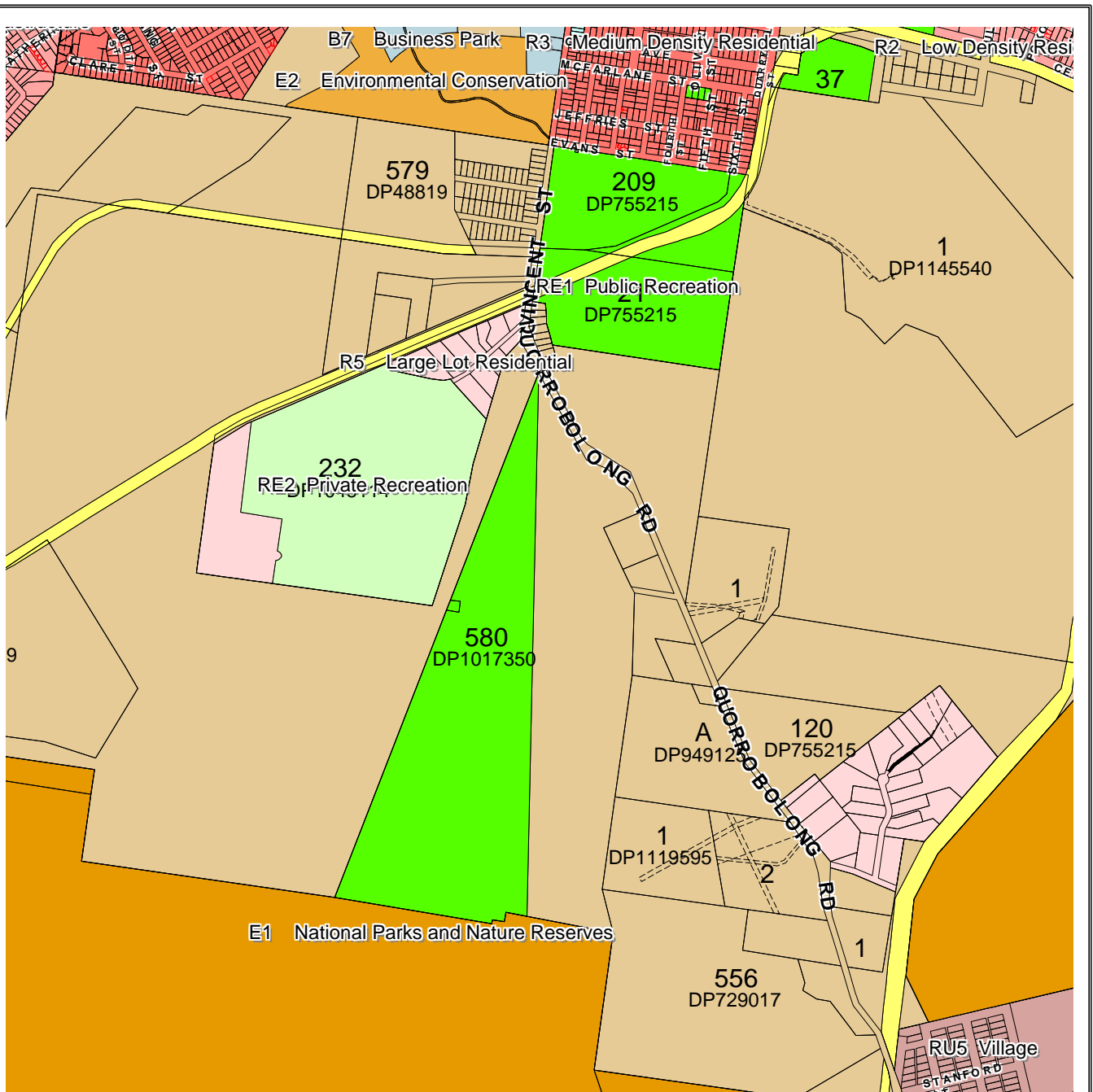
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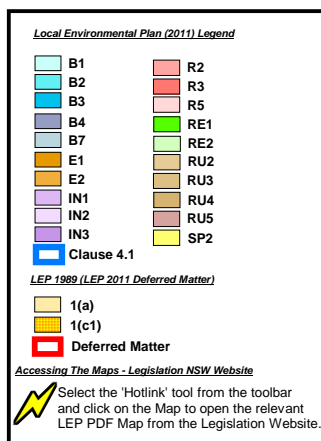
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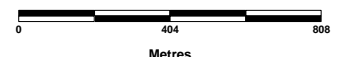


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R5 Zone Kitchener



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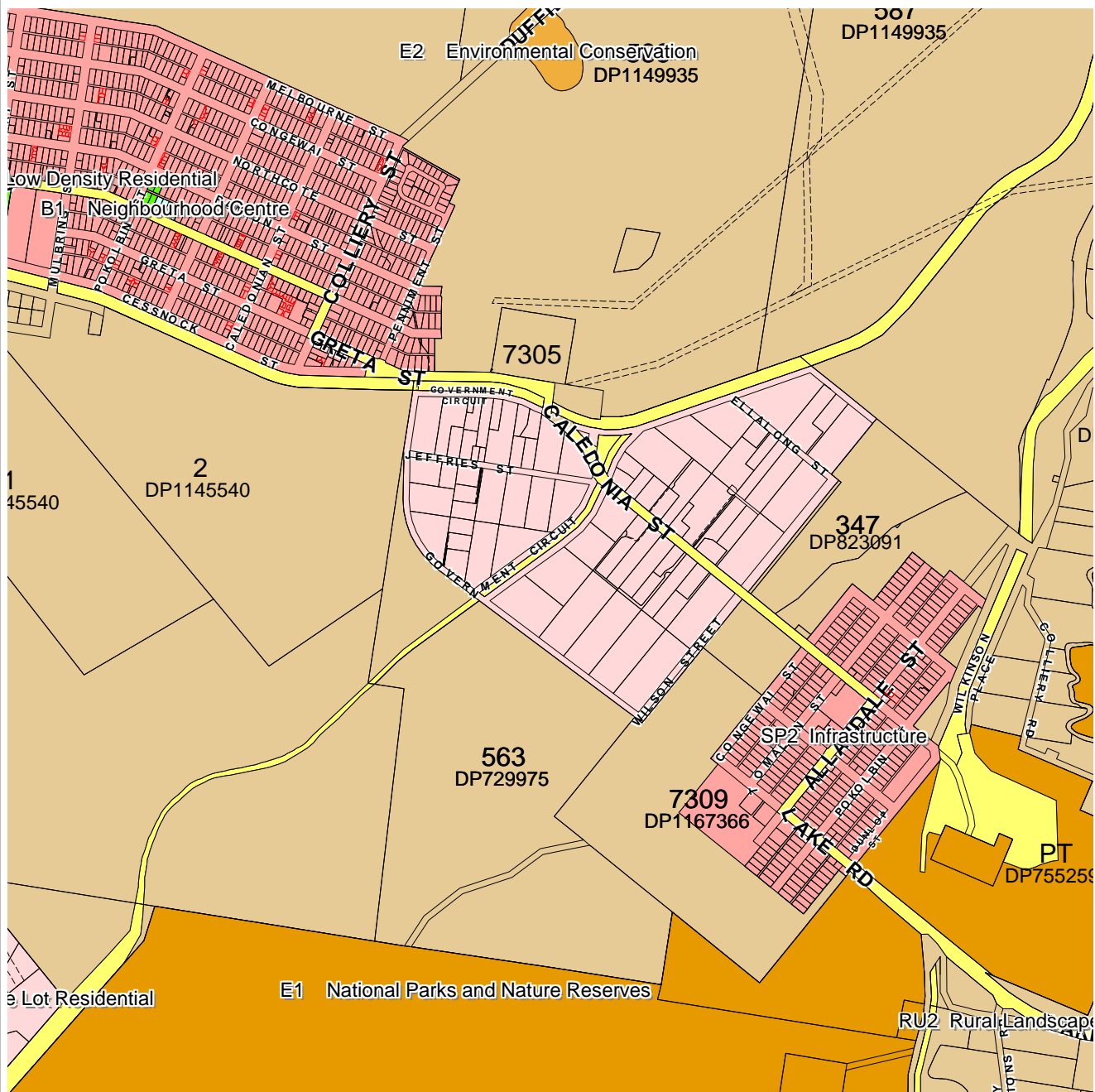
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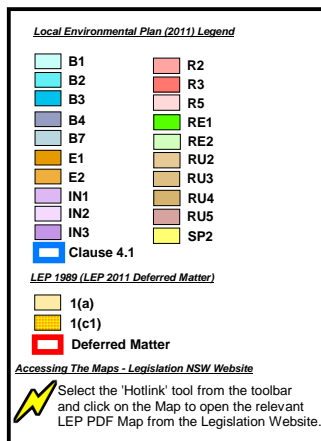
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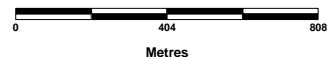
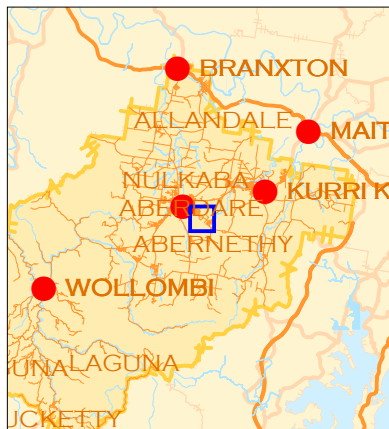


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R5 Kearsley



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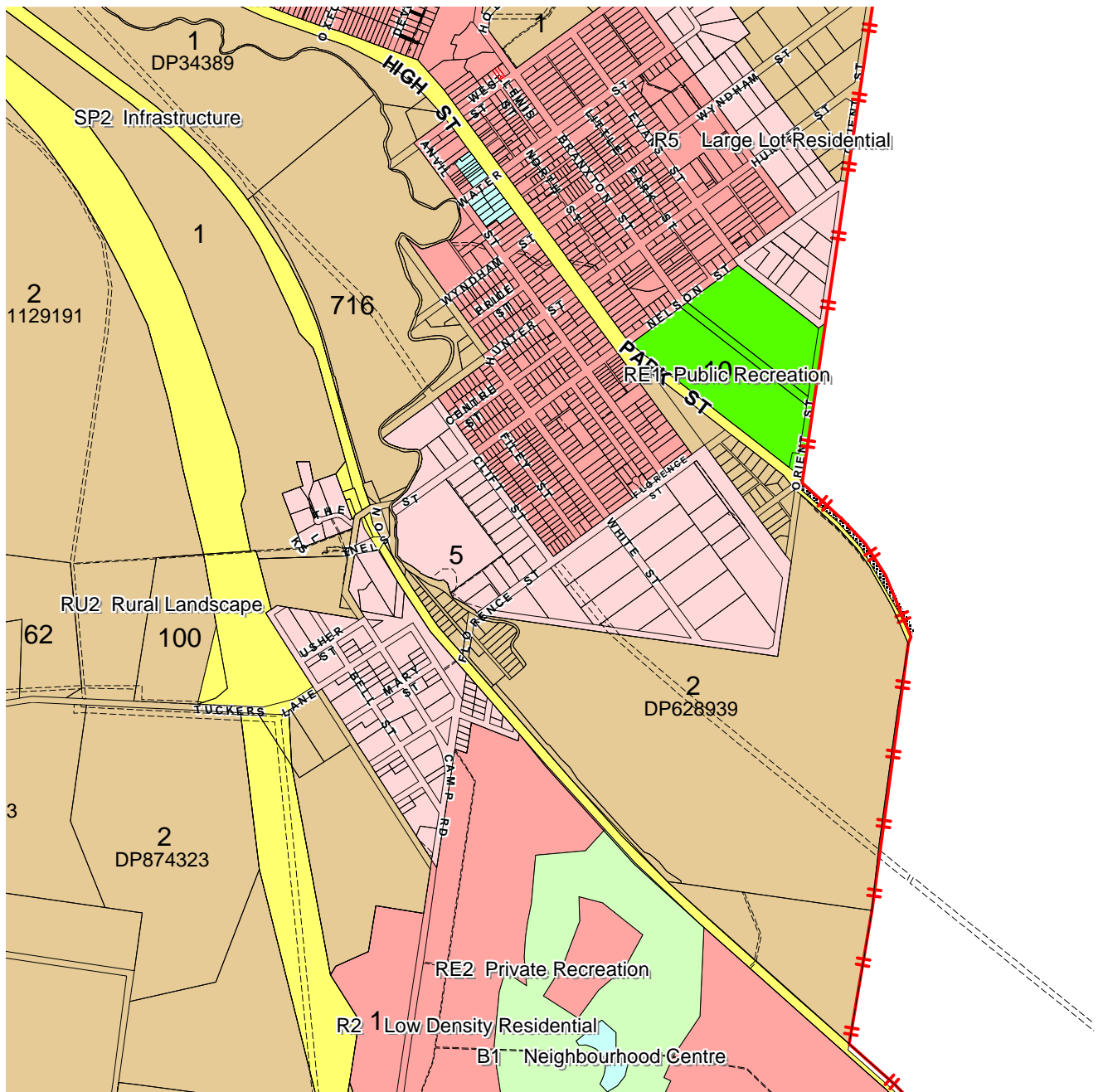
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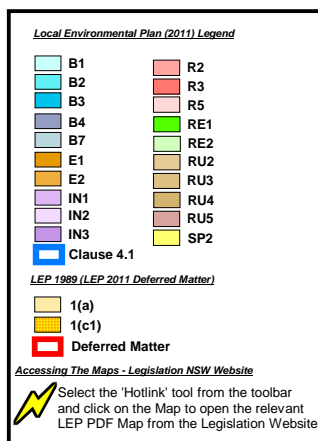
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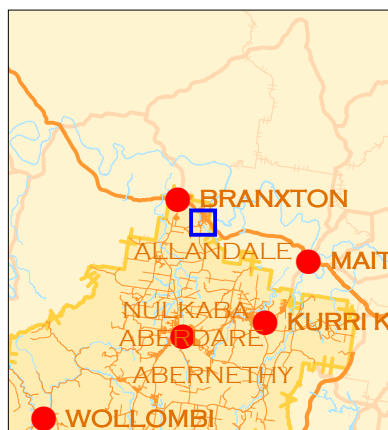


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R5 Greta



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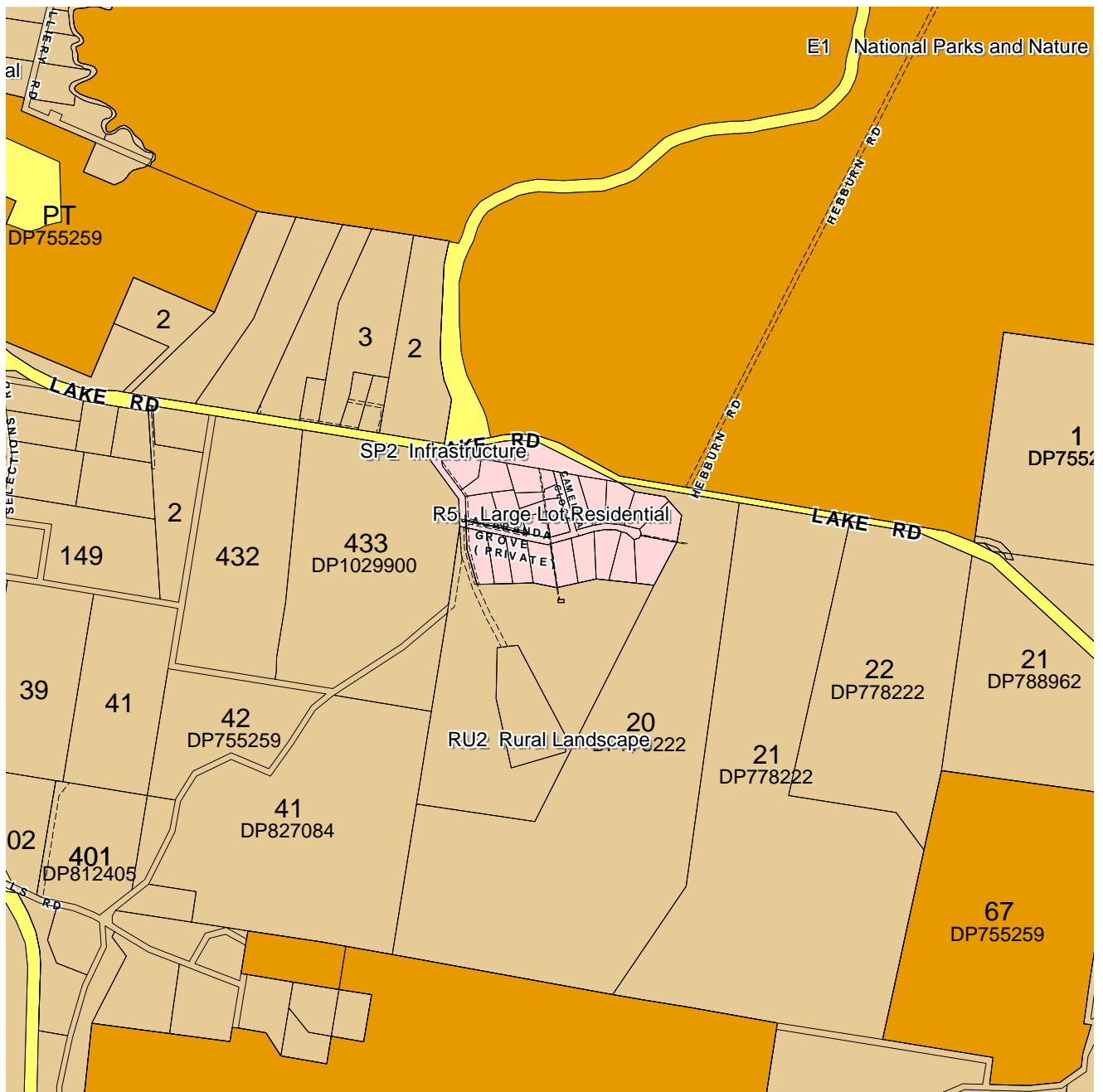
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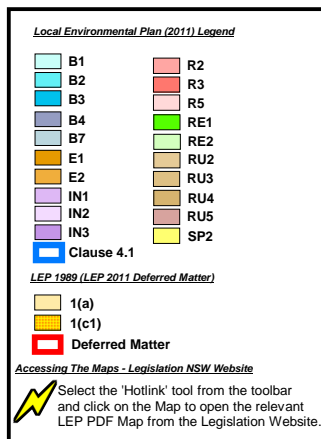
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R5 Elrington



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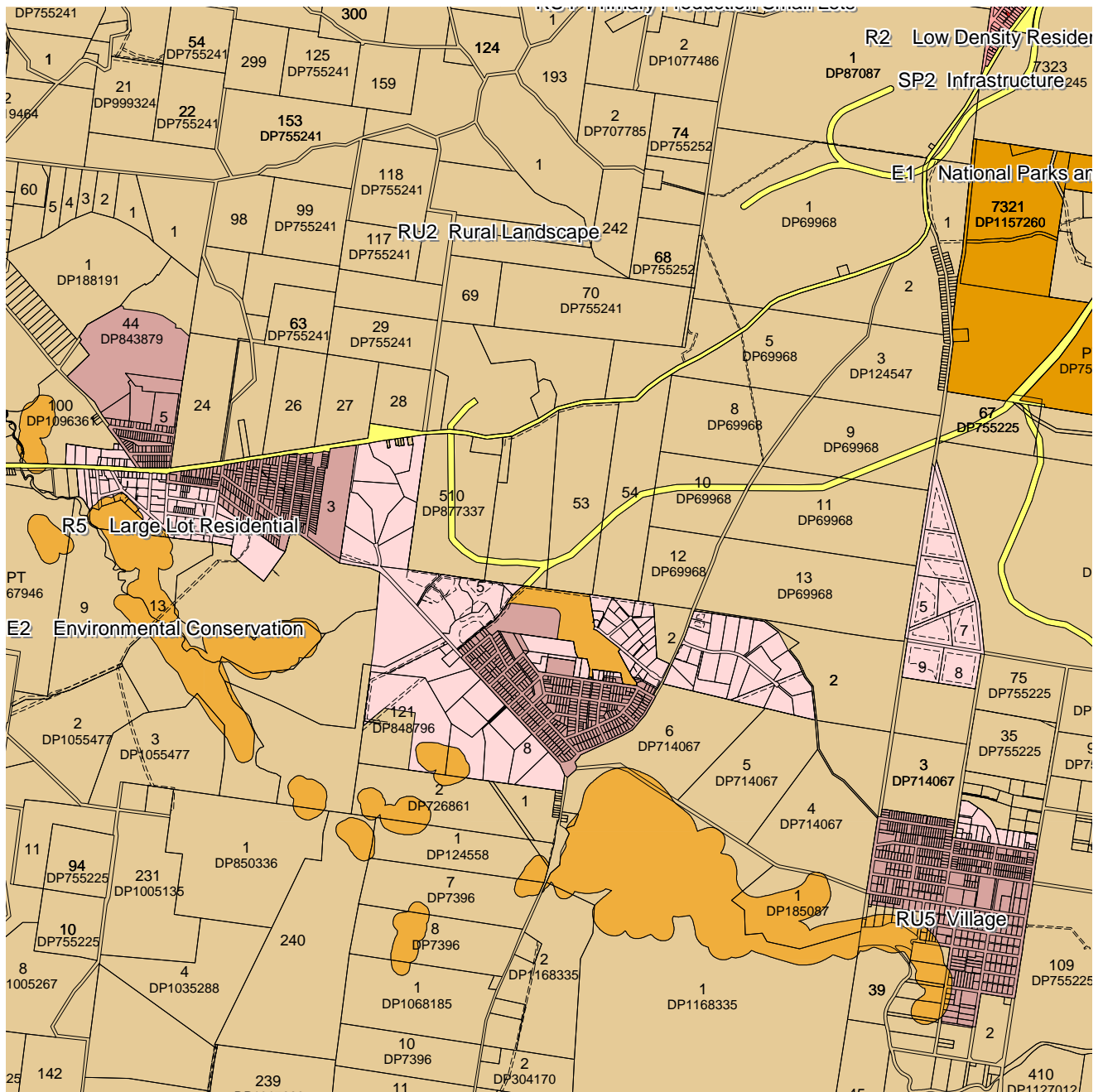
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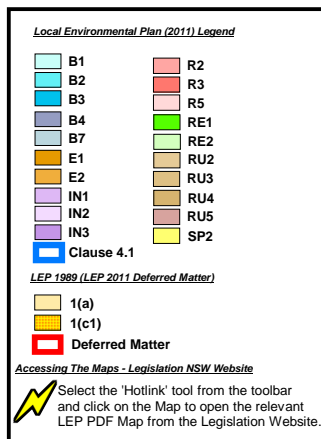
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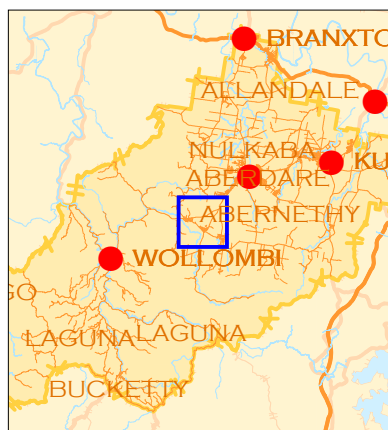


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R5 Zones - Ellalong, Paxton, Millfield



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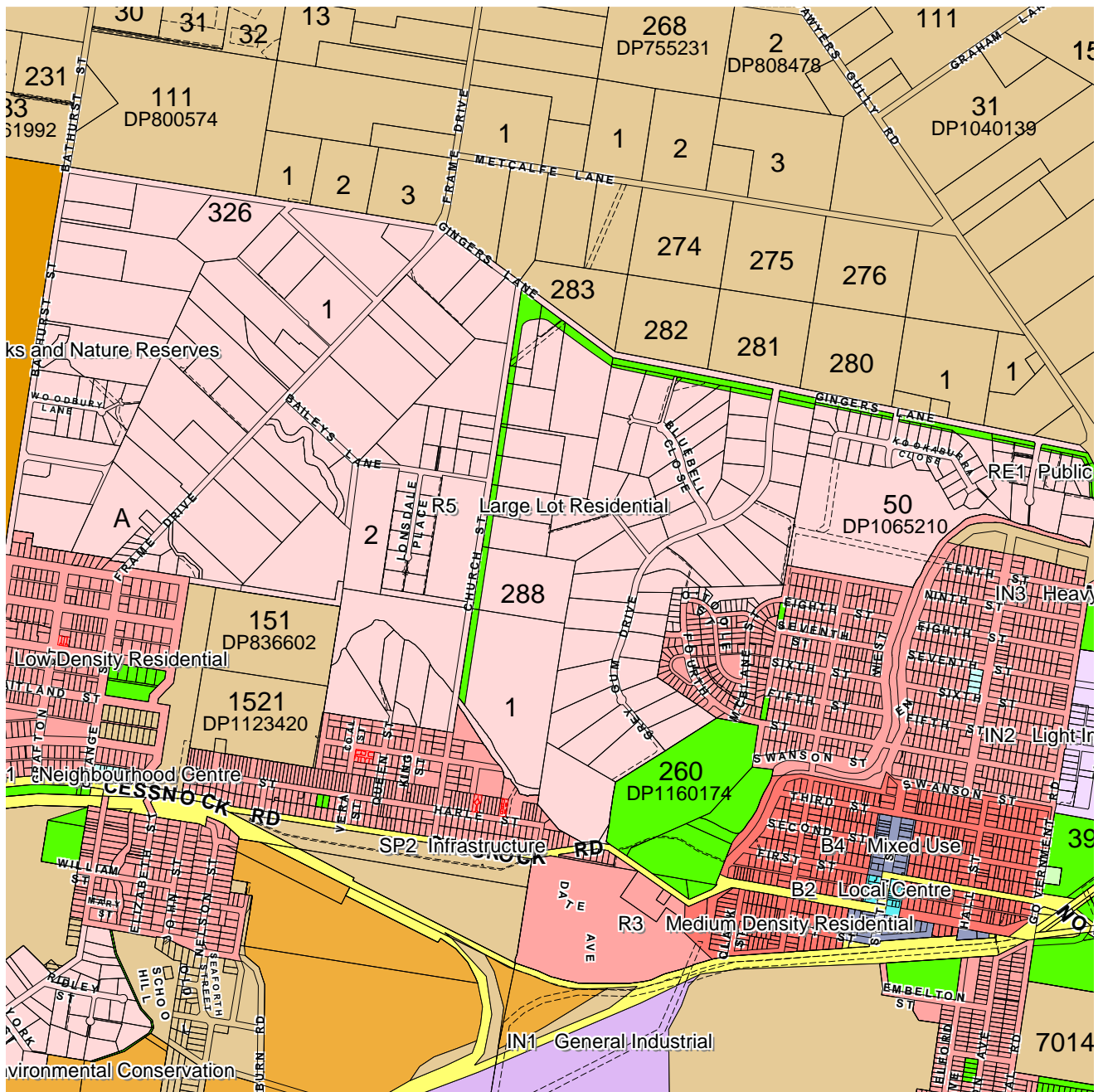
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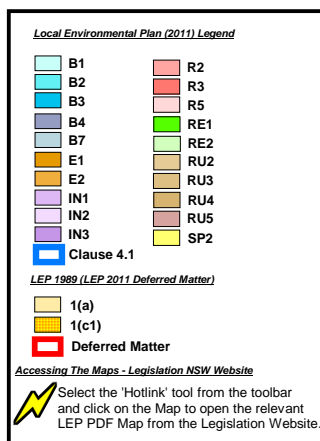
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R5 Abermain



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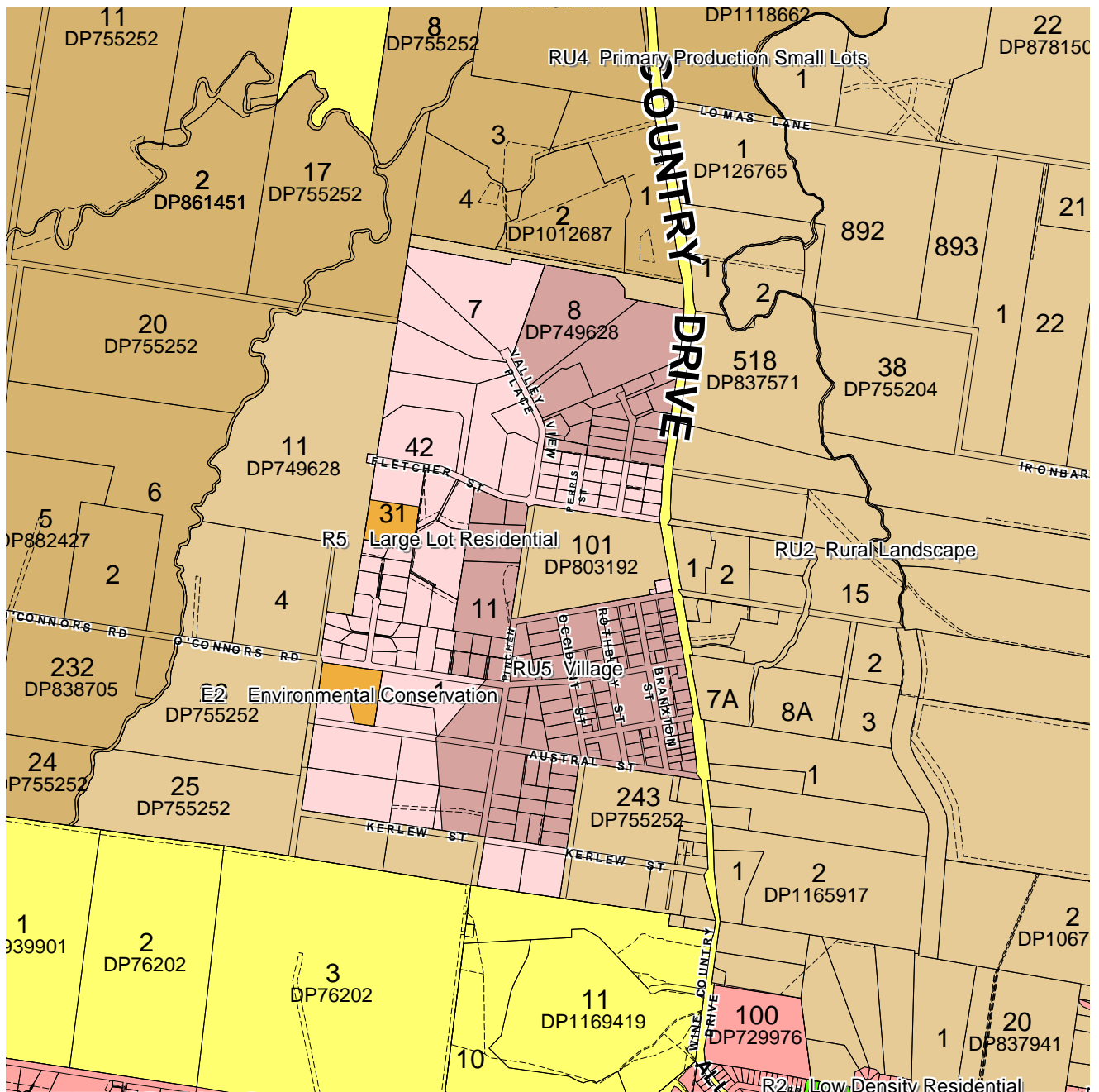
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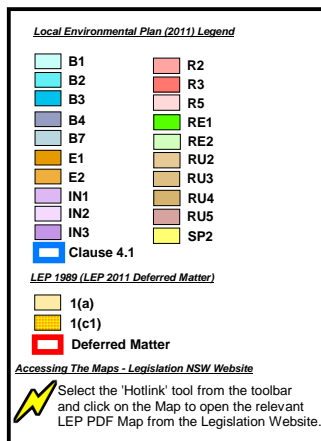
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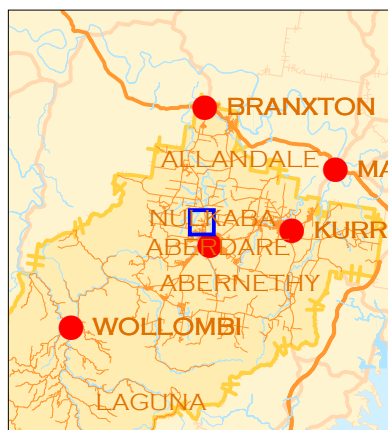


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R5 Nulkaba



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Date : 12 Apr 2013



9 April 2013

The Director
Strategic Regional Land Use Policy
NSW Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2001

Dear Sir/Madam

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

On behalf of Council I would like to thank you for the opportunity to comment on the above SEPP Amendment through the public exhibition process. Council would also like to express its appreciation for the extension afforded to allow Council to consider and endorse its submission at its meeting on 23 April 2013.

Council welcomes the broad purpose of the SEPP Amendment in restricting coal seam gas activities in proximity to residential areas and future residential growth areas. However, a review of the document has identified concerns in relation to its adequacy in protecting existing and future residential areas from potential impacts associated with the Camden Gas Project and certain environmentally sensitive areas.

As requested please find attached a draft submission prepared by Council staff for your records. It is anticipated that Council's final submission will be forwarded following its endorsement at the aforementioned meeting.

If you require any further information regarding aspects of the draft submission, please contact Council's Senior Environmental Officer (Environment Protection and Management), David Henry, on (02) 4645 4214.

Yours sincerely

A handwritten signature in black ink, appearing to be "Jeff Lawrence", written over a horizontal line.

Jeff Lawrence
Director Planning and Environment

Submission on the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

1. Background:

The Camden Gas Project (CGP), Project Area lies (in part) within the Campbelltown Local Government Area (LGA). Council has continued to comment on issues associated with the CGP, including Stage 2 and 3 project applications, in endeavouring to protect both the Campbelltown community and its natural assets.

Council has noted with concern a number of research studies, both nationally and internationally, that have identified deficiencies in scientific knowledge regarding potential health and environmental impacts associated with coal seam gas extraction activities.

In response to these concerns, at its meeting on 20 November 2012 Council resolved to:

Request the Minister for Energy and Resources not to issue any more exploration or mining applications until such time as scientific evidence guarantees that such activities do not compromise the environment or health of the community.

Additionally at its meeting on 18 December 2012 Council resolved:

That Council states its opposition to Coal Seam Gas exploration and mining in the Campbelltown Local Government Area.

The proposed State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013, which establishes coal seam gas exclusion zones within two kilometres of existing and future residential areas has been acknowledged and welcomed by Council as a means of addressing a number of Council's concerns. However, a review by Council officers has identified a number of aspects requiring clarification or amendment prior to formal gazettal of the SEPP.

2. Comments on SEPP Amendment

i) Proposed boundaries of future residential growth areas

The *Frequently Asked Questions, Coal Seam Gas Exclusion Zones* guide released by the NSW Government states that the NSW DP&I is currently compiling information on all future growth areas across NSW in consultation with local councils and that a map detailing these areas will be produced prior to the finalisation the SEPP Amendment.

Menangle Park, which lies within the southern portion of the LGA, is earmarked for future release of approximately 3500 residential lots. The draft planning proposal and Development Control Plan for the Urban Release Area (URA) have been publicly exhibited and are due for completion in mid-2013. The URA is not part of an identified 'growth centre'. Potential implications of coal seam gas extraction activities to this URA include restrictions on design and construction and reduction in land values.

Accordingly, Council strongly requests that the entire Menangle Park URA (as indicated on the attached map) be identified as a future growth area under the SEPP Amendment. This action will assist in effectively protecting the future community within this area.

ii) Establishment of exclusion zones around existing residential areas

The proposed establishment of a two kilometre exclusion zones is anticipated to have significant limiting implications for the CGP Stage 3 Application given its close proximity to existing and future residential areas. This action is therefore supported by Council as a means of addressing some of Council's concerns associated with the coal seam gas industry highlighted in its previous submissions and resolutions.

However, Council questions the scientific legitimacy and basis for the definition of the two kilometre exclusion zone as to whether this buffer will afford adequate protection to the community and environmental assets.

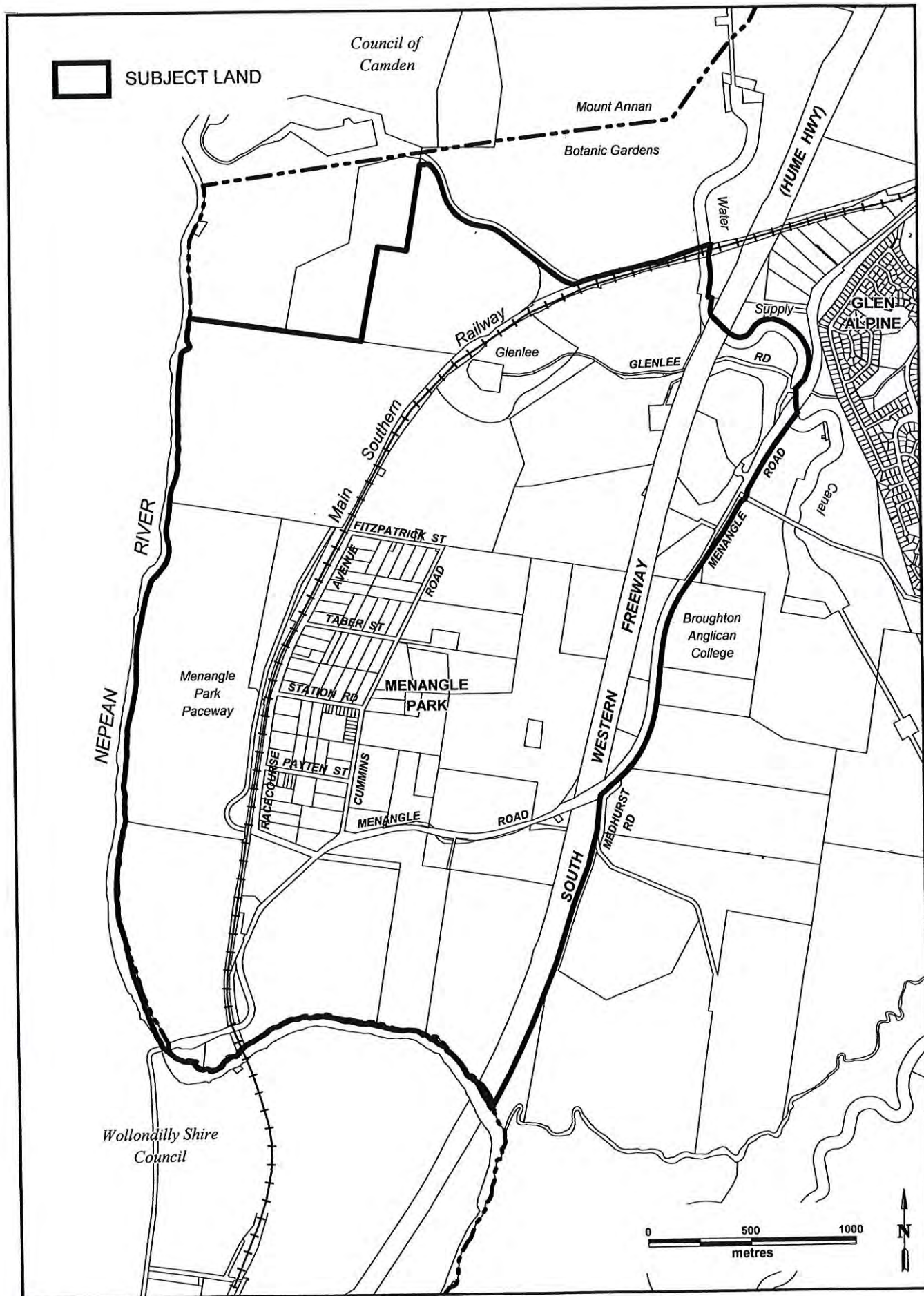
Council continues to strongly oppose coal seam gas activities within the Campbelltown LGA. In particular Council opposes coal seam gas activities in environmentally sensitive areas such as the Scenic Hills, given the inconsistencies that exist between these activities and the values and planning objectives for these areas. Consequently, Council requests that the SEPP Amendment be amended to prohibit any coal seam gas activity in land zoned for +environmental protection purposes by local planning instruments.

3. Application of the proposed exclusion zones

Currently there are eight gas extraction wells within the Campbelltown LGA that have been approved where drilling has not commenced. Council is of the view that SEPP Amendment should apply to these eight approved gas extraction wells within the Campbelltown LGA based on the following considerations:

- All of these wells are located within two kilometres of existing residential zones within the Campbelltown LGA and therefore would be within in future exclusion zone areas proposed under the SEPP Amendment
- The apparent view of the NSW Government that coal seam gas activity should not occur within two kilometres of existing residential areas as well as defined areas of future residential growth based on its 18 February 2013 announcement
- Consistency with Council's resolutions opposing coal seam gas mining within the Campbelltown LGA and requesting production licences for such mining not be renewed until such time as scientific evidence guarantees that such activities do not compromise the environment or health of the community.

Consequently, Council requests an urgent response from the NSW DP&I in regard to this issue. Council also requests that the SEPP Amendment be amended to apply to approved wells yet to be drilled.



Menangle Park Locality Map

Our ref: MJK:SD: EF09/705 CI13/5687

Your ref: Mr Steve Denize
Contact:

12 April 2013

Director Strategic Regional Policy
Daniel Keary
NSW Department of Planning and Infrastructure
srlup@planning.nsw.gov.au

Dear Mr Keary

Submission to Draft SEPP (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

At the Local Government elections in September 2012 the Lismore community voted in a non-compulsory poll to establish this community's position on coal seam gas exploration and production. In answer to the poll question, *"Do you support coal seam gas exploration and production in the Lismore City Council area?"* 25,595 votes were cast. 'No' votes totalled 21,608. 'Yes' votes totalled 3,270 with 717 votes being informal.

It is clear from this poll that the Lismore community rejects CSG exploration and production within the Lismore LGA. The Lismore community has made it clear to Council that it expects Council to act on its behalf in conveying this position to both the Federal and State levels of government.

Therefore, as part of its submission on the above Draft SEPP, Lismore City Council wishes to advise the Minister that it is opposed to any coal seam gas exploration or production activity within the borders of the Lismore City local government area.

Additionally Council would also like to make the following submissions and comments about the use and application of CSG exploration/production prohibition areas relative to the following land use zones and other land use activities:

1. Council supports the application of 2 kilometre prohibition areas around:

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

R5 Large Lot Residential - refer to comments below about R5 Large Lot Residential areas

RU5 Village. See comments below about Lismore's existing and proposed village expansion areas

2. Council also supports and proposes that the Minister apply the proposed 2 kilometre CSG exploration/production activity exclusion zone around the following zoned areas and land use activities for the following reasons:

- R5 Large Lot Residential. Rural residential development is a significant (although not extensive in area) land use in the Lismore LGA. This form of residential land development either flanks, and therefore effectively extends many of Lismore's zoned villages and urban area, or it has established in discrete locations in close proximity to the villages or the Lismore urban area. It is Council's contention that the residents and land owners in these areas should be afforded the same amenity and risk mitigation protection considered appropriate for the residential zones proposed by the Minister and listed in 1 above. Council does not agree that the exclusion zones should only apply to R5 zoned areas that exhibit 'village character' as defined by the Department.
- The RU5 zone should extend to the Village expansion areas as currently identified in Council's Village Strategy and being considered as part of the development of Council's new Growth Management Strategy, which is being prepared to support Council's Community Strategic Plan and Council's land use and infrastructure development strategies. These areas can be identified in Schedule 2 of the SEPP by reference to the Lismore Village Strategy 1997 Future Development maps.
- Rural schools, education facilities, religious/spiritual retreats and community halls where these fall outside the zones and areas identified in 1 and 2 above. Rural schools in the Lismore LEP 2012 are zoned as SP2 Educational Establishment and this zone could be included in Schedule 2. The other uses would largely be in the RU1 Primary Production zone. It is proposed that such uses could be listed in a separate schedule as defined in the Standard Instrument.
- Tourism and visitor facilities that fall outside the zones and areas identified in 1 and 2 above. Council notes that such activities are becoming established in increasing numbers in the Lismore LGA and play an important role in the Far North Coast region's tourism/visitor industry. Council further notes that the financial viability of this regionally and state significant industry is very dependent on environmental amenity, maintenance and enhancement. Similar to the uses above, these could be included in a separate schedule as defined in the Standard Instrument.
- Council is particularly concerned about the potential impact of CSG exploration/production on agricultural activity and production in the Lismore LGA. Agriculture is a very significant contributor to Lismore's economy. Lismore's environment supports an extensive range of food and fibre producing industries which in turn make a significant contribution to the regional and state economy. Consequently Council has applied an agriculture friendly RU1 Primary Production zone across approximately 87% of the Lismore LGA. While it is understood that such areas are not part of the proposed amendments to the SEPP, such areas should be identified in a Strategic Regional Land Use Plan as a matter of urgency.
- Drinking water catchment areas as defined on the LEP2012 Drinking Water Catchment map and Rocky Creek Dam, zoned as SP2 Water Storage Facility. Lismore LGA contains drinking water catchment areas that service both the populations of the Lismore LGA and adjoining LGAs within the region. In Council's view it is essential that that these catchment areas are kept free from any form of potential pollution that may degrade drinking water quality. For this reason Council requests that the 2 kilometre CSG exploration/production activity exclusion zone be applied around these catchments. These areas can be identified in Schedule 2 of the SEPP by reference to the Lismore LEP2012 Drinking Water Catchment map.

..3..

- Potential rural land sharing communities - Lismore, along with LGAs such as Byron Shire and Kyogle Shire, are unique in New South Wales in accommodating rural land sharing (commonly known as multiple occupancy) communities. While similar in land use pattern to rural residential development, they are not zoned as such and the applicable land use zone is almost always RU1 Primary Production. However, if required to be shown on a map, the LEP2012 Potential Rural Landsharing Community Development map would reflect the location of the vast majority of existing approved rural landsharing communities. The residents in these areas should be afforded the same amenity and risk mitigation protection considered appropriate for the residential zones proposed by the Minister and listed in 1 above. These areas can be identified in Schedule 2 of the SEPP by reference to the Lismore LEP 2012 Potential Rural Landsharing Community map.

Council has not prepared maps to accompany this submission as the reference to the zones and other LEP maps prescribes areas, albeit unaccompanied by the 2km exclusion area. If such maps are required please advise and Council will provide them as soon as practicable.

If you have any questions about this submission or require clarification please contact me on 1300 87 83 87.

Yours faithfully

A handwritten signature in black ink, appearing to read 'STEVE DENIZE', with a stylized flourish at the end.

Steve Denize

Manager, Integrated Planning

cc. Lismore City Councillors
Daniel.keary@planning.nsw.gov.au

12 April 2013

The Director
Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

SUBJECT Submission on Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

The above draft amendment is currently on exhibition and was discussed at the Blue Mountains City Council meeting of 26 March 2013 where it was resolved:

That the Council makes a submission to the Draft State Environmental Planning Policy (Mining, Petroleum Production, and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 seeking an amendment to exclude the Greater Blue Mountains World Heritage Area, including the Blue Mountains Local Government Area from Coal Seam Gas exploration on the basis of the UNESCO listing, the City's location adjoining a World Heritage Area and the possible impacts on World heritage values that may result from coal seam gas exploration and the location in Sydney, Blue Mountains and Lithgow drinking water catchments;

The Greater Blue Mountains World Heritage Area (GBMWhA) is unique in being dissected by an urban corridor of townships along ridgetops, a configuration which poses particular risks to values of the GBMWhA. The GBMWhA was listed in recognition of its status as a most important area for the conservation of biological diversity and as an outstanding area representative the evolution of ecosystems and plant/animal communities. Groundwater processes and water dependent ecosystems play a significant role in the healthy function of the listed area and the maintenance of those values.

The successful evaluation of the Greater Blue Mountains for listing was in part dependent upon the demonstration that the impacts of development would not threaten the values that justified the nomination. Both the local and State planning instruments play an essential and ongoing role in ensuring that the environmental values of GBMWhA are protected.

The proposed amendments as set out in the *Draft State Environmental Planning Policy (Mining, Petroleum Production, and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013*, (the Draft SEPP Amendment) do not extend

protection to critical elements of both the urban and natural areas of the Blue Mountains and the wider GBMWhA.

The Draft SEPP currently proposes that Coal Seam Gas (CSG) mining and exploration be prohibited from within two kilometres of certain of the residential areas towns and villages of the Blue Mountains. The exclusion zones are defined in reference to nominated Standard Instrument (SI) residential zones or their equivalent. The Draft SEPP does not provide for other residential areas, such as those zoned E3 Environmental Management or E4 Environmental Living, to be nominated as exclusion areas. These zones will be a very important feature of the Standard Instrument translation of the current BM LEPs. Extensive areas of what is effectively existing residential land are proposed to be zoned E3 and E4 in recognition of the need to protect the environmental values of these areas and those of the adjoining National Park system.

Therefore the Draft SEPP Amendment as currently proposed does not afford the required protection to the residential areas of the Blue Mountains nor to the wider GBMWhA and the related drinking water catchments.

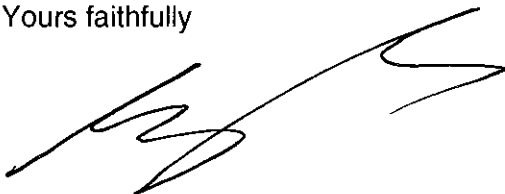
It is the strong opinion of Council that, given the unique environmental values of the Blue Mountains and its contribution to tourism and the economic drivers both locally and State-wide, that the entire GBMWhA and the Blue Mountain LGA should be included in areas where CSG activities are prohibited, including exploration, mining, processing and others, and this prohibition should apply to new activities, and any activities with existing approvals.

In the event that CSG activities do occur in the Greater Blue Mountains they may result in a diminution of the World Heritage values, with the resulting possibility that UNESCO may withdraw WHA listing. A prohibition of CSG activities within the GBMWhA provides the NSW Government with the opportunity to support a proactive stance in protecting an area of outstanding natural significance, and the related tourism economy.

A prohibition on CSG activities would also provide the necessary protection to the drinking water catchment for the people of Sydney, Blue Mountains and Lithgow.

If further information is required please contact Robert Greenwood, General Manager, on (02) 4780 5000.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Myles', with a stylized flourish at the end.

DANIEL MYLES
Mayor

CC: Mrs Roza Sage, Member for Blue Mountains
Mr Stuart Ayers, Member for Penrith
Hon Brad Hazzard MP, Minister for Planning and Infrastructure

In reply please quote: 11/01695

Contact: Andrew Mooney on 9725 0214

15 April 2013

The Director Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

**DRAFT AMENDMENT TO STATE ENVIRONMENTAL PLANNING POLICY
(MINING, PETROLEUM AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS
EXCLUSION)**

Council at its meeting of the 9 April 2013 considered a report on issues relevant to Fairfield City and resolved to make a submission to the above draft amendment to the SEPP (Mining, Petroleum and Extractive Industries) 'Mining SEPP' as follows;

That:

1. *Council endorse the issues raised in the report as the basis for a submission and also clearly indicate Council's desire that CSG Gas exploration not be permitted in any part of the Fairfield local government area in Council's submission to the proposed amendments to Mining State Environmental Planning Policy (SEPP) relating to prohibitions on exploration wells and operation of coal seam gas mining in NSW.*
2. *A copy of Council's submission be forwarded to State Members of Parliament in the Fairfield LGA requesting their support to the issues Council raises.*

A. KEY ISSUE UNDER COUNCILS SUBMISSION

As detailed above, the key issue under Council's submission is that Coal Seam Gas CSG Gas exploration not be permitted in any part of the Fairfield local government area.

This is based on the following key issues and concerns;

- The proposed prohibition criteria of the draft SEPP results in piecemeal and ad-hoc planning outcomes. In a number of instances it is unclear exactly where CSG activities will be prohibited outside the 2km exclusion area from residential zones.
- The 2km buffer area around existing and proposed residential zones is arbitrary. There is no clear information or scientific explanation provided as to why a 2km buffer is appropriate and whether the potential impacts of CSG activities on residents of Fairfield City will be fully mitigated against by a 2km buffer.

- Due to the potential adverse impacts of CSG activities on the environment, CSG mining and exploration would be incompatible with the diverse range and nature of land uses established in Fairfield City and should be prohibited on all land in the Fairfield LGA.

B. FURTHER BACKGROUND

The following provides further background to the issues raised in Councils submission;

It is noted that as a result of the 2km exclusion area around residential zones in Abbotsbury, Horsley Park Village and to land in Cecil Park (located to north of the South West Growth Centre in Liverpool City) CSG activities would be prohibited in parts of the rural area of the City.

These prohibitions are piecemeal as 'gaps' remain where CSG activities could still be considered in both the RU4 – Primary Production Small Lots and RU2 – Rural Landscape zones and Western Sydney Parklands.

From a strategic land use planning perspective the above outcomes are extremely ad-hoc and arbitrary and would result in a great level of uncertainty regarding the exact extent of prohibition of CSG activities in Fairfield City.

It is noted that the SEPP includes criteria for nominating areas zoned R5 – Large Lot Residential to be listed in the SEPP as an exclusion zone. Although the R5 zone is not applicable to Fairfield City, an analysis of zone RU4 – Primary Production Small Lots (in Horsley Park and Cecil Park) and zone RU2 – Rural Landscape (Keyhole lands – Horsley Park in the Western Sydney Parklands) against criteria issued by the DP&I (below), suggests that all lands in the RU4 and RU2 zones in Fairfield City should be included in the exclusion zone for CSG activities.

Criteria for SEPP exclusion area	Comment – Relevance to Fairfield Rural Areas
The area must contain a mix of land uses	<ul style="list-style-type: none"> - The rural areas of Fairfield include a mix of rural and residential uses. Rural activities include extractive industry, market gardens, flower gardens, grazing of livestock, poultry farms and piggeries. More recent subdivision is utilised predominantly for rural residential uses and is characterised by large housing on 1ha allotments. - A recent survey of land uses in the RU4 zone indicates that approximately 54% of the area is utilised for residential uses whilst 40% is utilised for primary production purposes.

Criteria for SEPP exclusion area	Comment – Relevance to Fairfield Rural Areas
	<ul style="list-style-type: none"> - The Horsley Homestead (located to the north of Horsley Village) is a major heritage item in the rural area having both State and National heritage listings. - The area also supports a number of schools, child care centres and places of worship.
The zone must apply to a settlement that is long established and that has historic association within the district, region and/or hinterland	<ul style="list-style-type: none"> - The rural areas of Horsley Park and Cecil Park have been long established and undergone consolidation for the rural residential uses over many years. - More recent subdivision and construction of large dwellings on 1ha allotments has been taking place since 1994
The area must contain a mix of lot sizes including an average lot size up to 4,000m ²	<ul style="list-style-type: none"> - There are a range of allotment sizes in the rural area ranging from 1ha (recent rural residential subdivisions in the RU4 zone) up to 100 ha (extractive industry sites) - Although the average subdivision size in the rural area is greater than 4,000m² the use of this criteria is extremely arbitrary having regard to the overriding relevance of the above strategic criteria and fact that the impacts of CSG activities can extend across a broader area than the 2km exclusion buffer being applied around residential zones.

In addition to the above, it is noted that sections of the Western Sydney Parklands in Fairfield City are not included in the buffer exclusion zone. Again this outcome is piecemeal and fails to have regard to the primary function of the Parklands in terms of providing a major public recreation resource for Western Sydney. Areas of the Parklands are also utilised for agricultural and rural residential accommodation and CSG uses are not considered compatible with these activities.

CONCLUSION


The proposed prohibitions associated with amendments to the Mining SEPP result in piecemeal and ad-hoc planning outcomes. There is also a lack of clear scientific and planning information provided with draft amendments to confirm that the proposed 2km buffer around residential zones will provide an adequate safeguard against the potential impacts from CSG activities on residents in Fairfield City regardless of their location.

In addition the exclusion provisions relevant to the rural areas of Fairfield City are arbitrary and piecemeal in nature that would result in uncertainty regarding the permissibility of CSG activities in the area and do not achieve consistent strategic land use planning outcomes.

In this regard, Council requests that provisions be included in the draft SEPP that would prohibit CSG activities throughout the Fairfield LGA.

Please contact the undersigned if you have any further enquiries regarding the above on 9725 0214.

Yours faithfully



Andrew Mooney
Coordinator Strategic Land Use Planning

12 April 2013

Your ref:

Our ref: KM:SG A02/0691-2

The Director - Strategic Regional Policy
NSW Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Dear Sir or Madam

Draft Mining SEPP Amendment Coal Seam Gas Exclusion Zones 2013

Thank you for the opportunity to comment on the Draft Amendment to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (the Mining SEPP), which proposes to introduce Coal Seam Gas (CSG) Exclusion Zones. The relevant documentation has been reviewed and the following comments are provided.

Proposed CSG Exclusion Zones – residential areas

Armidale Dumaresq Local Environmental Plan 2012 (ADLEP 2012) includes the following residential zones from the Standard Instrument LEP:

- R1 General Residential
- R2 Low Density Residential
- R5 Large Lot Residential
- RU5 Village.

The proposed prohibition of new CSG exploration and production activity within 2km of the R1, R2 and RU5 zones is supported.

The Draft SEPP also proposes to apply the prohibition to areas zoned R5 that meet defined village criteria. Councils have been invited to nominate particular areas zoned R5 for listing in the Mining SEPP as an area to which the prohibitions could apply. The following comments are provided in relation to this aspect of the Draft SEPP:

- a) The documentation does not include objective(s) for the Draft SEPP so it is unclear as to why some of the proposed provisions have been included, particularly the approach to the R5 zone.
- b) It is unclear as to why all land within the R5 zone has not been included in the proposed CSG Exclusion Zones along with other residentially zoned land. The Frequently Asked Questions

notes that the draft amendments “will ensure heightened protection for residential areas”. The R5 zone provides for a rural lifestyle which is predominantly residential in character.

- c) The comments relating to the village criteria refer to ‘a key point of differentiation between a village and a rural residential subdivision’. No information is provided as to why this differentiation is warranted. If the intent of the Draft Amendment is to heighten protection for residential areas then it is suggested that rural residential areas should be included.
- d) Village criteria:
 - a) “the area must contain a mix of land uses” such as retail, business, industrial, educational or recreation. As these other types of land uses are not a requirement for the proposed CSG Exclusion Zone relating to the R1 and R2 zones, it is unclear as to why they are required in rural residential areas which by their nature are predominantly residential. Rural residential areas tend to be on the fringe of major towns and are unlikely to have a mix of land uses due to their proximity to town services and facilities.
 - b) “the zone must apply to a settlement that is long established and that has some historic association within the district, region and/or rural hinterland”. If the intent of the Draft Amendment is to heighten protection for residential areas it is not evident why only older, and not newly established areas, would be included in a CSG Exclusion Zone.
 - c) “the area must contain a mix of lot sizes, including an average lot size up to 4,000m²”. From the comment associated with this criterion it appears that the only reason for including it is to differentiate between a village and rural residential subdivision. Again it is unclear as to why such a differentiation is warranted. In villages where the population is declining, the resulting population density may be comparable to that of a fully occupied rural residential estate.
- e) Given the predominantly residential nature of existing and future rural residential estates, excluding CSG exploration and production from all land in the R5 zone is preferred. However, if Councils are required to identify areas within the R5 zone for exclusion, it is suggested that alternative criteria for identifying these areas should apply. The criteria should include that the character of an area is predominantly residential (with or without a mix of land uses) and make no reference to the age of the settlement but perhaps instead its pattern or density.

Nomination of R5 land in Armidale Dumaresq

Land within the R5 zone under ADLEP 2012 does not meet the defined village criteria for prohibiting CSG exploration and production. However, Council wishes to nominate all of the land zoned R5 under ADLEP 2012 for inclusion in the Mining SEPP as a prohibited area for CSG exploration and production for the following reasons:


- Land zoned R5 is confined to distinct corridors adjoining Armidale and is not fragmented into isolated areas (see Map 1 attached).

- The minimum lot size for subdivision within R5 zone is 2 hectares, or 1 hectare where a subdivision can connect to a reticulated sewerage system. There are existing rural residential estates within the R5 zone that include lots as small as 1.2 hectares. Existing and new estates are residential areas within a semi-rural environment.
- Much of the land zoned R5 is already within 2km of land zoned R1 or R2 in Armidale and would be included in the proposed CSG Exclusion Zones (see Map 2 attached). It could appear arbitrary to the community if some parts of the R5 zone are excluded from CSG exploration and production while others are not, especially as the same types of development are permitted throughout the zone.

Please find attached GIS data for land within the R5 zone that Council is seeking to nominate as an area where CSG exploration and production is prohibited.

If you should have any further enquiries concerning this matter, please contact Ms Kathy Martin, Manager Sustainability and Strategic Planning, by phone (02) 6770 3632 or by email

kmartin@armidale.nsw.gov.au

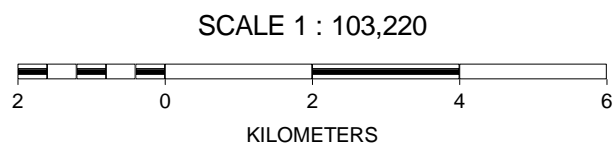
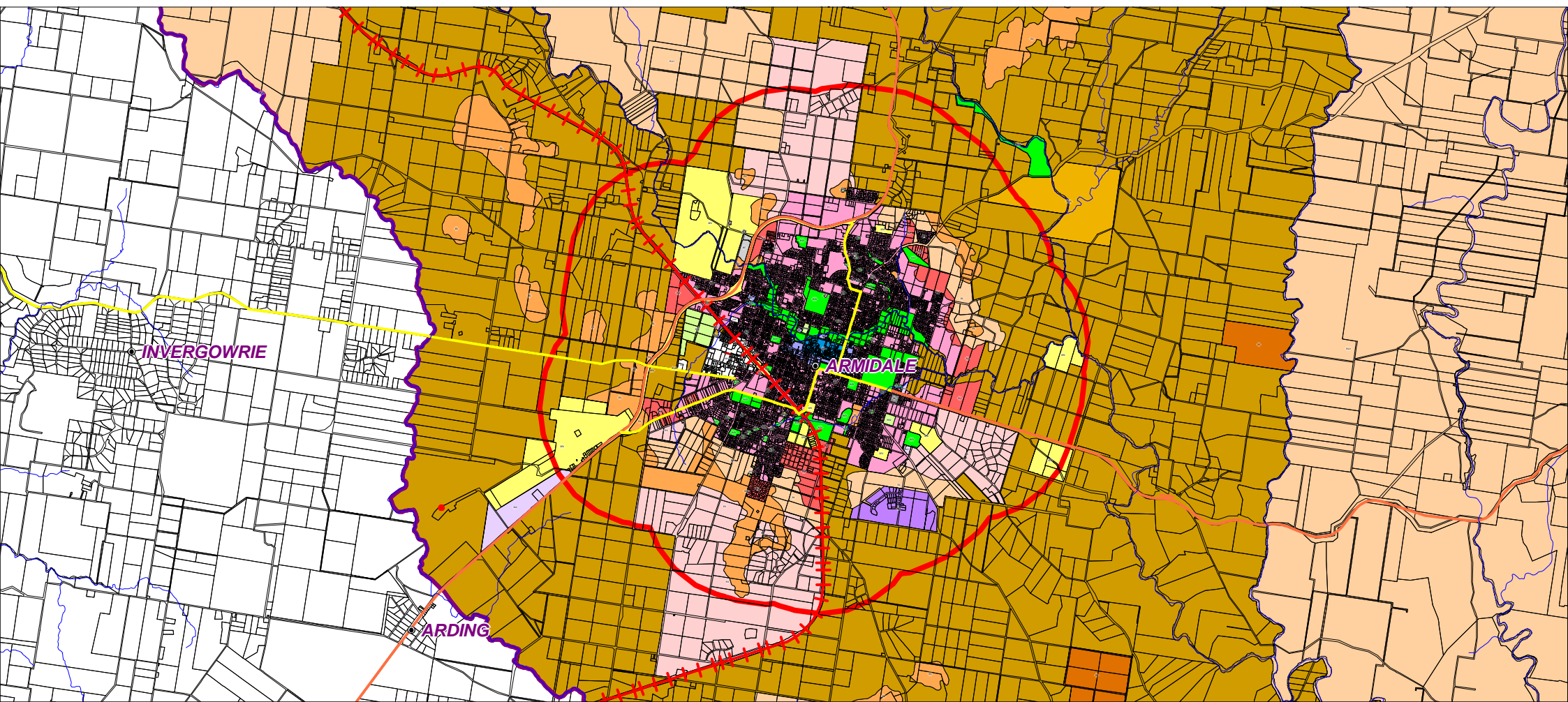
Yours sincerely

Stephen Gow
Director Sustainable Planning and Living

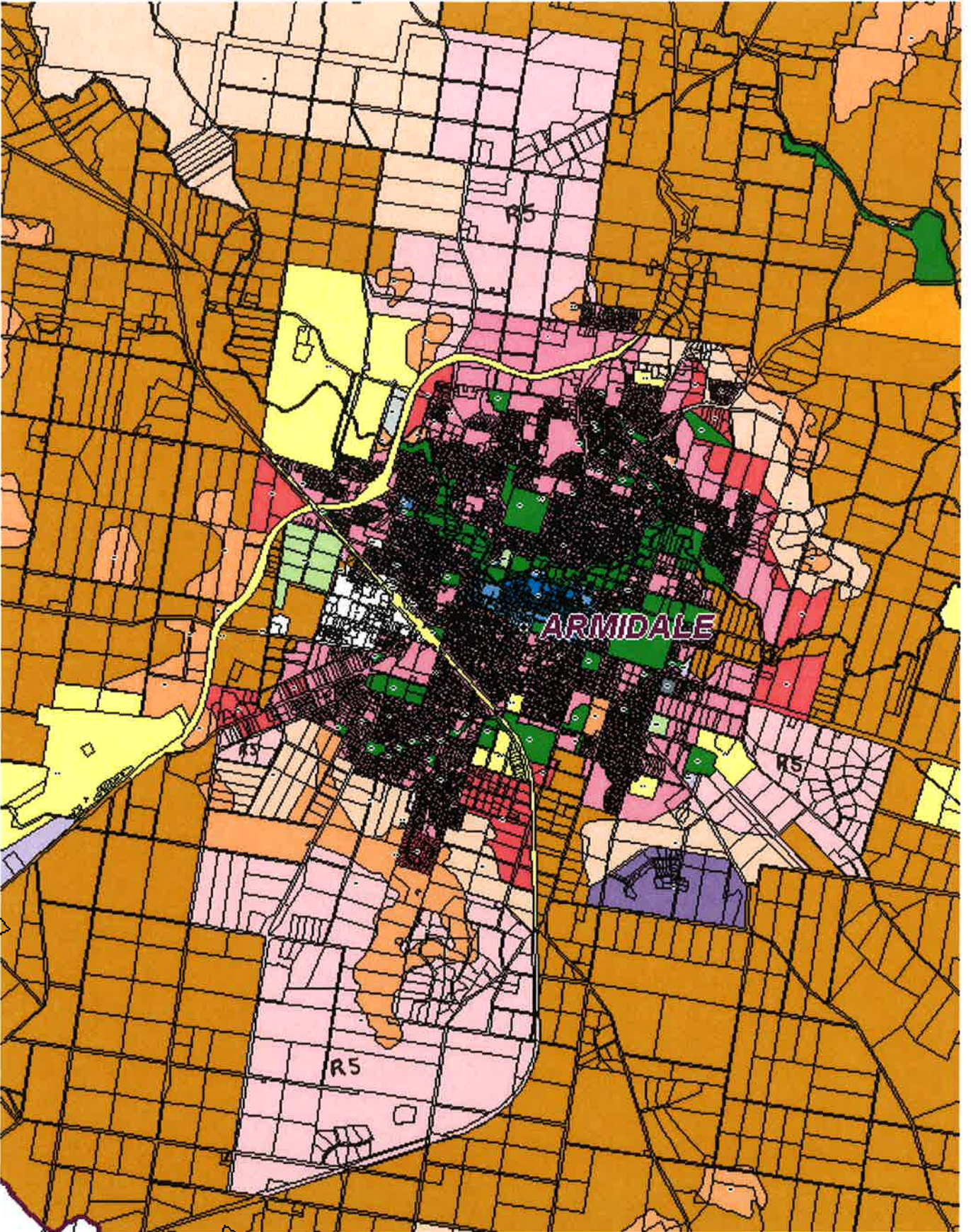
Encl: Map 1. ADLEP 2012 zoning of Armidale and surrounds, including R5 zoned land.

Map 2. Land within 2km of land zoned R1 and R2 under ADLEP 2012.

GIS data – land zoned R5 under ADLEP 2012.

CSG Exclusion Zone





Our Reference: TRIM 1148-2

The Director
Strategic Regional Policy
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

12 April 2013

Dear Sir / Madam,

STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) AMENDMENT (COAL SEAM GAS EXCLUSION ZONES) 2013

Wollondilly Shire Council supports the proposed amendments to the Mining SEPP as exhibited and brings the following points to the Department's attention.

1. Current Coal Seam Gas Projects in Wollondilly Shire

Council notes that the exclusion zones will prevent

- (i) all coal seam gas development projects that do not have approval at the date that the amendment to the SEPP is made; and
- (ii) all coal seam gas developments that are currently in 'exploration' mode from expanding and / or shifting to 'production' mode.

Council therefore seeks confirmation from the Department that the Petroleum Exploration Drilling Program in Oakdale PEL454 will not be permitted to proceed to 'production' mode.

2. Potential Exclusion Zones for Residential land

Council supports the application of exclusion zones in and within 2 kilometres of land in Zone R2 Low Density Residential and Zone R3 Medium Density Residential in Wollondilly Local Government Area (there are currently no areas of land in Zones R1 General Residential and R4 High Density Residential).

There is no land in Zone R5 Large Lot Residential within Wollondilly LGA that meets the Department's criteria for a "village".

There are provisions within Wollondilly Development Control Plan Volume 7 for Bingara Gorge Estate, Wilton Park for up to 32 coal seam gas vents (yet to be installed). The land is in Zone R2 Low Density Residential. These vents are associated with the extraction of coal seam gas for mine safety (not for exploration and production). Council understands that such vents are not affected by the proposed exclusion zones because the vents will not fit the proposed definition of *coal seam gas development*.

3. Future Residential Growth Areas

It is noted that the exhibition material includes advice that future residential growth areas will include “*mapped areas in a Government-endorsed strategy such as a regional strategy or council housing strategy, as well as draft local environmental plans*”. And further DP&I “*is currently compiling information on all future growth areas ... in consultation with local councils to include in a final map prior to the finalisation of the SEPP amendment.*”

Council is looking forward to consulting directly with the Department regarding this mapping and in anticipation wishes to remind the Department that future growth areas for Wollondilly are being identified through:

- the revision of Council's Growth Management Strategy (currently underway)
- the work associated with the State Governments Priority Housing Project and more specifically land at Wilton Junction
- numerous current Planning Proposals to create land Zones R2 Low Density Residential and R5 Large Lot Residential.

4. Application of Exclusion Zones 'In reverse'?

Council requests the DP&I confirm whether the exclusion zones will operate in reverse. That is, whether the existence of coal seam gas development prevents the rezoning of land to 'residential' within 2 kilometres of that existing coal seam gas development site(s). This may apply to land at Appin, Douglas Park and Menangle. I am currently seeking records from the Department Trade and Investment, Regional Infrastructure and Services on all current approvals issued for coal seam gas development in Wollondilly.

If the exclusion zones are to apply in reverse then Council request the DP&I produce maps showing the areas of land within 2 kilometres of existing coal seam gas development so that Councils can consider these as constraints to future development.

5. Exclusion to apply to Drinking Water Catchments

Council requests the DP&I automatically apply exclusion zones to all land within and within 2 kilometres of drinking water catchments as this land is worthy of protection at least equivalent to residential areas.

Conclusion

Thank you for the opportunity to comment on the proposed amendments to the Mining SEPP. Please ensure that the matters raised in this letter are taken into account prior to the finalisation of the amendments. Council looks forward to your reply regarding:

- the Oakdale project PEL454
 - whether the exclusion zones apply in reverse and, if so, maps which identify this land;
- and to collaborating on mapping of Future Residential Growth Areas.

Should you have any further questions or require additional information please contact me direct on Phone (02) 4677 1151 or by email sophie.perry@wollondilly.nsw.gov.au

Yours sincerely,
Sophie Perry
STRATEGIC PLANNER
STRATEGIC PLANNING

srlup - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 Public Consultation Draft

From: Joshua Brown <Joshua.Brown@muswellbrook.nsw.gov.au>
To: "srlup@planning.nsw.gov.au" <srlup@planning.nsw.gov.au>
Date: 4/12/2013 4:42 PM
Subject: State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 Public Consultation Draft
CC: "office@hazzard.minister.nsw.gov.au" <office@hazzard.minister.nsw.gov.au>, Steve McDonald <Steve.McDonald@muswellbrook.nsw.gov.au>

The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Level 33, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Minister,

RE: State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 Public Consultation Draft

Council is broadly supportive of the coal seam gas related proposals included in the draft *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013* ("the draft **SEPP (Mining)**") as interim measures but notes a range of land use conflicts associated with coal seam gas extraction activities remain largely unresolved by the draft SEPP (Mining) – including issues related to other critical agricultural clusters, the urban land-use, the conservation and remnant vegetation land uses and the heritage and cultural land uses. Council is also concerned about the potential for diminution or loss of fidelity in the cluster mapping on which the draft SEPP (Mining) is dependent.

Council repeats its long standing objections related to the coal mining aspects of the draft SEPP (Mining) and notes that the draft continues the process of exempting, in effect, the coal industry from cumulative land use planning otherwise dealt in zoning and land release processes for all other industries in New South Wales. The draft SEPP (Mining) in respect of both coal mining and coal seam gas extraction remains largely removed from evidence-based strategic planning. That is a weakness that needs to be overcome in time.

Council is of the view that the draft SEPP (Mining) does not adequately address the statutory and policy responses required to address land use conflict between the coal mining and coal seam gas extraction industries. It is vital for the certainty of these industries – and the broader energy industry in New South Wales – that these conflicts/impediments are resolved. This will require a fundamental review of the way in which coal seams are put to exploration (for both coal mining and coal seam gas extraction) under mining law and a review of the principles to be taken into account under planning law for individual projects. The Council would welcome the opportunity to discuss those matters more directly.

Council appreciates the opportunity to comment.

Yours faithfully,

Steve McDonald
General Manager
Muswellbrook Shire Council

Joshua Brown
 Policy Officer
 Muswellbrook Shire Council
 P: 02-6549 3744
 E: joshua.brown@muswellbrook.nsw.gov.au

Please consider the environment before printing this email.

Council's Reference: TM.KB

ECM859808

Telephone Enquiries to:

Tony McAteer



12 April 2013

The Director Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam

Submission - Draft Coal Seam Gas Exclusion Zones under Mining State Environmental Planning Policy

I refer to the Draft *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013* (the new Amendment) that was recently on exhibition.

Overall, we are supportive of the proposed amendments. Whilst we are supportive of the exclusion zones as proposed around Residential Zones we wish to raise a couple of points for your consideration:

- The term "Critical Industry Cluster" is clearly defined within the support documentation as "...localised concentrations of activity associated with an agricultural industry of national or international significance that is potentially significantly impacted by coal seam gas development." This should be defined within the new Amendment.
- In September 2012, a raft of CSG related initiatives out of the NSW Government's *Strategic Regional Land Use Policy* were introduced. These included Draft Amendments to *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (the Mining SEPP) that introduced a Gateway process for determining if CSG development would have an impact upon State significant agricultural areas and Critical Industry Clusters.

It would seem that many of the initiatives to be introduced by the former amendment are no longer supported as they would be inconsistent with those of the new Amendment. Furthermore, the omission of the Gateway process and Strategic Agricultural Lands from the new Amendment requires clarification as to whether these initiatives are still proceeding.

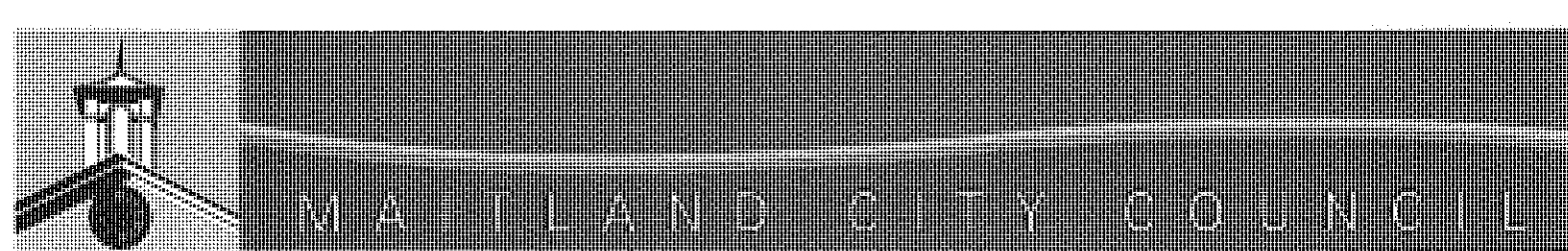
Regards


Gary Murphy
Executive Manager
Infrastructure and Environment

All correspondence should be addressed to:

The General Manager,
RICHMOND VALLEY COUNCIL

Administration Office: Cnr. Walker St. & Graham Place (Locked Bag 10) CASINO NSW 2470



Our Ref. 103/1/3 (939276)

Your Ref.

Phone Enquiries: 4934 9700
Mark Roser

11 April 2013

Director Strategic Regional Policy
Department of Planning & Infrastructure
GPO Box 39
Bridge Street
SYDNEY 2000

Att: Daniel Keary

**RE: PRELIMINARY SUBMISSION TO DRAFT STATE ENVIRONMENTAL
PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE
INDUSTRIES) AMENDMENT (COAL SEAM GAS EXCLUSION ZONES) 2013**

I refer to the draft SEPP Mining, Petroleum Production and Extractive Industries amendment (Coal Seam Gas Exploration) currently on exhibition until 12 April 2013, which provides for Councils to nominate areas zoned R5 – Large Lot Residential to be listed in the draft SEPP as an exclusion zone.

Council is generally supportive of the initiatives of the draft SEPP to protect existing residential areas, which also includes land within a 2km radius of residentially zoned land.

The Maitland Local Government Area (LGA) is one of the fastest growing LGAs in NSW, which also supports coal resources. The protection of existing residential areas and proposed urban growth areas is paramount to the continued growth of Maitland and its strategic position within the Lower Hunter Region.

As detailed within the Maitland Urban Settlement Strategy 2010, and the Lower Hunter Regional Strategy 2006, a number of large urban release areas have been identified in Maitland to support the growing population of the Hunter. Not all of these areas have progressed through the rezoning process and Council is concerned that these areas may not be protected by the provisions of the draft SEPP.

Review of the supporting maps to the draft SEPP amendment has identified that "*future identified residential growth areas*" relate specifically to the "South West Growth Centre" and North West Growth Centre" of the Sydney metropolitan area. Therefore the urban growth areas identified in the Maitland Urban Settlement Strategy and Lower Hunter Regional Strategy, that are not rezoned for residential

purposes at the making of the amendments to the SEPP, may not be protected by the exclusion zone provisions of the SEPP.

In addition to the above Council provides further comment on the R5 – Large Lot Residential zone and the implications of the draft SEPP exclusion zone criteria.

Maitland LGA has an extensive history of agricultural activities close to the CBD. To complement residential development and meet growing demand, rural life style lots have developed over a short space of time in recent history adjacent to residential areas forming a transition to agricultural land uses. With the implementation of the Standard LEP Instrument these areas have been identified as either R5 – Large Lot Residential or E4 – Environmental Living depending on the nature and characteristics of the locality.

It is of concern that none of those areas zoned R5 Large Lot Residential, in the Maitland LGA, meet the exclusion zone criteria as detailed in the village criteria table. Development patterns and amenity of these areas reflect a residential environment albeit on larger lots. Generally the R5 zone in Maitland support lots up to 4000m².

Fortunately, the R5 Large Lot Residential and E4 Environmental Living zones in the Maitland LGA are within the proposed 2km radius exclusion zone of the draft SEPP amendment. However, it would be preferable for the R5 and E4 zones to be listed in the group of zones that prohibit CSG development activities, rather than reliance on being within a numerical buffer for protection, which could be subject in future to pressure from the respective industries to reduce the size of the buffer.

The direction and purpose of the draft SEPP amendment is supported, however, to ensure some form of security for the amenity of existing R5 and E4 zones and future residential areas, the provisions of the draft SEPP amendment should address endorsed local residential growth areas and include R5 - Large Lot Residential E4 Environmental Living zones in the areas which prohibit CSG development.

Council intends to make a submission to this affect once the matter has been reported to Council and ratified by the elected body.

Should you require any further information please contact Mark Roser on 49349848.

Yours faithfully



IAN SHILLINGTON
Manager Urban Growth



City Administrative Centre

Bridge Road, Nowra NSW Australia 2541

Phone: (02) 4429 3111 • Fax: (02) 4422 1816 • DX 5323 Nowra

Address all correspondence to

The General Manager, PO Box 42, Nowra NSW Australia 2541

COUNCIL REFERENCE: 43091E (D13/77535)
CONTACT PERSON: Elizabeth Dixon
YOUR REF:

4 April 2013

The Director Strategic Regional Policy
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

By email: srlup@planning.nsw.gov.au

Dear Sir/Madam

Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

Thank you for the opportunity to comment on the draft amendments to this SEPP. Unfortunately the timeframe for comments does not allow staff to get a formal resolution from Council on this issue. Therefore, our final comments will be sent following the next Council meeting on 16 April 2013.

Some areas that are currently zoned as 'village' or Rural 1 (C) (Rural Lifestyle) under Shoalhaven LEP 1985 are moving to zones not identified as 'residential' in our new LEP which is based on the Standard Template. Therefore, a report is going to the April meeting of Council which recommends a submission be made to the Department requesting that the following zones also be included as area where coal seam gas is to be prohibited:

- RU4 Primary Production Small Lots
- E4 Environmental Living

Further to this, Council will also consider whether all R5 zoned land in Shoalhaven should be included on Schedule 3 of the SEPP as land where coal seam gas development is prohibited.

We will endeavour to advise you of the outcomes of the Council meeting on 16 April 2013 and trust that you will be able to consider our submission after the 12 April 2013 deadline given the constraints within which we are operating.

If you need further information about this matter, please contact Elizabeth Dixon, Strategic Planning & Infrastructure Group on (02) 4429 3491. Please quote Council's reference 43091E (D13/77535).

Yours faithfully

Gordon Clark
Strategy Planning Manager



City Administrative Centre

Bridge Road, Nowra NSW Australia 2541

Phone: (02) 4429 3111 • Fax: (02) 4422 1816 • DX 5323 Nowra

Address all correspondence to

The General Manager, PO Box 42, Nowra NSW Australia 2541

COUNCIL REFERENCE: 43091E (D13/94818)
CONTACT PERSON: Elizabeth Dixon
YOUR REF:

23 April 2013

Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Email: srlup@planning.nsw.gov.au

Dear Sir/Madam

**Draft amendment to the State Environmental Planning Policy
Mining, Petroleum Production and Extractive Industries
Coal Seam Gas Exclusion Zones - 2013**

Thank you for the opportunity to comment on the draft amendments to this SEPP. The timeframe for comments did not allow staff to get a formal resolution from Council on this issue in time to meet the 16 April 2013 deadline, so a draft submission was provided to you until a formal resolution available.

As foreshadowed by the draft submission dated 3 April 2013, it has now been resolved in accordance with the Committee's delegated authority that, Council make a submission to the draft SEPP Amendment regarding:

- All future residential growth areas identified in Council's draft LEP be identified as areas where coal seam gas extraction is prohibited;
- All land zoned R5 Large Lot Residential should be included on Schedule 3 of the SEPP as land where coal seam gas development is prohibited; and
- Request inclusion of RU4 and E4 zones as areas where coal seam gas development is prohibited.

This request reflects the fact that some areas that are currently zoned as 'village' or Rural 1 (C) (Rural Lifestyle) under Shoalhaven LEP 1985 are moving to zones not identified as 'residential' in our new LEP which is based on the Standard Template. The final dot point relates to examples where E4 (Environmental Living) and RU4 (Primary Production Small Lots) that border rural land rather than residential and will not benefit from the buffering in the proposed SEPP.

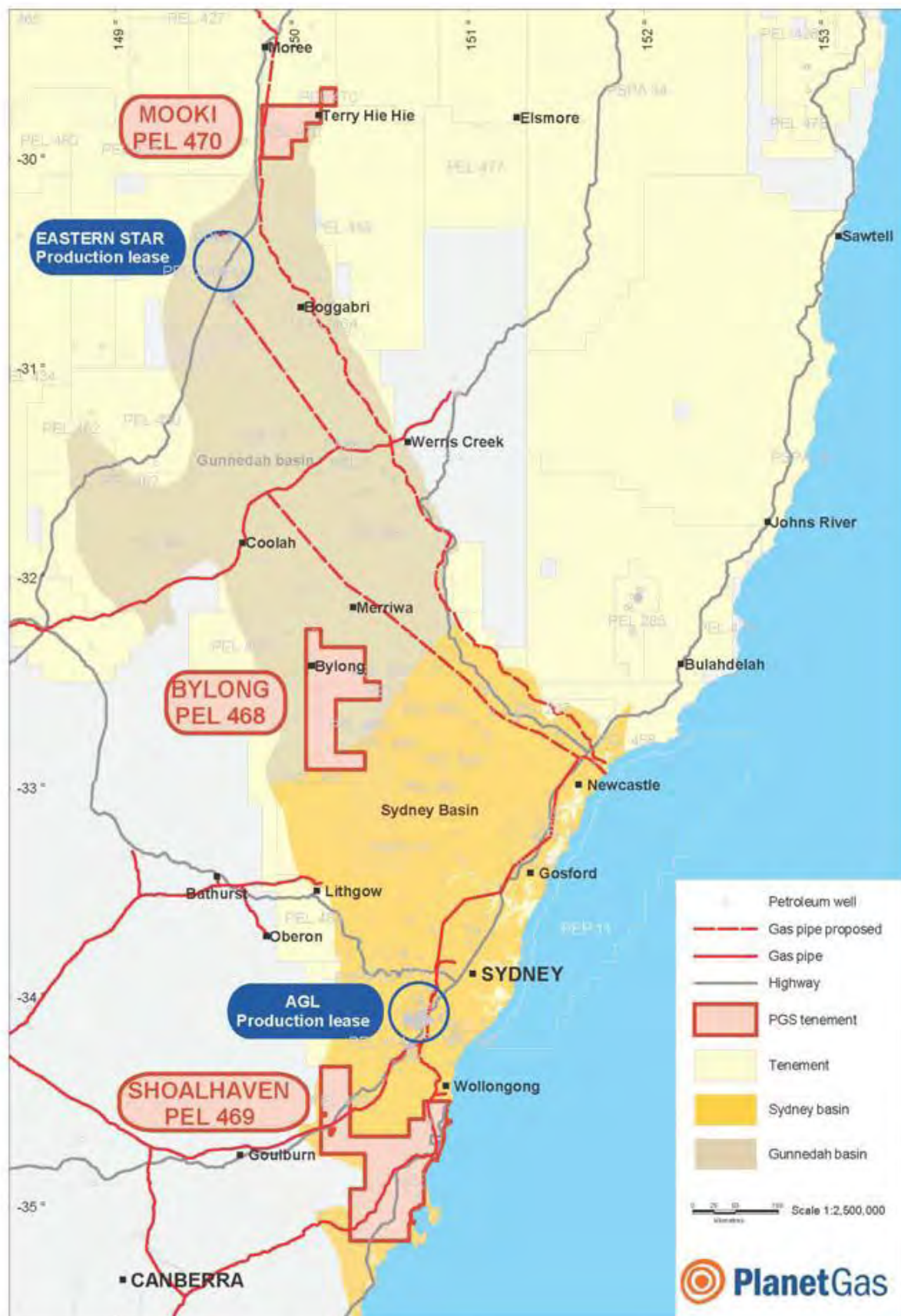
.2.

If you need further specific examples regarding this matter, please contact Elizabeth Dixon, Strategic Planning & Infrastructure Group on (02) 4429 3491. Please quote Council's reference 43091E (D13/94818) in any correspondence.

Yours faithfully



Gordon Clark
Strategy Planning Manager





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.2.

If you need further specific examples regarding this matter, please contact Elizabeth Dixon, Strategic Planning & Infrastructure Group on (02) 4429 3491. Please quote Council's reference 43091E (D13/94818) in any correspondence.

Yours faithfully



Gordon Clark
Strategy Planning Manager

srlup - Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

From: "Jacqui Impey" <jlimpey@upperlachlan.nsw.gov.au>
To: <srlup@planning.nsw.gov.au>
Date: 4/17/2013 10:27 AM
Subject: Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

Submission from Upper Lachlan Shire Council

Attention: Daniel Keary - Director Strategic Regional Policy

Dear Daniel

Response in regard to Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013.

Upper Lachlan Local Environmental Plan 2010 includes zones:

- R2 Low Density Residential,
- RU5 Village, and
- R5 Large Lot Residential

It is commended that the draft amendment prohibitions will apply to the R2 Low Density Residential and RU5 Villages zone and it is requested that the prohibitions also apply to the R5 Large Lot Residential areas of Upper Lachlan.

The R5 Large Lot Residential areas of Upper Lachlan are located in Crookwell, Gunning and Taralga. In Gunning and Taralga the R5 zone adjoins land zoned RU5 Village and in Crookwell the R5 zone adjoins land zoned R2 Low Density Residential. The minimum lot size ranges from V 2,000 square metres to Z 2 hectares in these areas. The relevant LEP zoning maps are:

- Crookwell – LZN_005C, LZN_005D, LZN_005F and LZN_005G
- Gunning – LZN_003D
- Taralga – LZN_008, LZN_008A, LZN_008B and LZN_008C

It is requested that all areas within the R5 Large Lot Residential zoned areas be included in the prohibition areas.

It should be noted that the bulk of these R5 Large Lot Residential areas which adjoin Crookwell, Gunning and Taralga are located within the Drinking Water Supply Catchment for Crookwell and Gunning with Taralga being wholly located within the Sydney Drinking Water Catchment.

Whilst it is acknowledged that this submission does not provide all of the detail specified in your email request for submissions (due to other project commitments and staff absences), it is requested that you consider this request and include it in your evaluation.

Should you require further information and detail, in addition to the above, please do not hesitate to reply to this email.

Environment and Planning Department
 Upper Lachlan Shire Council

The Director – Strategic Regional Policy
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Our Ref:
File:
Date:

Z13/59467
ESP-070.02.003
11 April 2013

Dear Sir / Madam

DRAFT STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) AMENDMENT (COAL SEAM GAS EXCLUSION ZONES) 2013

Thank you for the opportunity to comment on the above document which is currently on exhibition.

Please find enclosed a submission by Wollongong City Council which was endorsed at the Council meeting on 8 April 2013 as follows:

- 1. The General Manager be granted delegation to finalise the submission to the NSW Department of Planning and Infrastructure (attached to the report) on the proposed Coal Seam Gas Exclusion Zones, which seeks an extension of the exclusion zone to also apply to the West Dapto Release Area and the Sydney Drinking Water Catchment.*
- 2. A copy of the submission be sent to the NSW Premier calling for further measures to be announced to exclude Coal Seam Gas activities from Water Catchment Areas.*
- 3. In addition, Council point out (in terms of the World Bank Report "Turn Down the Heat" of November 2012) that existing global economically recoverable reserves of coal, oil and gas, if burned, would lead to the global carbon budget, for limiting warming to no more than two degrees celsius, to be exceeded by a factor of five. Therefore, the NSW Government should give serious consideration to amending the SEPP to prohibit the issuing of any new permits for exploration of coal, oil and gas reserves unless it can be demonstrated that additional supplies are necessary to sustain economic activity while alternative energy sources are brought on line.*

Please contact Renee Campbell, Manager Environment Strategy and Planning, on 4227 7331 should you require further information.

Yours faithfully

David Farmer
General Manager
Wollongong City Council

Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

Submission by Wollongong City Council

Introduction

On 19 February 2013, the Premier announced new measures to regulate the coal seam gas (CSG) industry in NSW. On 23 March 2013, the NSW Department of Planning and Infrastructure (DoP+I) released a draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013 (the draft SEPP) for comment. The draft SEPP articulates how the measures announced by the Premier to heighten protection for residential areas and certain critical agricultural industries will be implemented. In addition to commenting on the proposed changes outlined in the SEPP, DoP+I have called for nominations for R5 villages and future residential growth areas that should be subject to the protection measures.

This submission supports the amendments outlined in the draft SEPP but calls on the NSW Government to strengthen the measures outlined by the Premier by prohibiting Coal Seam Gas (CSG) activities in all water catchment areas and in the West Dapto Release Area, which is a future residential growth area identified in the Illawarra Regional Strategy.

In addition, Council would like to point out (in terms of the World Bank Report “Turn Down the Heat” of November 2012) that; existing global economically recoverable reserves of coal, oil and gas, if burned, would lead to the global carbon budget, for limiting warming to no more than two degrees celsius, to be exceeded by a factor of five. Therefore, the NSW Government should give serious consideration to amending the SEPP to prohibit the issuing of any new permits for exploration of coal, oil and gas reserves unless it can be demonstrated that additional supplies are necessary to sustain economic activity while alternative energy sources are brought on line.

Additional Future Residential Growth Area – West Dapto Release Area

The draft SEPP indicates that CSG activities will be prohibited in certain exclusion zones. A CSG exclusion zone includes future residential growth area land or land within 2 kilometres of future residential growth land. This will be given effect through the *Future Residential Growth Areas Land Map* which currently only identifies the North West Growth Centre and the South West Growth Centre. DoP+I intends to revise this map after the exhibition period concludes to include other future residential growth areas. It is Council's understanding that the revisions will include growth areas that are identified in a Government-endorsed strategy such as a Regional Strategy or council housing strategy.

In 2006, the NSW Department of Planning prepared the Illawarra Regional Strategy which applies to the local government areas of Kiama, Shellharbour and Wollongong. It is one of a number of regional strategies that were prepared for high growth areas in NSW. The Strategy indicates that *“West Dapto, having capacity for approximately 19350 dwellings over the next 30 to 40 years, will be the priority new release area for the Region to address regional housing needs as other smaller release areas are exhausted.”*

Since 2006, the planning for the West Dapto Release Area has progressed, with the Release Area being zoned in stages to facilitate planned growth in the region. Stages 1 and 2 of the West Dapto Release Area have been zoned, with planning significantly progressed for the Yallah-Marshall Mount precinct. Future stages of the Release Area are Stages 3 and 4, which will be zoned when housing supply is required.

The West Dapto Release Area is also identified in the Wollongong City Housing Study 2005, which was prepared to review the housing needs of the current and future population of the Wollongong LGA and to direct future residential growth across the City. The Study considered a range of opportunities including the role for infill housing supply and Greenfield development in meeting future demands for housing choice. Broadly speaking, the study suggests that the LGA has sufficient supplies of land to accommodate the forecast demand provided West Dapto is developed. *“The ability of the sub-region to accommodate this [housing] growth depends upon new release areas such as West Dapto and medium density infill. The report recognises that Wollongong LGA remains the predominant source of both Greenfield and infill housing supply in the medium and long term within the sub-region.”*

Accordingly, Wollongong City Council considers the West Dapto Release Area to be an important residential growth area for the state and requests it be included in the revised *Future Residential Growth Areas Land Map*, which will apply the coal seam gas exclusion zone to this land and to land within a 2 kilometre buffer zone.

R5 – Large Lot Residential zoned land

As part of the exhibition of the draft SEPP, DoP+I have requested that local government consider land zoned R5 Large Lot Residential, and nominate particular areas within their LGA for listing in the SEPP as an R5 village. The Wollongong LGA contains a number of areas zoned R5 Large Lot Residential in the south of the LGA. Council has mapped the exclusion zones identified in the draft SEPP that will apply to residential land zoned R1, R2, R3, R4 and RU5 and their 2km buffer zones. The areas zoned R5, including the 2km exclusion zone for these areas, are contained almost wholly within the residential exclusion zones (see attached map). For this reason, Wollongong City Council does not wish to nominate any R5 zoned land for inclusion in the SEPP.

Additional exclusion zone – Water Catchment Areas

This submission seeks a further amendment to the draft SEPP to incorporate water catchment areas in the exclusion zone.

The adverse impacts potentially arising from the exploration and mining of CSG have become a major issue for the community in recent years. Wollongong City Council is concerned that CSG activities in New South Wales could be allowed to intensify, without any meaningful effort being made to resolve the community's concerns.

Council is directly affected by CSG activities. Petroleum Exploration Licences allowing CSG activities exist over its entire local government area. In 2009, the State Government approved a proposal for 15 exploration boreholes in an area of significant environmental value in the north of the Wollongong Local Government Area (LGA), which includes parts of a drinking water catchment. A modification application for an additional borehole was approved in 2011 and a second modification for an extension of time is currently with the State for consideration. There has been significant opposition to this proposal from the local community.

Council has taken action to address the community's concern on this matter. This includes declaring its position on CSG, making a decision to provide a submission to the recent CSG Parliamentary Inquiry stating its position, and to approach other neighbouring councils to commit to a similar position. Council's resolutions demonstrating its position on CSG are (in part):

"Council expresses its concerns that the short-term and long-term environmental impacts of Coal Seam Gas (CSG) are not well understood, at either a State-wide or regional level."

"Council acknowledges there is widespread community concern about and opposition to CGS in the Illawarra."

"Council urges the State Government to rule out CSG activities in the water catchment areas in the City of Wollongong."

"The above points be included into a submission by Wollongong Council to NSW Legislative Council Standing Committee Inquiry into Coal Seam Gas and that the final submission be endorsed by Councillors when prepared."

Accordingly, a Parliamentary Inquiry submission was endorsed by Council for the General Purpose Standing Committee No. 5. The Parliamentary Inquiry submission articulates the basis for the resolution of Council. It consists of two parts. The first part addresses why Council believes that the short-term and long-term environmental impacts of CSG are not well understood at the State-wide or regional level, and the potential consequences of this uncertainty on the way that CSG activities are currently managed. The second part focuses specifically on issues relating to CSG activities in the water catchment areas of Wollongong, and why Council is calling for a stop to these activities. The information contained in the Parliamentary Inquiry submission supports Council's call for ruling out CSG activities in water catchment areas and is therefore attached to this submission (Attachment 1).

Council is concerned that there is no specific recognition of the sensitivity of drinking water catchment areas in issuing approvals for CSG activity. The Sydney Catchment Authority (SCA) was established to provide a safe and reliable supply of raw water suitable for treatment to drinking water standards. To meet this objective, the SCA manages its land, the drinking water catchments and infrastructure including water storages to protect water quality and quantity. CSG activities can impact on catchments, water quality, water quantity and water supply infrastructure.

The State Environment Planning Policy (Sydney Drinking Water Catchment) 2011, requires any proposed activity to demonstrate that it will have neutral or beneficial effect on the catchment. Even with the most stringent environmental controls, it will be hard to argue that CSG activities will have only a neutral or beneficial effect on the environment in these catchments. However, the requirements of this SEPP are overridden by the State Environment Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, which appears to take precedence.

Including Water Catchment Areas as an exclusion zone in the amendments to the draft SEPP currently on exhibition (the Mining, Petroleum Production and Extractive Industries SEPP) would remove any conflict between this and the Sydney Drinking Water Catchment SEPP and be a definitive move by the State Government to protect the future supply of drinking water.

Attachments: 1. Submission by Wollongong City Council to the NSW General Purpose Standing Committee No. 5 endorsed by Council 28 November 2011.

NSW General Purpose Standing Committee No. 5

Inquiry into Coal Seam Gas

Submission by Wollongong City Council

Summary

The imminence of coal seam gas (CSG) activities starting in Wollongong is causing much community concern. Wollongong City Council has responded to this concern by declaring its position on CSG, which acknowledges that there is much uncertainty about the environmental impacts of CSG activities at the State-wide or regional level. This submission articulates the basis for this position, addressing the Terms of Reference of the CSG Inquiry that are relevant. A series of questions that the Inquiry needs to address are raised and some recommendations made. Council is also calling for the NSW Government to exercise the Precautionary Principle, and rule out CSG activities in the water catchment areas in the City of Wollongong.

Introduction

The adverse impacts potentially arising from the exploration and mining of CSG have become a major issue for the community in recent years. Wollongong City Council is concerned that CSG activities in New South Wales could be allowed to intensify, without any meaningful effort being made to resolve the community's concerns. It therefore welcomes this inquiry and hopes that it will lead to changes within the CSG industry that can provide economic growth and opportunity for the State, but not at the expense of environmental sustainability.

Council is making this submission because it is directly affected by CSG activities. Petroleum Exploration Licences allowing CSG activities exist over its entire local government area. In 2009, the State Government approved a proposal for 15 exploration boreholes in an area of significant environmental value in the north of the Wollongong Local Government Area (LGA), which includes parts of a drinking water catchment. An application is currently with the State for another borehole to be added to this approval. There has been significant opposition to this proposal from the local community.

Council has taken action to address the community's concern on this matter. This includes declaring its position on CSG, and making a decision to provide a submission to the CSG Inquiry stating its position, and to approach other neighbouring councils to commit to a similar position. Council resolutions demonstrating its position on CSG are:

"Council expresses its concerns that the short-term and long-term environmental impacts of Coal Seam Gas (CSG) are not well understood, at either a State-wide or regional level."

"Council acknowledges there is widespread community concern about and opposition to CGS in the Illawarra."

"Council urges the State Government to rule out CSG activities in the water catchment areas in the City of Wollongong."

This submission reflects the resolutions passed by Council. It consists of two parts. The first part addresses why Council believes that the short-term and long-term environmental

impacts of CSG are not well understood at the State-wide or regional level, and the potential consequences of this uncertainty on the way that CSG activities are currently managed. The second part focuses specifically on issues relating to CSG activities in the water catchment areas of Wollongong, and why Council is calling for a stop to these activities.

Part 1: Uncertainty about the Short-term and Long-term Environmental Impacts of CSG Activities

Council notes that most of the commentary on the potential adverse impacts of CSG activities has related to environmental issues. This is not only at the grassroots level, but also amongst those with relatively high profiles. Recently, the matter was raised by a Federal Parliamentarian, with a call for the Commonwealth to become more closely involved. The claims, and counter claims which are often made, are clear indication that the potential impacts of this industry are not well understood.

Council further notes that there is concern that even if impacts of CSG activities could be managed effectively in individual cases, the potential cumulative effect of multiple developments over the landscape scale is uncertain. A number of authoritative sources have recently cautioned that this issue has not received enough attention as the industry is being allowed to grow. Council's resolution that the short and long term environmental impacts of CSG are not well understood at the State or regional level acknowledges this concern.

Council has searched extensively for reliable, peer reviewed literature on the environmental impacts of CSG activity in Australia, or elsewhere. Very little information of this type has been found. Many anecdotal and interest group reports can be found, but much of this information cannot always be independently verified. The relevance of reports of the situation overseas, or indeed in other parts of Australia, to the potential impacts in NSW must also be questioned. The lack of credible, independent information about this industry in NSW does not help in allaying the community's concerns.

The major areas where Council believes there is uncertainty and the potential consequences of this uncertainty on the way CSG activities are managed in NSW are presented below. This is done by addressing the Inquiry's TOR's that are relevant to environmental impacts.

Effect on Ground Water and Surface Water Systems (TOR 1 a)

Council notes that one of the biggest perceived risks of the CSG industry is the threat to water resources. In a dry continent such as Australia, water is a highly valued commodity, and any threats to this resource, perceived or otherwise, is likely to generate much anxiety. Both water quantity and quality issues are of concern.

Water Quantity

One of the major concerns is that CSG activities could deplete surface or ground water resources that could be utilised for drinking, agricultural or other purposes. Surface or ground water losses have been reported in places where CSG or other mining activities are taking place, but often there are claims that mining activities are not responsible.

Council understands that CSG extraction can occur from geological layers that are well separated from other overlying layers containing the useful water reserves, and that there

needs to be a connection between them, either occurring naturally or induced through CSG activities, for impacts to occur. The level and timeframes of potential interaction between the various geological layers and their water bodies, and the role of CSG activities within this scenario, is a matter of constant debate, and one which needs to be settled.

Concern about the impacts of CSG activities on water have also recently been raised by those who have been within this industry. In the Sydney Morning Herald of 28 October 2011, for example, a hydrogeologist formerly employed by the CSG industry, questioned whether the cumulative effects of multiple projects on water resources at the regional scale, and the long timeframes over which they could occur, had been adequately considered.

CSG operations involve drilling through various overlying geological layers to penetrate the deeper CSG layer and possibly fracturing this layer to extract the gas. To an ordinary person, this appears to be an obvious means of connecting the geological layers, including those containing the useful water resources. CSG operators, however, claim to have the technology that can isolate the sensitive water bearing layers from any potential adverse impacts, but details are vague.

None of these claims and counter claims appears to have been fully resolved, leaving many questions that still need an objective answer. Some of these in relation to water quantity are:

1. For the regions of NSW where CSG activities occur or could occur, is enough known about the existing hydrogeological connectivity?
2. Will CSG activities affect the existing hydrogeological connectivities or induce additional ones where none existed?
3. What will be the impact of multiple CSG projects on water resources at the landscape or regional scale?
4. What are the timeframes over which CSG impacts can be expected to occur?

Water Quality

Impacts on water quality are noted to be another matter of concern. Large quantities of water of poor quality, known in the industry as “produced water”, can be brought to the surface through CSG activities. Some sources predict that, at the national scale, this amount could be more than half of all the water extracted from the Great Artesian Basin. The management of all this additional water will be no ordinary matter at the landscape scale.

The “produced water” will have been in close contact with coal material for long periods of time, and can be expected to contain higher concentrations of materials such as salts, heavy metals and hydrocarbons than other surface and ground water bodies. Some of these substances are of concern for human health and the environment. However, very little information is available to the public on the exact composition of water extracted through CSG activities. Therefore, the potential impacts of this water are not well understood.

How the “produced water” is managed once it is brought to the surface will also have a major bearing on its potential environmental impacts. However, there appears to be no industry standard or guidelines in Australia for the management of water produced through CSG activities. Council’s own research shows the CSG industry could be using a multitude of methods. These include transport to off-site locations, evaporation on-site, treatment on-site to remove impurities, and discharge of treated water to surrounding water bodies. The

impact of such practices on water quality at the landscape scale when multiple projects are involved is not well understood.

The salt content of “produced water” can also be particularly high, and the implications of this on soil and land resources are important. Soil salinity is one of the greatest challenges of land resource utilisation in Australia. The introduction of more salt into the landscape through CSG activities will add to this challenge.

Questions on CSG impacts on water quality are:

5. Is enough known about the composition of “produced water” that could result from CSG activities in NSW?
6. Can the “produced water” be managed without any adverse impacts on water quality at the landscape scale?
7. Should NSW set minimum standards for the disposal of water produced through CSG activities?
8. What is the implication of the salt produced through CSG activities on salinity issues at the landscape scale?

Effects related to the use of chemicals (TOR 1 b)

Council notes that much of the concern on chemicals relates to the use of chemicals in the process known as hydraulic fracturing, and the potential impact of these chemicals on water resources. While the NSW Government has banned the use of BTEX chemicals, not much is known about what else is used or might be used in CSG activities.

The legislation governing this industry does not require the chemicals used in hydraulic fracturing to be declared or approved. Therefore, other chemicals of concern could be introduced without much scrutiny. There could also be chemicals used for other processes besides hydraulic fracturing and not much is known about these either.

The concern with chemicals is not so much that they are being used per se, but more so about the context in which they might be used. CSG activities can occur in areas in close proximity to areas of significant environmental value or sensitive landuses such as drinking water supply. The approval to allow the use of some of these yet unknown chemicals can be a big risk for these land values. Approval authorities must consider whether it is prudent to take this risk.

Questions in relation to the use of chemicals are:

9. What chemicals can potentially be used in CSG activities and should their use be regulated?
10. What are the risks associated with the use of these chemicals and can these risks be adequately managed?
11. Are there sensitive areas in NSW where the use of chemicals should be completely ruled out?

Effects related to hydraulic fracturing (TOR 1 c)

Council understands “hydraulic fracturing” refers to the use of fluids under high pressure to fracture and create pathways for the gas to flow within the CSG layer. These fluids could contain undesirable chemicals, and the concerns relating to the use of chemicals have

already been described in the previous section. An additional concern related specifically to the use of chemicals in hydraulic fracturing is uncertainty about the recovery of chemicals. Whether the chemicals are fully recovered at the end of the process or whether some are entrained underground is not known. If the latter is the case, then the ultimate fate of these entrained substances is of concern.

Fracturing has also recently been linked with land stability problems. The question must be asked by the Inquiry whether hydraulic fracturing can be allowed in NSW without the risk of land instability in the future. Many of the areas considered suitable for CSG activities also have various other coal mining operations. The combined effect of these different operations on land stability at the landscape scale must be considered.

Council understands that hydraulic fracturing is not the only process that can be used to create the pathways for the gas to flow. Alternative methods such as directional drilling may also be used in some operations. Issues relating to land instability from these alternative methods must also be considered in addition to those arising from hydraulic fracturing.

Questions under hydraulic fracturing are:

12. Is enough known about the ultimate fate of chemicals used in hydraulic fracturing?
13. What is the long term effect of hydraulic fracturing on land stability at the landscape scale, and where other mining operations are in existence?
14. What are the impacts of methods alternative to hydraulic fracturing?

Nature and effectiveness of remediation required under the Act (TOR 1 e)

The Petroleum (Onshore) Act 1991 No. 84 provides for some remediation of impacts under Part 6 of the Act, Protection of the Environment. However, these requirements are general, relating mostly to land restoration and revegetation of the disturbed land, and not specifically to the potential adverse impacts arising from CSG activities that have been described earlier. The requirements are therefore believed to be inadequate.

The Act also has provisions for the Minister to impose conditions on a petroleum title relating to protection of the environment. It is assumed this can include requirements relating to some remediation activities. However, Council is concerned that if the potential adverse impacts of CSG activities are not fully understood, the Minister is unlikely to be in a position to include conditions for the effective remediation of those impacts.

There is also provision under the Act for the Minister to make regulations, including those relating to environmental protection measures. But an inspection of the Petroleum (Onshore) Regulations shows that these matters are currently not adequately covered.

There are further provisions for environmental protection under the related State Environment Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. Under section 14, the consent authority may impose conditions to ensure activities are undertaken in an environmentally responsible manner. However, the requirement is only to ensure that adverse environmental impacts are avoided or minimised to the greatest extent practicable. The inclusion of the phrase “to the greatest extent practicable” is inappropriate, as it suggests that environmental impacts considered acceptable are subject to negotiation.

Questions to be addressed include:

15. Is there sufficient recognition of all the potential adverse impacts of CSG activities in the remediation requirements of the Act?
16. What is the interpretation of the phrase “to the greatest extent practicable” in issuing consent for CSG activities by consent authorities?

Effect on greenhouse gas and other emissions (TOR 1 f)

The push towards CSG development appears to be given further impetus by climate change and greenhouse concerns and the search for cleaner energy sources. CSG is perceived to be a cleaner source of energy and features strongly in the mix of options being considered by the NSW Government to fuel the State’s future.

While this may be true, it is unclear whether the assessment of the relative greenhouse footprints considers the whole cycle of operations associated with the CSG industry. Concerns about incomplete recovery of the methane gas released through CSG activities and fugitive emissions have been raised. In a recent article published in the prestigious Proceedings of the National Academy of Sciences, methane concentrations in ground water wells was correlated with proximity to CSG operations, suggesting that gas leakages do occur. This is of concern, particularly as the gas wells had protection casings in place. If leakages can occur despite using the standard technology, then the contribution of the fugitive emissions to the greenhouse footprint of CSG must be considered when assessing it against alternative industries.

The energy associated with other aspects of production of CSG must be considered as well. If more stringent environmental controls (for example, the requirement to treat “produced water” to a certain high quality) are required to be met, then there can be considerable amounts of energy expended in meeting these requirements when producing CSG. These energy needs must be factored into the greenhouse footprint calculations.

Questions to be addressed are:

17. Are fugitive emissions of gas likely in CSG operations, and if so, what will be their impact on the greenhouse effect?
18. Are all the current and likely future operations associated with CSG production factored into assessing its greenhouse footprint?

Local Government including local planning control mechanisms (TOR 2e) and The interaction of the Act with other legislation and regulations (TOR 4)

These two TORs are considered together as the issues on these two matters are inter-linked.

The first issue relates to inadequate local government involvement when CSG activities are approved. The State Environment Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 allows CSG exploration activities to occur anywhere in NSW without consent. Development approval may be required but this would not be directly from local government. This would be under what used to be Part 3A (or the current substitute provisions for this part) or Part 5 of the Environmental Planning and Assessment (EPA) Act 1979. Under Part 3A (or the current substitute arrangements) development applications are considered by other relevant planning bodies, and under Part 5, the approval authority would

be the NSW Govt agency administering the Petroleum (Onshore) Act 1991. These approval streams may afford local government the opportunity to comment on a proposal, but not the right of refusal.

The second issue is the lack of regard for landuse compatibility in the initial stages of CSG activities. Local Government has a wealth of knowledge on landuse constraints and demands within its local government area, and goes to considerable lengths to prepare Local Environment Plans (LEPs) to manage landuse conflicts within its jurisdiction. However, under the Petroleum (Onshore) Act 1991 and supporting legislation, there is no requirement to consider landuse compatibility when allowing CSG exploration activities in an area. This implies that landuse conflicts are not expected to arise from CSG which are limited to exploration activities, but this is not necessarily the case in every situation.

When CSG activities reach the production stage, development consent is required and consent authorities are then required to consider the compatibility of the activity with the surrounding landuse. Council is concerned that this may be too late in the process to consider landuse compatibility issues. Initial approval for exploration may create industry expectation that should exploration be found to be commercially viable, production approval is guaranteed. Council believes that landuse compatibility should be considered from the beginning exploration stage.

The interaction of the Act with EPA Act (1979) also needs review. Under the current framework, licences and leases for exploration or production are issued under the Petroleum (Onshore) Act and development approval is required under the EPA Act 1979, not always in the sequence that is best for the environment. For example, licences for initial CSG activities (including exploration and assessment) can be issued without prior development approval, where as production licences require development consent to be obtained first. Again, the issuing of licences for exploration activities without prior development approval could create an expectation that development approval will follow automatically. The Petroleum (Onshore) Act 1991 is silent on the consequences if development approval for exploration activities is refused after a licence has been issued.

Questions that need to be addressed on this matter are:

19. In light of the potential adverse impacts arising from CSG exploration activities, should they be allowed without consent?
20. Should landuse compatibility become a major consideration for all CSG activities and not only for production activities?
21. How can the licensing and development approval framework be reviewed to ensure that development approval is issued concurrently with licensing for all CSG activities, including exploration activities?

Recommendations under Part 1

The Inquiry address Questions 1 to 21 in determining the significance of environmental impacts of CSG activities, in particular their cumulative impacts at the landscape scale.

In light of the potential adverse environmental impacts, the Inquiry determine whether sensitive areas should be identified in NSW where CSG activities are to be ruled out.

The Inquiry determine the regulatory minimum standards that should be prescribed for environmental protection in areas where CSG activities are to be permitted.

The legislative framework be reviewed to allow rigorous environmental assessment at all stages of CSG development and production, including exploration of activities.

The Inquiry consider ways to improve the community's understanding of CSG activities and impacts.

Part 2: CSG Activities in the Water Catchment Areas of Wollongong

In September 2009, the NSW Government approved the Apex Exploration Drilling project, which allows 15 exploration boreholes in the Wollongong LGA. This is in an area of the Illawarra Escarpment, including some Sydney Catchment Authority land, which is used for the supply of drinking water. Whilst any exploration activity is yet to start, an application to add another borehole to the existing approval is currently being considered. This additional borehole is also proposed to be located in Sydney Catchment Authority land. Council acknowledges that there is widespread community concern and opposition to CSG activities in the Illawarra. Whilst all land approved or proposed for exploration activity in the Illawarra has significant environment value, Council is particularly concerned about CSG activities being approved in the water catchment areas of the city. These areas should be considered as particularly sensitive environmental areas, and for the reasons presented in the first part of this submission, the Precautionary Principle should be used to rule out CSG activities in these areas. This part of the submission explains the basis for this position.

Significance of the Water Catchment Areas

Much of the land in Wollongong's water catchment areas that is used for drinking water supply is zoned E2 (Environment Conservation). This zoning recognises not only the valuable biodiversity of the area (some of which is protected by legislation), but also the importance of protecting the land to maintain the quality of the water supply for a significant sector of Sydney and the Illawarra population. Only a limited number of land uses are allowed in this zone, and mining or exploration activities are not permitted. However, these activities are permitted under the State Environment Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 in any area of New South Wales.

These water catchment areas are also subject to the State Environment Planning Policy (Sydney Drinking Water Catchment) 2011, which requires any proposed activity to demonstrate that it will have neutral or beneficial effect on the catchment. Even with the most stringent environmental controls, it will be hard to argue that CSG activities will have only a neutral or beneficial effect on the environment in these catchments. However, the requirements of this SEPP are overridden by the State Environment Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, which appears to take precedence.

Extent of Community Concern on CSG activities in the Illawarra

The extent of the community concern on CSG activities starting in the Illawarra is reflected by the increase in the number of community submissions made to the NSW Planning Assessment Commission in its recent consideration of the proposal to have another borehole added to the 15 already approved. In 2009, only three submissions were made. However, this number increased to 1,045 this year, reflecting the level of concern currently felt by the community.

There have been other activities that demonstrate the level of community anxiety with CSG activities in the Illawarra. These include a protest gathering on Austinmer Beach on 29 May 2011, and a march along the Sea Cliff Bridge on 16 October 2011, which attracted about 3000 participants. Council also received a petition from the local community opposing CSG activities in the Wollongong LGA, which Council has forwarded to the NSW Premier.

Some Specific Issues of CSG activities in Water Catchment Areas

In addition to the concerns raised generally in the first part of this submission, Council is concerned that there is no specific recognition of the sensitivity of drinking water catchment areas in issuing licences for CSG activity. The Petroleum (Onshore) Act 1991 does not contain any references to water catchment areas, with the only mention of this issue appearing in the SEPP (Mining, Petroleum Production and Extractive Industries) 2007. Under Section 14 of this SEPP, consent authorities may issue conditions to ensure that impacts on water resources are avoided or minimised to the greatest extent practicable. However, this requirement is not invoked if consent is not required, as would be the case for CSG exploration activities. If consent is required, then again the use of the phrase “to the greatest practicable” suggests that some impacts can be allowed.

There is no doubt that CSG activities, even if they are only exploration activities, will involve a level of catchment disturbance that can not be argued to have only a neutral or beneficial effect on water catchments. However, the presiding SEPP (Mining, Petroleum Production and Extractive Industries) 2007 does not require neutral or beneficial effects to be demonstrated, which means that water catchment areas can be subjected to the risk of adverse impacts. This situation is not acceptable to Council.

Consideration of exploration proposals in water catchment areas in isolation from implications of further development of CSG activities in those locations is also not appropriate. This appears to be the practice currently. If there are impacts (however small or big) with exploration activities, then those impacts can surely only magnify if CSG activities intensify with commercial production. Therefore, it seems inappropriate to allow CSG exploration in drinking water catchment areas, when commercial production is unlikely to be approved.

In view of the concerns raised, Council urges the NSW Government to exercise the Precautionary Principle and rule out CSG activities in the water catchment areas in the City of Wollongong. Section 70 of the Petroleum (Onshore) Act 1991 has provision for certain areas to be exempted from mining activities. Council urges the Minister responsible for this Act to include drinking water catchment areas in this category.

Recommendation under Part 2

The Precautionary Principle be exercised in ruling out CSG activities in the drinking water catchment areas in the City of Wollongong.

Conclusion

Wollongong City Council believes the CSG Inquiry is timely given the level of community concern with this industry, and appreciates the opportunity to make this submission. Council has raised a series of 21 questions for the Inquiry in relation to concern about CSG activities in general. Some recommendations on how the issues raised may be managed are made.

In regard to the drinking water catchments of the city, Council is urging the exercise of the Precautionary Principle and the ruling out of all CSG activities in these areas.

Our Reference 5305/8; 5606; 5320/69
Contact: Mark Pepping

8 April 2013

Mr D Keary
Director Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Keary

RE: Submission to Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013

I refer to the recent notification to NSW Councils regarding the above matter and the invitation extended to Councils to make a submission in respect of nominating areas zoned R5 Large Lot Residential to be included in the exclusions provisions for Coal Seam Gas activities.

Wingecarribee Shire Council notes that the majority of land zoned R5 Large Lot Residential under Wingecarribee LEP 2010 is within the 2km exclusion zone surrounding a residential zone. The one exception is the village of Sutton Forest on the Illawarra Highway approximately 5 kms west of Moss Vale.

The Village of Sutton Forest is zoned a mixture of R5 Large Lot Residential, B1 Neighbourhood Centre and E3 Environmental Management. The attached zoning map from WLEP 2010 identifies the Village and current zonings. Within the boundaries of the village exists a public school, church, Inn, 2 shops and approximately 20 residences on block sizes ranging from just under 4000 square metres to approximately 9000 square metres. A number of the buildings in the village are heritage listed items under WLEP 2010. The attached aerial photograph of the Village will assist in identifying the character of the Village.

Sutton Forest was settled in the early 1830s and includes on the outskirts the former NSW Governor's Summer Residence used between 1882 and 1958.

On this basis Council formally nominates the Village of Sutton Forest as an Exclusion Zone from Coal Seam Gas Activities.

Notwithstanding the abovementioned information and request for exclusion of the Village of Sutton Forest from the Coal Seam Gas Activities, Wingecarribee Shire Council does not support any form of Coal Seam Gas Activities within the Southern Highlands due to the impact such activities are likely to have on water catchment and ground water resources held within the Shire. Wingecarribee Shire Council is located within the water catchment for Warragamba Dam, the major drinking water supply for Sydney.

Council at its meeting held on 10 October 2012 passed the following resolution

1. ***THAT Council re-affirm our long standing opposition of Coal Seam Gas; Longwall Mining and exploration in the Shire and to all new Coal Mining (excluding all current activities conducted by Boral) in the Wingecarribee Shire and within water Catchment areas until there is conclusive evidence that these activities will not harm aquifers or Agricultural Lands.***
2. ***THAT Council write to the Premier, Barry O'Farrell, Brad Hazard, the Minister for Planning and Minister Chris Hartcher notifying them of our position on Mining within the Wingecarribee Shire and Water Catchments.***
3. ***THAT Council express concerns that these activities are not safe and could destroy our Aquifers and Agricultural land and could have negative consequences for current and future residents of our Shire.***
4. ***THAT Council again seek assurances and a binding commitment from the Minister for Planning, the Hon. Brad Hazard that he will establish a Local Stakeholder Group to assist with the formation of the Strategic Land Use Policy within the Wingecarribee Shire***
5. ***THAT copies of these letters be sent to the member for Goulburn, The Hon Pru Goward, MP, the Member for Kiama, Mr Gareth Ward, MP and The Hon Niall Blair, MLC, seeking their assistance on these matters.***

The Shire also has significant agricultural capabilities to supply farm produce to the Sydney, State, National and International Market. Such activities are highly dependent on the ground water resources which exist in the area.

To this end, Council continues to look forward to working with the Department of Planning and Infrastructure to expedite the preparation of the Southern Highlands Strategic Regional Land Use Policy.

If you require any further information regarding this matter please contact me on 4868 0851 or email mark.pepping@wsc.nsw.gov.au

Yours faithfully,



Mark Pepping
Group Manager Strategic and Assets

Zone	
B1	Neighbourhood Centre
B2	Local Centre
B3	Mixed Use
B4	Business Development
B5	Business Park
B6	National Parks and Nature Reserves
B7	Environmental Conservation
B8	Environmental Management
B9	Environmental Living
I1	General Industrial
I2	Light Industrial
I3	Heavy Industrial
R1	Low Density Residential
R2	Medium Density Residential
R3	Large Lot Residential
R4	Public Recreation
R5	Private Recreation
R6	Primary Production
R7	Rural Landscape
R8	Forestry
R9	Primary Production Small Lots
S1	Special Activities
S2	Infrastructure
S3	Tourist

Cadastre

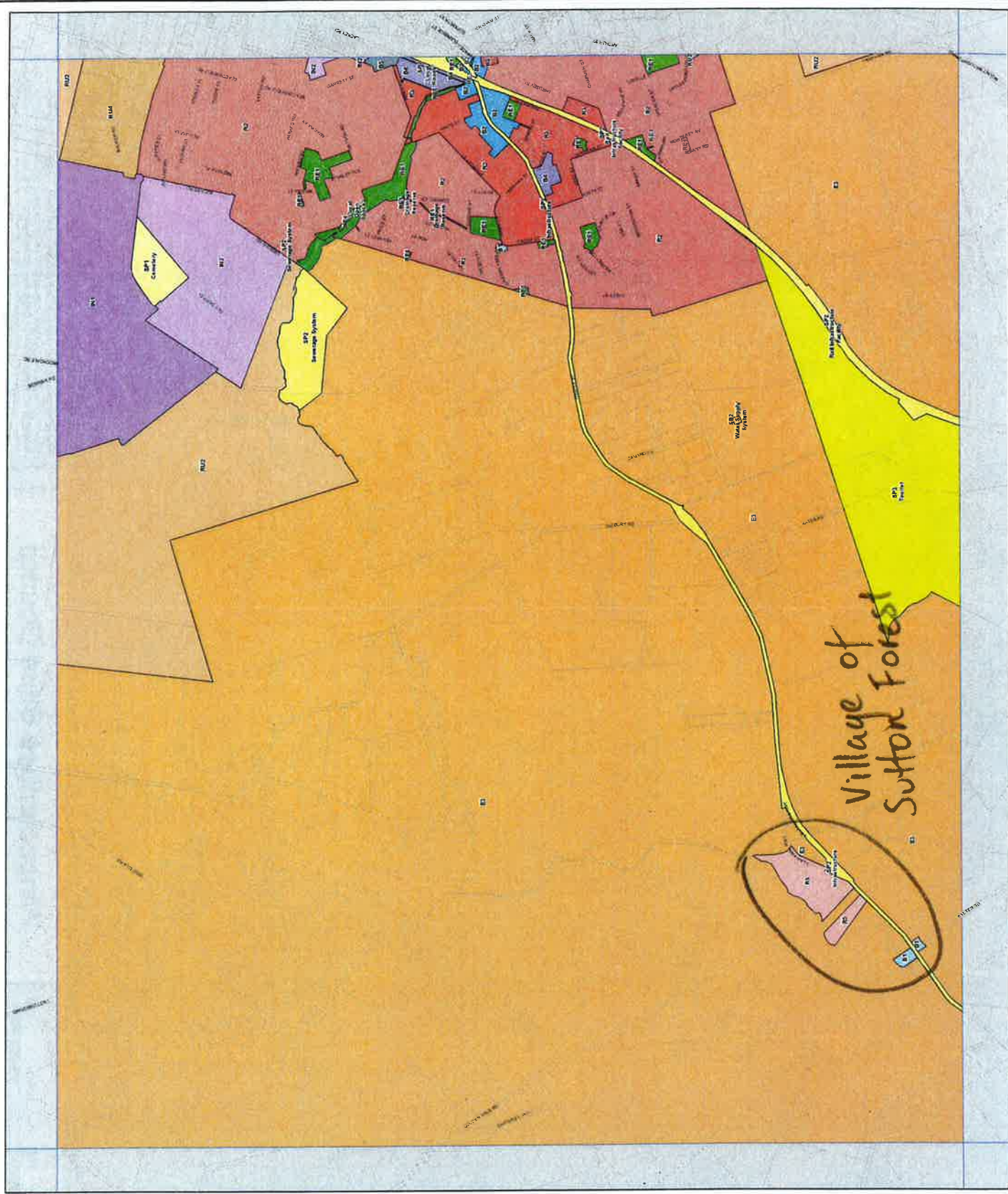
Cadastre 05/08/11 © Land and Property Information



Scale 1:20,000 @ A3
Prepared: MCA
(October, June 06)

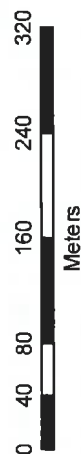
Map modification number

6250_C004_LZN_007D_03_2010133





Wingecarribee Shire Council Aerial Photograph



Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any information, representation, statement, or advice referred to above.

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1.1.1 Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas)

REPORT BY THE DIRECTOR DEVELOPMENT AND COMMUNITY SERVICES TO 17 APRIL 2013
COUNCIL MEETING
REPORT Council 2013
A0100056, A0040006

RECOMMENDATION

That:

- 1. the report by the Director Development and Community Services on the Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas) be received; and**
- 2. Council make a submission as outlined in the attachment to this report.**

Executive summary

Council received notification of the exhibition of the Draft State Environmental Plan Policy (SEPP) Mining Petroleum Production and Extractive Industries Amendment (Coal Seam Gas) on the 22 March 2013 with the closing date for submissions being the 12 April 2013. Council has requested an extension until the 20 April 2013 to allow a report to be presented to Council. The purpose of this report is to present a draft submission to Council for consideration.

Detailed report

Proposed Amendments

On 19 February 2013, the NSW Government announced several significant initiatives around the regulation of coal seam gas (CSG) activities in addition to the measures already announced as part of the Strategic Regional Land Use Policy.

These new initiatives include the prohibition of new coal seam gas exploration and production activity in the following areas:

- on or under land in and within 2km of a residential zone or future identified residential growth area; and
- on or under land in a Critical Industry Cluster (CIC). Currently, two CICs have been identified – the Upper Hunter equine and viticulture CICs.

The area around Bylong has been included in the Critical Industry Cluster as shown in attachment 1. The village of Bylong is protected under the Critical Cluster provision.

The Department of Planning and Infrastructure is seeking feedback on a draft amendment to the State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) (the Mining SEPP) to implement these prohibitions.

Under the draft amendment, the prohibitions will apply to the following zones (or their equivalent):

- R1 General Residential
- R2 Low Density Residential

- R3 Medium Density Residential
- R4 High Density Residential
- RU5 Village

The prohibition is also proposed to apply to areas zoned R5 Large Lot Residential that meet defined village criteria. To achieve this, councils are being invited – as part of their submission on the draft amendment – to nominate particular areas zoned R5 within their LGAs for listing in the Mining SEPP as an area to which the prohibitions apply. This could include an entire or part area zoned R5. Only that part of areas zoned R5 that meet these criteria will be listed in the SEPP as an exclusion zone.

Nominations for areas zoned R5 to be listed in the SEPP as an exclusion zone must address the criteria and information requirements outlined below:

Criteria:	Comment:	Information to be considered in evaluation:
The area must contain a mix of land uses	A mix of land uses (such as retail, business, industrial, educational or recreation) that service the local rural community is a key point of differentiation between a village and a rural residential subdivision.	Description of current land uses in the area and any information on projected changes to these land uses.
The zone must apply to a settlement that is long established and that has some historic association within the district, region and/or rural hinterland	Villages are generally long established population centres that historically served a particular economic function in a district or regional context. This is a key point of differentiation to rural residential subdivisions that are typically more recently established and, by the nature of their predominantly residential land use, do not provide a regional economic function.	Information on when the settlement was established and its historic association with the surrounding region.
The area must contain a mix of lot sizes, including an average lot size up to 4,000 m²	Villages are characterised by a range of residential lot sizes, including smaller lots than would typically comprise a rural residential subdivision.	Information on range of residential lot sizes, including number and proportion of lots up to 4,000 m ² in area.

It is required that nominations clearly describe and map (including GIS data) the subject areas.

Nominated areas will be evaluated by the department, with recommendations made to the Minister for Planning and Infrastructure as part of the making of the Mining SEPP amendment. The department is currently consulting with Local Government NSW about involving local councils in the evaluation process.

The draft SEPP amendment also includes provision for councils to nominate areas where they wish to opt out of exclusion zones, following community consultation, to enable CSG development to occur, subject to relevant approvals. These areas will be identified in a Schedule to the SEPP.

Council's Submission

It should be noted that the proposed amendments only relate to new coal seam gas exploration and production activity. Having regard to the nature of the coal reserves in the Mid-Western Region it is unlikely that coal seam gas projects will be established in the region, however the full nature and extent of coal reserves is yet to be investigated and it is considered prudent that Council make a submission to cover all eventualities. It is noted that the following towns and villages fall within the definition of a "residential zone" in accordance with the SEPP and therefore it is not required for them to be nominated to be included in Schedule of the SEPP, namely:

- Mudgee
- Gulgong
- Rylstone
- Kandos
- Goolma
- Birriwa
- Hargraves
- Pyramul
- Windeyer
- Ulan
- Wollar
- Ilford
- Lue
- Charbon
- Clandulla

As a consequence of the exhibition, should the status of these towns and villages be effected Council would request that they remain in the exclusion area.

Mid-Western Council requests an amendment to the criteria for those areas zoned R5 Large Lot Residential to enable the inclusion of the Cooks Gap / Yarrawonga area. Cooks Gap is the largest residential population in the Mid-Western Region outside of the towns of Mudgee, Gulgong, Kandos and Rylstone. Although it does not have what could be considered a village centre it a contiguous area of R5 land with a rural fire shed and brigade. The Rural Lands study undertaken in 2003 estimated that in 2001 the population was 812 with 303 houses. Approximately 75% of the lots were estimated to be between 8 and 18 hectares. In the formulation of the Standard Instrument LEP the DoPI stipulated that the area had to be included in the **residential** suite of zones as R5 large lot residential. It is considered that the criteria should recognise that there are some R5 areas that are extensively settled and accommodate a significant residential population. With increase in mobility the face of traditional villages and rural settlements are changing often resulting in a reduction of services being located in the villages where those services can be accessed in neighbouring towns. As it is understood that the proposed amendments to the SEPP are to protect populated areas it is recommended that the criteria be amended to include:

An area of contiguous R5 zoned land where the residential population exceeds 200 people.

It is considered that satisfaction of this criterion should be sufficient without having to meet the other criteria.

It is recommended that the Cooks Gap/ Yarrawonga area be included as mapped in the attachment 2.

Financial implications

Not applicable.

Strategic or policy implications

As stated previously in the report it is considered that the likely of a coal seam gas project to be established in the Mid-Western Region is minimal but it is considered prudent that Council make a submission to promote the protection of the towns, villages and populated areas of the region.



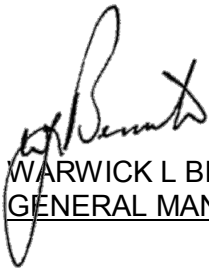
CATHERINE VAN LAEREN
DIRECTOR DEVELOPMENT & COMMUNITY
SERVICES

5 April 2013

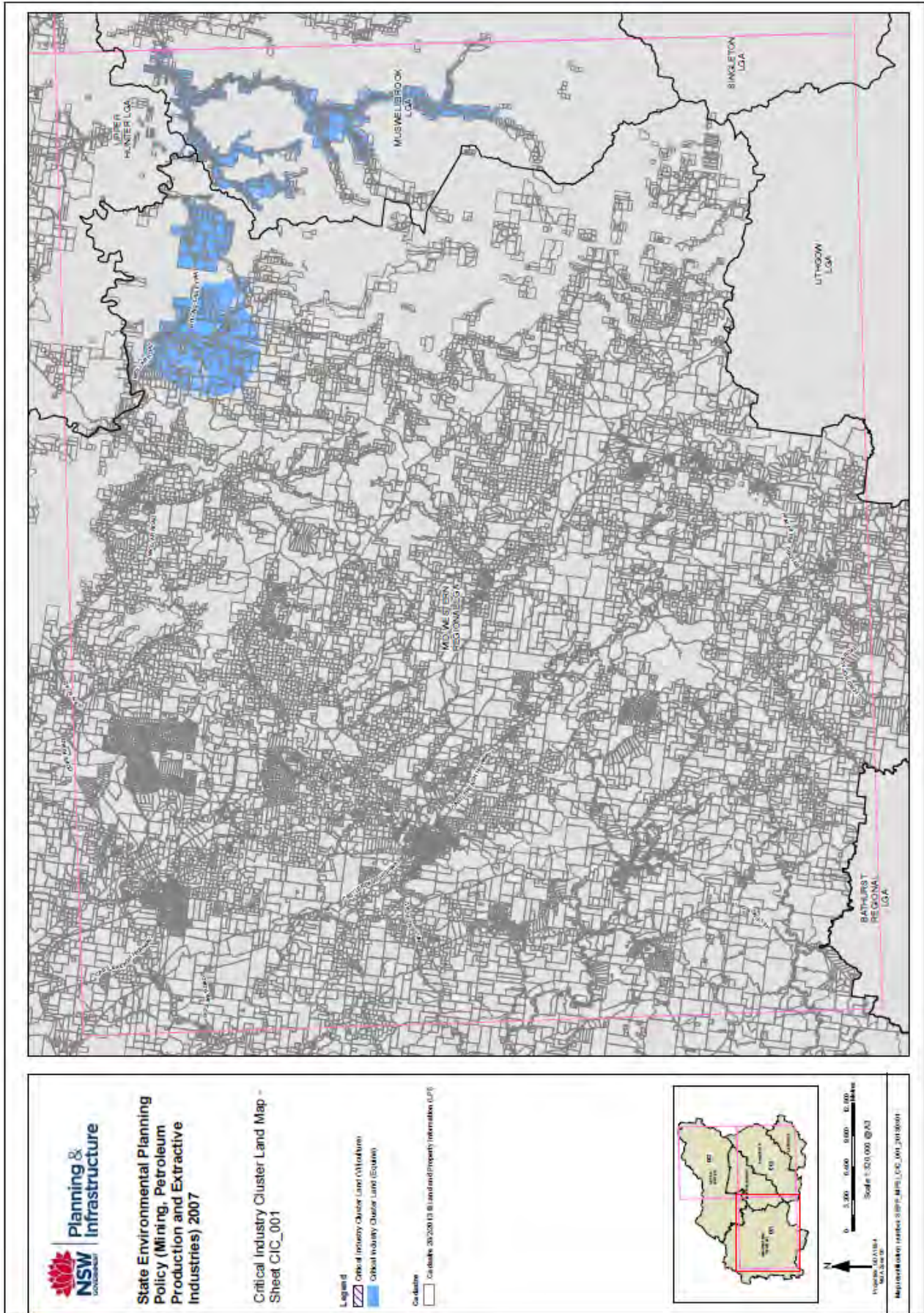
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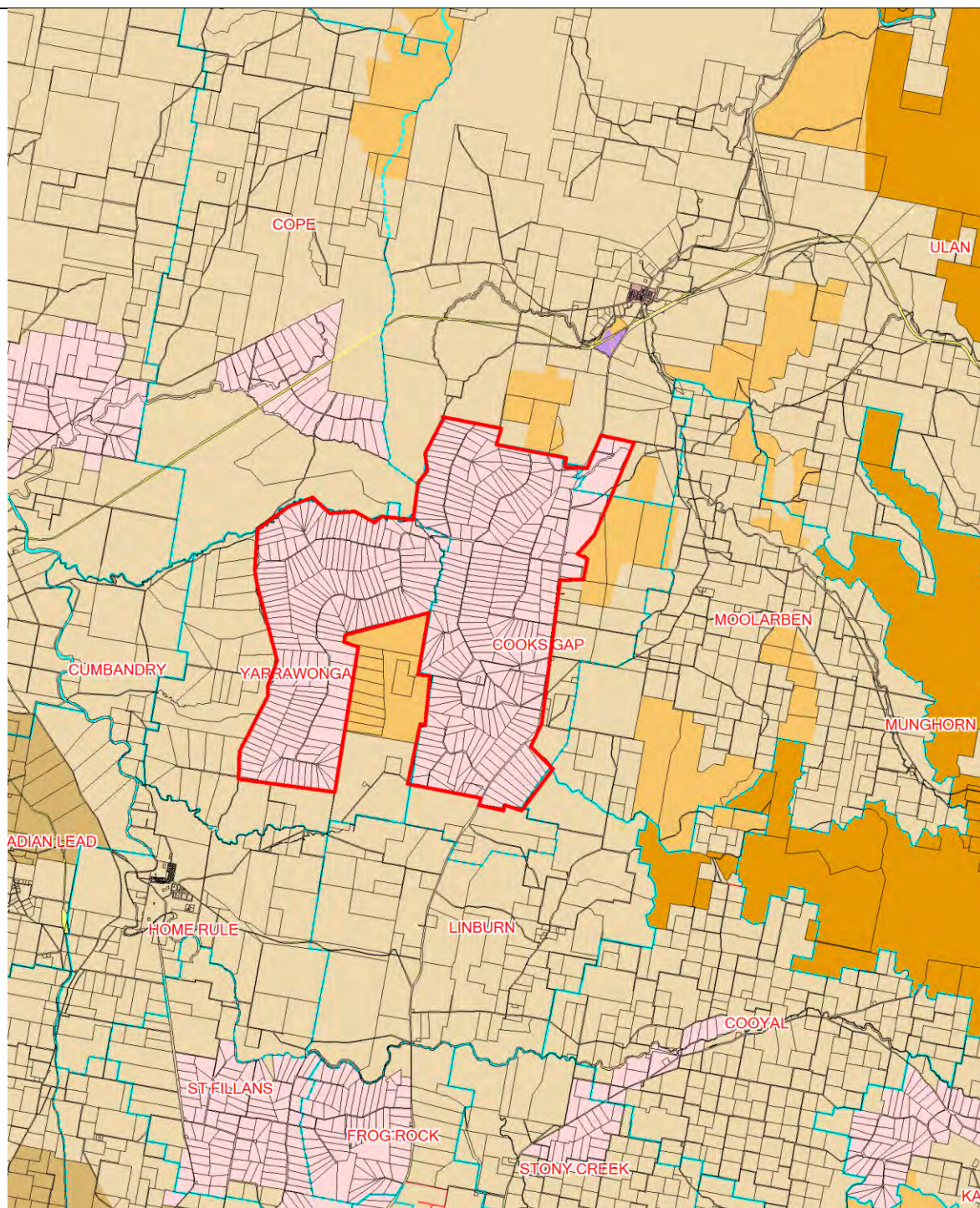
1. Critical Industry Cluster Map
2. Map of the Cooks Gap/ Yarrowonga Area
3. Draft Submission for Council's Consideration

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER





Map Scale: 1:132,400

Cocks Gap / Yarrawonga

Disclaimer

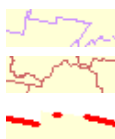
This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.

This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

Legend



Parcel
Crown Land
Railway



Parish
Localities
LGA Boundary



Road
State Forest
Waterway



NORTH



Printed on Friday, 5 April 2013

CVL:A0040006

18 April 2013

Daniel Keary
Director Strategic Regional Policy
Department of Planning and Infrastructure
PO Box 39
SYDNEY NSW 2001

Dear Mr Keary

MID-WESTERN REGIONAL COUNCIL SUBMISSION - DRAFT STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) AMENDMENT (COAL SEAM GAS)

Reference is made to the exhibition of the proposed amendments to the Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas). Council would like to make the following comments on the amendments.

It should be noted that the proposed amendments only relate to new coal seam gas exploration and production activity. Having regard to the nature of the coal reserves in the Mid-Western Region it is unlikely that coal seam gas projects will be established in the region although the full extent and nature of the coal reserves are yet to be investigated and therefore Council considers that it is prudent to make a submission to ensure protection of the towns, villages and populated area in the Mid-Western Region. It is noted that the following towns and villages fall within the definition of a "residential zone" in accordance with the SEPP and therefore it is not required for them to be nominated to be included in Schedule of the SEPP, namely:

- Mudgee;
- Gulgong;
- Rylstone;
- Kandos;
- Goolma;
- Birriwa;
- Hargraves;
- Pyramul;
- Windeyer;
- Ulan;
- Wollar;
- Ilford;
- Lue;
- Charbon; and
- Clandulla.

In addition, it is noted that the village of Bylong is protected by the Critical Industry Cluster located in the Bylong valley.

As a consequence of the exhibition, should the status of these towns and villages be effected Council would request that they remain in the exclusion area.

Mid-Western Council requests an amendment to the criteria for those areas zoned R5 Large Lot Residential to enable the inclusion of the Cooks Gap / Yarrawonga area. Cooks Gap is the largest residential population in the Mid-Western Region outside of the towns of Mudgee, Gulgong, Kandos and Rylstone. Although it

does not have what could be considered a village centre it a contiguous area of R5 land with a rural fire shed and brigade. The Rural Lands study undertaken in 2003 estimated that in 2001 the population was 812 with 303 houses. Approximately 75% of the lots were estimated to be between 8 and 18 hectares. In the formulation of the Standard Instrument LEP the DoPI stipulated that the area had to be included in the **residential** suite of zones as R5 large lot residential. It is considered that the criteria should recognise that there are some R5 areas that are extensively settled and accommodate a significant residential population. With increase in mobility the face of traditional villages and rural settlements are changing often resulting in a reduction of services being located in the villages where those services can be accessed in neighbouring towns. As it is understood that the proposed amendments to the SEPP are to protect populated areas it is recommended that the criteria be amended to include:

An area of contiguous R5 zoned land where the residential population exceeds 200 people.

It is considered that satisfaction of this criterion should be sufficient without having to meet the other criteria.

Please find attached a map of the Cooks Gap / Yarrawonga area that Council would like included in Schedule 3 of the SEPP.

Should you have any queries in relation to this matter please contact Catherine Van Laeren on 63782832.

Yours faithfully

WARWICK BENNETT
GENERAL MANAGER

4 April 2013

Ref: GT5120, GT8185
Enquiries: Michael Griffith

The Director Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir / Madam

Submission on the draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

Thank you for the opportunity to provide comments on the amendments to the abovementioned State Environmental Planning Policy (SEPP). We provide the following comments for your consideration.

Our first concern relates to the proposed 2km exclusion area from land in a residential zone or future identified residential growth area. An in-depth explanation is required as to how the 2km distance was determined. Council staff believe that 10km is a more realistic distance for an exclusion zone. It allows for future growth, whereas 2km is restrictive on growth in our local government area (LGA). All potential urban release areas and growth corridors (e.g. Wingham to Taree and Taree to Brimbin) should be excluded.

It is noted in the NSW Government's Frequently Asked Questions on Coal Seam Gas Exclusion Zones that the Department of Planning and Infrastructure (DOPI) is currently compiling information on future growth areas across the State to include in a final map prior to the finalisation of the SEPP amendment. It would be desirable for these maps to be exhibited with the draft amendment as a comprehensive package. This would allow Councils to adequately assess the impact on their local government area and consequently provide relevant and sufficient comments on the amendments.

In identifying exclusion zones to be included in the amendment, it is important that competing land uses, existing industry needs, environmental values and social needs are considered. There is limited information on how the exclusion zones were identified, and whether these factors were given adequate consideration in the decision making process. A critical industry cluster for our local government area is the dairy industry and these areas (and suitable buffers) should be excluded.

We are greatly concerned about the lack of consideration being given to areas of high environmental conservation value. The amendments are focussed solely on the protection of residential land and primary industry. Whilst we acknowledge that this is of great

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T 02 6592 5399 F 02 6592 5311



importance to the State, any assessment should include the requirement to strategically conserve biodiversity and natural systems where appropriate. The requirement for healthy rivers and terrestrial ecosystems is after all necessary for maintaining productive agricultural land, clean sources of drinking water, and a healthy environment for the population to live in. We suggest that the current round of amendments provide opportunity for areas of strategic environmental conservation land and drinking water catchments to be better protected, by including them in the exclusion zones. Further information and discussion is required on the potential impact on rural residences and potential impacts on catchment areas.

All land zoned Large Lot Residential (R5) should be included in the exclusion zone. The Large Lot Residential zone was intended to be a residential area; therefore all of the zoned land should be included in the exclusion zone. This was the intention of the DOPI in including rural residential land in a residential classification. The criteria and information requirements are inappropriate for application to regional areas like the Greater Taree local government area, as it will not include most areas of land zoned Large Lot Residential for exclusion.

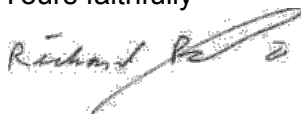
The amendment process has been complicated, due to the release of information little by little; resulting in an inability for meaningful comments to be submitted. There is still uncertainty about how the amendments will affect our own local government area, as no maps are available to put the amendments into context.

In summary, Council seeks the following to be included in the list of exclusion areas for Coal Seam Gas:

- in and within 10km of a residential zone
- in and within 10km of a future urban release area or growth corridor between towns
- in and within 10km of a local Critical Industry Cluster (e.g. dairy industry)
- in the following zones:
 - R1 General Residential
 - R2 Low Density Residential
 - R3 Medium Density Residential
 - R4 High Density Residential
 - R5 Large Lot Residential
 - RU5 Village
 - E1 National Parks and Nature Reserves
 - E2 Environmental Conservation
 - E3 Environmental Management
 - E4 Environmental Living
 - Proposed environmental zones
- in and within 10km of drinking water catchments.

Again, thank you for providing Council with the opportunity to comment on the amendments. We hope in finalising the State Environmental Planning Policy you will take into consideration our concerns and suggestions for regional NSW and the Greater Taree local government area.

Yours faithfully



Richard Pamplin
Senior Leader Strategic Planning
(02) 6592 5266 | richard.pamplin@gtcc.nsw.gov.au

srlup - Exclusion areas from Draft Mining SEPP - submission from Eurobodalla Shire Council

From: Mark Hitchenson <mark.hitchenson@eurocoast.nsw.gov.au>
To: "srlup@planning.nsw.gov.au" <srlup@planning.nsw.gov.au>
Date: 4/19/2013 2:03 PM
Subject: Exclusion areas from Draft Mining SEPP - submission from Eurobodalla Shire Council
CC: Shannon Burt <shannon.burt@eurocoast.nsw.gov.au>

Eurobodalla Shire Council does not wish to nominate any R5 areas to be exclusion areas pursuant to the Draft amendments to the Mining SEPP.

Eurobodalla's village areas are predominantly zoned RU5 or R2 with some R5 areas adjacent to the villages. These areas are therefore already within exclusion areas by virtue of the 2km rule.

Council notes that future residential growth areas are also to be within the identified exclusion areas. At this stage Council would like to ensure that the Land Release Areas mapped in the Eurobodalla Local Environmental Plan 2012 are included as future residential growth areas.

Regards,

Mark

Mark Hitchenson

Land Use Planning Coordinator

t 02 4474 1314 | m 0400 784 515 | f 02 4474 1234



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Enquiries to: Michael Coulter
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Mobile: 0409 153 788
Our Ref: SF669

12 April 2013

Mr Daniel Keary
Director Strategic Regional Policy
Department of Planning & Infrastructure
EMAIL: planning@planning.nsw.gov.au

Dear Mr Keary

DRAFT STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION & EXTRACTIVE INDUSTRIES) AMENDMENT (COAL SEAM GAS EXCLUSION ZONES) 2013

Reference is made to your notice of the Draft SEPP issued on Friday 22 March 2013 inviting submissions until 12 April 2013.

Despite the short time frame, Council considered the Draft SEPP at its meeting on 10 April 2013 and resolved to nominate all R5 large lot residential land, all environmental zones and land within 2 kms within any residences or key community infrastructure on any other land for prohibition from coal seam gas exploration and production activity.

In response to the nominated criteria for the exclusion of R5 large light residential land, please find enclosed map extracts from Council's GIS indicating the lot pattern in the R5 zones. All of the R5 zones have historic associations within the Shire and all have a core of settlement which is long established.

Should you require any further information, please contact Council's Strategic Planner, Mr Grant Nelson on 65680248 or grant.nelson@nambucca.nsw.gov.au

Yours faithfully



**MICHAEL COULTER
GENERAL MANAGER**

MAC:ms

Enc extracts from Council's GIS showing the R5 zones in Nambucca Shire

Our Ref: s7.2.7
Contact: Anthony Alliston

Scanning Room



PCU043665

17 April 2013

The Director Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

e-mailed to: megan.kanaley@planning.nsw.gov.au

Dear Sir/Madam

**DRAFT AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (MINING,
PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS EXCLUSION
ZONES) 2013**

Reference is made to the above Draft Amendment.

Council has reviewed the policy and in general supports the intention to provide heightened protection for residential areas and certain critical agriculture activities from coal seam gas exploration.

It is noted that the Draft SEPP to prohibit coal seam gas production and exploration under and within two kilometres of 'residential zoned land'. To improve the level of protection, Council requests that 'residential zoned land' include the R5 Large Lot Residential zone.

Within the Inverell LGA, the R5 Large Lot Residential zone:

- In addition to residential accommodation, permits a broad range and mixture of land uses including but not limited to camping grounds, child care centres, specific retail premises and tourist accommodation;
- Is adjacent to the urban centre of Inverell and comprises a large (and growing) component of the town's population; and
- Contains significant undeveloped land, which Council has identified as suitable for future urban (sewered) subdivision of 2000sqm lots to allow for the continued growth of Inverell.

If the Department does not include the R5 Large Lot Residential zone as 'residential zoned land', Council requests all of the R5 Large Lot Residential zoned land within the Inverell LGA with a minimum lot size under Cl. 4.1 of the Inverell Local Environmental Plan 2012 of one (1) hectare or less be included in Schedule 3 of the SEPP.

If you require any further information please do not hesitate to contact me on (02) 67288 200.

Yours faithfully



ANTHONY ALLISTON
MANAGER DEVELOPMENT SERVICES



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Ref: D2013/37788

The Director Strategic Regional Policy
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir

Draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013

I refer to the draft amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) (Coal Seam Gas Exclusion Zones) 2013 (Mining SEPP) recently exhibited by the Department of Planning and Infrastructure. While the exhibition period closed on 12 April 2013, the Sydney Catchment Authority (SCA) wishes to make a submission on the draft amendment.

The SCA understands that the draft amendment to the Mining SEPP proposes to establish coal seam gas exclusion zones within:

- land with a residential zone or land within two kilometres of a residential zone;
- large lot residential land where coal seam gas development is prohibited or land within 2 kilometres of that land (land zoned as a village);
- future residential growth area land or within two kilometres of that land; and
- Critical Industry Cluster Land (to date only covers land relating to equine and viticulture industry land in the Upper Hunter).

The SCA is concerned about the potential impacts of coal seam gas operations when carried out in close proximity to the SCA's water supply storages and infrastructure. The SCA considers that the draft amendment should also establish a coal seam gas exclusion zone within the Special Areas as defined under the *Sydney Water Catchment Management Act 1998*.

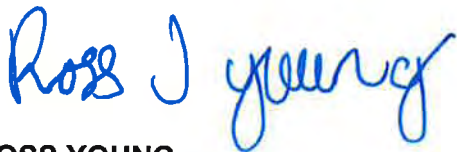
The Special Areas are the protected catchments surrounding and including Sydney's drinking water storages. They also contain landscapes with significant natural and cultural heritage values, including parts that are recognised for their World Heritage and wilderness values. The Special Areas cover approximately 370,000 hectares of land (see Attachment 1) and are jointly managed by the SCA and the Office of Environment and Heritage.

The SCA considers that coal seam gas operations undertaken in the Special Areas, particularly coal seam gas production, may significantly compromise the values of the Special Areas and the SCA's water supply assets. Stringent controls already exist to prevent unauthorised access to the Special Areas and regulate certain activities to ensure that the values of the Special Areas are protected. Establishing an exclusion area for coal seam gas operations within the Special Areas under the Mining SEPP would build on such

controls and help ensure that the values of the Special Areas, and the integrity of Sydney's water supply, are protected from such high risk activities.

If you wish to discuss any aspect of this submission, please contact Malcolm Hughes, A/Senior Manager Sustainability on 4724 2452 or malcolm.hughes@sca.nsw.gov.au

Yours sincerely



ROSS YOUNG
Chief Executive

30-04-13

Attachments

1. Map of the Special Areas



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Map Properties
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