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**Re: SEPP (Mining, Petroleum Production & Extractive Industries) Amendment (Coal Seam Gas) 2013**

Climate Change Australia was formed as a local community group to respond to climate change issues. We aim to raise community awareness and responsibility about climate change issues and impacts, to encourage everyone to conserve energy and water, to promote the increased use of renewable energy, and to lobby all tiers of government to implement genuine and effective mitigation and adaptation measures to address climate change.

We appreciate the opportunity to comment on the Government's draft amendments to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries).

We understand that the O'Farrell Government is responding to community concern over the rapid expansion of the gas and coal mining industries in NSW, which was permitted under the previous Labor Government, and that the proposed amendments provide further boundaries for future expansion.

A fundamental premise that underlies this amendment is that future expansion of fossil fuel industries will benefit the state of New South Wales. Climate Change Australia rejects this premise and instead urges the Government to adopt a position of no new coal mines and only allowing new gas extraction where it is used for domestic energy supplies AND comes from conventional sources (i.e. those which do not require fracking or other unconventional means of extraction). To do otherwise will lead to an increase in NSW's greenhouse gas emissions and facilitate increased emissions from other countries. The science is clear: the planet needs to rapidly move away from fossil fuels if there is any hope of averting catastrophic climate change.

A key objective of the amendment is to protect mapped areas from the potential impacts of mining and coal seam gas activity. The maps therefore need to be correct in identifying areas that require protection. It is confusing that the strategic agricultural land mapping criteria have identified different land from the farmland mapping methodology on the NSW North Coast. It appears that the critical industry clusters are arbitrary. This mapping suggests a high level of political interference in the process.

Climate Change Australia urges that protection should be extended to all productive agricultural land. Protection of local food supplies will be an increasingly important planning consideration as the impacts of peak oil hit.

We urge the clear delineation of 'no go' zones within the regions and request that these be applied at the exploration stage, including in areas subject to current exploration licences. To do

otherwise, i.e. by continuing to permit companies to access such areas for exploration, will create an expectation that their investment will be rewarded by the issuing of production leases.

However we note that there is no permanent protection of agricultural land from mining or gas extraction under the Gateway process. The Regulation must be amended to create a strict exclusion for productive agricultural land, and must apply to all projects not determined before the creation of the amended regulations. A Gateway panel running out of time must not result in approval by default.

We strongly support the protection of sensitive natural areas and urge that this be extended to include the protection of all native vegetation in these regions which have been subject to a long history of extensive clearing. We remind you that extant natural vegetation has considerable value as carbon stores and that their clearance is a major source of greenhouse gas emissions. We are concerned about the lack of clear legal protection for areas of high conservation value.

This is an issue in areas zoned for environmental protection (e.g. in E2-E5). Clause 7 of the SEPP requires mining, petroleum production and extractive industry to be permissible in any zone where agriculture or industry is carried out. This means that in an E2 zone, if home industry or extensive grazing is permitted (as is the case in many LEPs), mining must also be permissible and cannot be prohibited in an LEP. Climate Change Australia urges a change to this clause so that it only applies to zones which are not environmental protection zones.

It is noted that Clause 7 also applies to areas zoned as waterways. We strongly support the protection of surface water and groundwater resources and urge that exclusion zones to protect water resources from mining and gas exploration/ production be introduced through a similar change to this clause.

We also remind you that the Government, in its draft planning guidelines for wind farms, has proposed several initiatives, namely:

- an improved framework for public consultation to ensure that, if approved, these developments will operate with a social licence
- a buffer distance of 2 kilometres from approved dwellings, to limit impacts on residents within a zone of influence **irrespective of zoning**
- more stringent noise standards to reduce the impacts of wind-farm developments on the amenity of rural areas.

We urge that these also be applied to the coal and gas industries, to ensure a level playing field across all energy sectors. A process should be introduced to enable local communities and landholders to be able to say no to mining and petroleum exploration or production.

In closing, Climate Change Australia notes that Chris Hartcher, Minister for Resources and Energy and Special Minister of State, announced on Monday 4 November that the amended Mining SEPP will be gazetted this week. Surely this should only occur following the consideration of submissions being made as part of the exhibition of the draft amendments to the SEPP? We are concerned that this public consultation process has a foregone conclusion and is a sham.

Yours faithfully,

Janet Cavanaugh  
Secretary, Clarence Branch  
7 November 2013