

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

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Executive Summary

Council, at its meeting of 17 April 2013 resolved to make a submission to the Department of Planning and Infrastructure regarding the proposed amendments to the draft State Environmental Planning Policy (SEPP) (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas Exclusion Zones) 2013. Specifically, the Department invited councils to nominate particular areas zoned R5 within their LGA's for listing in the Mining SEPP as an area to which prohibitions should apply.

Council advised the Department of its general support and the proposed amendments to the SEPP subject to inclusion of the R5 and E3 zones around the township of Gloucester (map supplied), the removal of the proposed "Opt-out" provision in the draft SEPP and that the State Government be requested to develop an appropriate Policy regarding setbacks to open cut mines.

The draft SEPP was placed on formal exhibition from 04 October 2013 to 08 November 2013. The exhibited material did not incorporate changes to reflect Council's submission in April 2013. Accordingly, Council's resolution of 17 April 2013 was resubmitted in response to the formal exhibition of the draft SEPP.

Detailed Report

A Draft SEPP was distributed by the Department of Planning and Infrastructure in March 2013 which sought to give effect to the State Governments announcement of limitations on new coal seam gas exploration and production, on or under land in residential zones, in future identified growth areas and Critical Industry Clusters (the upper Hunter equine and viticulture industries).

Specifically, the Department invited councils to nominate particular areas zoned R5 within their LGA's for listing in the Mining SEPP as an area to which prohibitions should apply. Subsequently, Council advised the Department of its general support and the proposed amendments to the SEPP subject to inclusion of the R5 and E3 zones around the township of Gloucester (map supplied), the removal of the proposed "Opt-out" provision in the draft SEPP and that the State Government be requested to develop an appropriate Policy regarding setbacks to open cut mines

Following that process, a further Draft SEPP was placed on formal exhibition from 04 October to 08 November 2013. A copy is attached to this report (Attachment 2). This exhibited draft Mining SEPP fails to adopt any of the recommendations within Council's submission. Consequently, Council's formal position, as at 17 April 2013 has been resubmitted to the Department of Planning for further consideration. The limited exhibition period has been problematic. As such, a copy of this report has been forwarded to the Department to meet the 08 November 2013 deadline with advice that it is to be considered by Council on the 20 November 2013 meeting. 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 submission is consistent with Direction 2 of the Community Strategic Plan in that

"Council will continue to act as an advocate for the community to ensure that environmental, social and economic issues are adequately considered within the mining debate."

It is also consistent with a number of Objectives in the Community Strategic Plan including:

- Improve knowledge and understanding of environmental issues
- Research, monitor and respond to, as appropriate, the long-term and cumulative impacts of resource extraction
- Encourage environmentally sustainable development

Financial and Resource Implications

There are no financial implications with regard to this matter.

Policy Implications

There are no policy implications with regard to this matter.

Statutory/Regulatory Considerations

The proposed amendments to the SEPP are not retrospective in that they will not apply to currently approved AGL Coal Seam Gas exploration and production activity.

Recommendation

That Council note its previous position regarding the proposed amendments to the SEPP (Mining, Petroleum Production and Extractive Industries) as its submission to the formal exhibition of the draft SEPP.

Attachments

1. Item 3.2 Council Report 17 April 2013
2. Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas) 2013 as exhibited from 04 October 2013 to 08 November 2013

Attachment 1: Item 3.2 Council Report 17 April 2013 & Minutes

Attachment 2: Draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas) 2013 as exhibited from 04 October 2013 to 08 November 2013