

To:

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The Department of Planning and Infrastructure

Sydney NSW 2001

Online submission: http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=6175

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Submission: CSG exclusion zones to additional residential land across NSW

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

I am writing in relation to 'CSG exclusion zones to additional residential land across NSW' for the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas) 2013.

In my opinion, major problems are:

- The CSG exclusion zones do not apply to all residential land. 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 says 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.

- By using the “verification criteria”, 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.
- 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.

In my opinion:

- Rural residential land (zone R5) and all large lot residential zonings should be added to the CSG and other gasfield exploration and production exclusion zones.
- The 2km buffer should apply to all exclusions, including land mapped as critical industry clusters.
- The 2km buffer should be increase to 10 km buffer as horizontal drilling can go for many kilometers.
- The village exclusion must apply to all of the villages, including Goongerry, Broke, Bulga and others of similar size.
- 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.
- The CSG exclusion zone should apply to the Gloucester Gas project, which has been approved by the NSW Government, but has not commenced construction, has not received financial approval from its proponent, and is not wanted by the Gloucester community.

Regards,

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