

Bulga Milbrodale Progress Association Inc.



President - John Lamb 6574 5205

Vice President - John Krey 6574 5376

Secretary - Pauline Rayner 6574 5293

Treasurer – Phillip Reid 6574 5237

Correspondence

PO Box 1032 Singleton 2330

Email: bmpa@savebulga.org.au

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Director

Assessment Policy, Systems & Stakeholder Engagement,
Department of Planning and Infrastructure,
GPO Box 39,
SYDNEY NSW 2001.

By email plan_comment@planning.nsw.gov.au

Dear Sir,

re: COAL SEAM GAS EXCLUSION ZONES.

The Bulga Milbrodale Progress Association Inc. represents a village of 350 people located in the Upper Hunter Valley.

Our concerns

We view with extreme concern that the Dept. of Planning has identified the village of Bulga as being comprised of 38 residences only. The total number in the village under the Council zoning 1(d) is 103 residences

We submit that it is essential that all land with zoning 1(d) as identified under the Singleton Council's planning maps is accepted as the Village of Bulga. We refer to the Singleton Council submissions on the matter.

Logical expansion area

Whilst Bulga currently does not have the density of vineyards as for those contained in Pokolbin and the Broke area we are nevertheless a logical area for the expansion of this viticulture Broke Fordwich winegrowing region.

Infrastructure which supports current and future viticulture and tourism industries

Bulga is part of the Broke Fordwich Private Irrigation District which provides irrigation water to the vineyards, the olive growers and the orchards supporting the Wine Tourism industry. Accordingly this critical industry cluster must not be reduced in the area to anything less than the registered winegrowing sub region.

Exclusion zone around the village of Bulga.

The proposal to include the village of Bulga as a village centre from which a 2 kilometre exclusion zone will be measured is welcomed. For the exclusion zone to properly protect communities it must be taken from the perimeter of the Village or residential area

However, it is submitted that the footprint of the village of Bulga must be recognised as those lots identified in the current zoning plans for Bulga being zoned 1(d) Rural Small Holdings under Singleton LEP 1996. We refer to the submission from Singleton Council which contains the zoning maps and expansion proposals.

The areas covered by properties included in the LEP 1996 1(d) zoning are well in excess of the area designated as “Bulga Village” in the current plans provided by the Dept. of Planning and Infrastructure. People living in small holdings outside of this small DoPI defined area consider themselves as part of the Village of Bulga and should not be disadvantaged.

The two kilometre residential exclusion zone measured from outer perimeter of the LEP 1996 boundaries overlaps the Viticulture CIC Cluster to the south, the vineyard and winery off Thompson Road and the 2013 viticulture vineyard and winery to the west of Bulga Village serviced by Wambo Road and The Inlet Road. This contributes to our argument that the area shown on Drawing as the 2013 Viticulture CIC Clusters should be extended to include the vineyards identified to the west of the Bulga Village off The Inlet Road and to the west off Thomson Road.

Reference is made to the Singleton Council rezoning proposals for the land around the current 1(d) zoning. Their proposal in the Draft Singleton LEP 2102 for RU4 zoning (Primary Production Small Lots) provides for and we quote the Council’s document “To recognise the Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major tourist destination by providing additional opportunities for tourist uses”.

The total area to be included as part of the extended Broke Fordwich wine area is shown the Singleton Local Environmental Plan 2102 Land Zoning Map Sheet LZN-009.

Expansion of viticulture and low impact residential areas

There must be room in the exclusion zone for expansion for residential development and we believe that the area proposed in the Council’s 2012 Draft SEP will provide for this.

Villages and exclusion zones to be free of CSG infrastructure

The exclusion zones around Villages and in the Viticulture CIC clusters must be free from gas and exploration wells, head equipment, administrative facilities, infrastructure relating to the CSG operations, pipelines above or below ground, electrical supply cables or communication cables above, on or below ground. There must be no pipelines crossing or entering the village areas, CIC exclusion zones or roads or tracks relating to any CSG facility.

Gateway.

We are concerned with the current proposals for the “Gateway Process”:

The original draft Strategic Agricultural Policy document presented to the public gave the Gateway Panel the power to issue a Certificate, with or without conditions, or to refuse to issue a Certificate. In the later draft SEPP the power of refusal was removed. The result would be that the Gateway process would be window dressing at best.

It was the view of the Stakeholders Reference Group, and it is our continuing view, that the Gateway Panel should not be required to issue a certificate if there are genuine reasons why such a Certificate should not be issued. The Gateway Panel must be able to assess, if it is the case, that there is a circumstance where no reasonable conditions could be attached to a Certificate which would enable relevant criteria to be met or to overcome risks to Strategic Agricultural Land or to groundwater or fresh water aquifers, and to be able to therefore refuse to issue a Certificate resulting in the Application going no further.

Clause 17B only requires the consent authority to “consider” the recommendations or conditions in a Gateway Certificate. This is not strong enough. The consent authority should be required to incorporate any recommendations or conditions in any consent, or to refuse consent in the event that the recommendations or conditions are such that the development could not go ahead if bound by the conditions.

Clause 17B does not require the consent authority to consider an Agricultural Impact Statement, and it should be amended to do so.

The default provision in Clause 17I(3) is unacceptable. This could result in a development bypassing the Gateway process when, if the proposal had been properly considered by the Panel, could well have resulted in the proposal being rejected or recommending more stringent conditions. It puts at risk the environment of the State. The prompt determinations of the Gateway Panel should be enforced in some other way.

Without these inclusions the gate has indeed disappeared from the gateway. It is no longer able to be closed.

Conclusion

At a recent public meeting held in Bulga the community expressed disappointment and concern at the major reduction in the SAL Viticulture Critical Industry Cluster. With the participation by the community and industry groups the areas shaded pink (Viticulture CIC) in the Map 6 Draft Strategic Regional Land Use Plan were arrived at with proper consultation. The major reduction in this area of protection endangers the Village of Bulga and its community. There must be substantially more separation (and thus protection) between the CSG gas fields and communities.

Further, the meeting expressed concerns on the very small footprint of the Village of Bulga used by the DoPI for the proposed two kilometre exclusion zone.

This savage reduction in protection for the residents of Bulga reinforces the community's lack of confidence in the ability of Government to protect country villages and the associated wine tourism industry, agriculture and the equine industry.

Yours faithfully

Bulga Milbrodale Progress Association Inc.



Pauline Rayner (Secretary)

Secretary

