

Mrs Penelope Blatchford

Gurley NSW 2398

6th November 2013

To: Minister Hazzard

NSW Government Planning & Infrastructure

Mining SEPP Public Comment Submission

Dear Minister Hazzard,

As a resident who lives on a rural property I encourage you to extend protections beyond zoned residential homes to all existing homes in NSW including farmhouses. All families in NSW deserve to have peace of mind and live safely in their homes.

The only protection rural rural homes have under the Petroleum (Onshore) Act 1991 Section 72 is a 200 metre buffer from the principal place of residence and 50 metres from the garden.

The Mining SEPP must be amended that all existing residences have 2000m exclusion zones.

The Petroleum (Onshore) Act 1991 section 72 must be amended to reflect the Mining SEPP and changed from 200 m to 2000m.

There is no requirement under the Petroleum (Onshore) Act 1991 for the titleholder of a petroleum production lease to enter into an access agreement with the landholder before commencing production activities.

There is no legal option for the landholder to negotiate the gasfield & infrastructure be built away from the principal place of residence except the first 200 m which exists as mentioned above in Section 72.

I would encourage you to look over the draft guidelines for windfarms and the 2km residential planning measures proposed and apply those to the Mining SEPP.

<http://nofibs.com.au/2013/10/31/state-different-rules-penny-blatchford-asks-people-nsw-get-special-treatment/>

Families should be safe from an industrial gas field no matter where they live.

Further action also needs to be taken to protect farming land. The gateway does not rule out industrial gasfields on agricultural farming land.

- Rural existing residential homes (farmhouses) must have 2000m exclusion zones also.
- Rural residential land (zone R5) and all large lot residential zonings must be added to the CSG exclusion.
- The 2km buffer should apply to all exclusions, including land mapped as critical industry clusters.
- The village exclusion must apply to all of the villages of Goongerry, Broke and Bulga.
- The exclusion should be extended to coal mining, which should not be permitted in residential zones, critical industry clusters, and 2km buffer around each.
- Resource companies should not be able to nominate to exempt land they own from the critical industry clusters: it will defeat the purpose of the protections to create holes in the maps.

- There is no protection for agricultural land under the Gateway process. The Regulation must be amended to create a strict exclusion, and must apply to all projects not determined before the creation of the amended regulations.
- The new Gateway provisions are contradictory, implying at one point that the Panel will not even have the power to recommend rejection of a mining application.
- The process to verify biophysical strategic agricultural land is subject to the discretion of the Director-General of the Department of Planning, who only needs to “have regard to” the verification criteria. This is appropriate caution for protection of land, but there should not be any discretion to remove land from the map if it meets the criteria.
- The next steps should be the introduction of exclusion zones to protect surface water and groundwater resources from CSG and coal mining.

Summary of major problems

- The CSG exclusion zones do not apply to all residential land and all existing residential homes in NSW. Land zoned R5 ‘Large lot residential’ is not included.
- There is an exclusion zone for critical industry clusters, viticulture and equine, but these do not get a 2km buffer.
- The CSG exclusions don’t apply to projects that have already been approved, like the Gloucester gas project.
- There is no exclusion of mining from agricultural lands in the new regulations. The Gateway Panel’s advice and any recommendations they make do not need to be acted upon by consent authorities.
- Alarming, government is specifically calling on mining and CSG companies that owned land before 10 September 2012 that is identified as being part of a critical industry cluster to nominated to “opt-out” of the map before it is finalised, which would exempt that land from the CSG exclusion – though not the 2km buffer.
- The new Gateway process does not apply to lands already subject to mining leases, so there may be no protection for agricultural land from mine extensions and it doesn’t apply to projects that had their Director General’s Requirement issued prior to 10 September 2012, which is the case for several coal projects that threaten land and water.
- It does not appear that applications for Gateway certificates can be rejected. The new section 17H of the Mining SEPP say the Gateway Panel “must determine an application by issuing a gateway certificate in accordance with this Division.” Section 17J (3) (a) says that in the event that a proponent fails to provide further information requested by the Panel, they can “reject and not determine the application” but this is not consistent with section 17H.
- If the Gateway Panel runs out of time for their assessment, a certificate with no conditions attached will be automatically issued.
- The Director-General of planning will be the one that determines verification certificates for biophysical strategic agricultural land, not an authority with any experience of agriculture or any independence from the assessment process.
- They will do this using the “verification criteria” which you can see here: <http://majorprojects.dev.hiivesystems.com:8003/application/SVC>. The Director-General only needs to “have regard to” the verification criteria, so the decision about whether land really is strategic agricultural land is discretionary.
- If a mining company already owned strategic agricultural land prior to September 2012, it is

- The problem of mining in groundwater aquifers that supply agricultural production, and under catchment areas for major drinking water supplies like the Central Coast and Sydney has not been dealt with at all.

Yours sincerely,

Penelope Blatchford

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