



8 November 2013

Mr J Ross
Acting Director
Strategic Regional Land Use Policy
NSW Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2001

Dear Mr Ross

Strategic Regional Land Use Policy Amendments

On behalf of Council, I would like to thank you for the opportunity to comment on the recent amendments to the Strategic Regional Land Use Policy (SRLUP), including the introduction of coal seam gas (CSG) exclusion zones.

Please find attached a draft submission prepared by Council staff for your records and consideration. It is anticipated that Council's final submission will be forwarded following its endorsement at Council's meeting on 10 December 2013.

Council staff have identified a number of key areas for further consideration in the draft Submission including the boundaries of future residential growth areas, the categorisation of Biophysical Strategic Agricultural Land within the Campbelltown LGA and the referral protocol for State Significant Developments.

If you require any further information regarding aspects of the draft submission, please contact Council's Senior Environmental Officer (Environment Protection), David Henry, on (02) 4645 4214.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Andrew Spooner', written over a horizontal line.

Andrew Spooner
Manager Sustainable City and Environment

Campbelltown City Council submission on the changes to the Strategic Regional Land Use Policy

This draft submission provides comments on changes to the Strategic Regional Land Use Policy (SRLUP), including the introduction of coal seam gas (CSG) exclusion zones, announced by the NSW Government in October 2013.

The Campbelltown Local Government (LGA) is affected by both CSG mining activities and longwall mining. The location of Stages 2 and 3 of the Camden Gas Project (CGP) and the Bulli Seam Project, within the Campbelltown LGA, is presented in Map 1 (Attachment 1).

The 'Initial Report on the Review of the Coal Seam Gas Industry in NSW' (by the NSW Chief Scientist and Engineer), is noted to provide a number of recommendations regarding the regulation and policy framework for the CSG industry. In particular, *"that the Government commits to establishing a regime for extraction of coal seam gas that is world class and that the development of this regime should occur in stages"*. Council therefore requests that the SRLUP be revised following the completion of this Review.

1) Coal Seam Gas Exclusion Zones

There are currently 25 existing gas extraction wells (in various stages of operation) and eight proposed wells, within Campbelltown LGA under the CGP Stage 2. A number of these wells are located within two kilometres of residential areas (see Map 2, Attachment 2). However, under the current provisions the CSG exclusion zones do not apply to wells already approved.

Council continues to have strong concerns over the potential impacts of the CGP Stage 2 due to the lack of understanding of the industry and the local groundwater environment at the time of its approval between February 2004 and September 2008. Council continues to hold the view that the CSG exclusion zones should, at a minimum, apply to gas wells yet to be drilled.

The introduction of the CSG exclusion zones within two kilometres of existing residential areas is recognised as having significant implications for the CGP Stage 3 application given its extensive interface with residential development. The future viability of the CGP Stage 3 application is therefore questioned given this proximity to residential areas and the high level of community concern regarding this application.

Council is concerned over the level of community awareness of the implications of the exclusion zones to the CGP Stages 2 and 3 and suggests that the NSW Department of Planning and Infrastructure (DP&I) initiate a community consultation and awareness campaign regarding this issue.

CSG exclusion zones are proposed to be established around the future urban release areas of Menangle Park and Gilead, as per Council's request dated 24 April 2013. However, minor amendments to the boundaries are requested to reflect future urban development and corresponding local planning instruments (see Map 3, Attachment 3). It would be appreciated if Council could review the amended maps prior to finalisation to ensure their accuracy.

Information (Frequently Asked Questions factsheet – coal seam gas exclusion zones now in force) released by the NSW DP&I on the CSG exclusion zones states that *"Pipelines associated with CSG development will also be prohibited within these residential areas and the Growth Centres, but are permitted within the two kilometre buffer zone, subject to development approval."* Clarification is sought over whether the CSG exclusion zone provisions apply to both new and existing pipelines or new pipelines only. Clarification is also sought on the development approval assessment mechanisms to be utilised in relation to pipelines located within the two kilometre exclusion zones.

2) Identification of Biophysical Strategic Agricultural Land

A review of the accuracy of the areas identified as Biophysical Strategic Agricultural Land (BSAL) is difficult without an understanding of the criteria used to determine these areas. However, the two sites within the Campbelltown LGA mapped as BSAL, near Menangle Park and Glenfield, are refuted as being BSAL based on the following:

- Corridor adjacent to the Nepean River near Menangle Park - the corridor contains parts of the Menangle Park Paceway and the Menangle Park residential village. The area has been mapped as containing the vegetation community River-flat Eucalyptus Forest. Local officers have also identified that the area is heavily weed infested and has been subject to sand mining previously. Council is unclear as to the attributes of this land which would qualify it as having strategic agricultural value.
- Glenfield – the identified land is currently occupied by the Glenfield Waste Transfer Station that is independently owned and operated. The area has been mapped as containing River-flat Eucalyptus Forest adjacent to the Georges River. This site is also the subject of a planning proposal that has been determined through the Gateway Process to rezone the land from rural to industrial. Council is unclear as to the attributes of this land which would qualify it as having strategic agricultural value.

Whilst it is acknowledged that both sites contain a seventh order watercourse, cited as a trigger under the 'Interim Protocol for Site Verification and Mapping of Biophysical Strategic Agricultural Land', there are no other inherent values that would warrant this classification and Council is of the view that neither site is suitable for agricultural purposes.

Due to a lack of understanding of the BSAL assessment criteria the NSW DP&I is requested to release the criteria for public information. Based on the above determinations of BSAL within the Campbelltown LGA, that are considered inappropriate by Council, the NSW DP&I are also requested to review the validity of the BSAL assessment criteria.

Moreover it is understood that under the proposed new planning system Regional Growth Plans will replace Strategic Regional Land Use Plans and that the development of Regional Growth Plans will be, in part, based on the identification of BSAL. In view of the concerns outlined above regarding the identification of BSAL there is potential for the Regional Growth Plans to be in error.

3) Gateway Process

It is understood that all CSG and mining developments that have the potential to significantly impact on water resources will be referred to the Independent Expert Scientific Committee (IESC) under the NSW Referral Protocol associated with the 'National Partnership Agreement on Coal Seam Gas and Large Coal Mining Development'. However it appears that under this Protocol, the IESC advice will only be considered by the Minister for Primary Industries in relation to CSG and large scale mining developments that are located on BSAL.

Council maintains that all CSG or mining State Significant Development projects should be subject to the full requirements of the Gateway Process, including referral to the IESC for advice.

In view of the concerns raised regarding the determination of BSAL the NSW DP&I are requested to amend the Referral Protocol so that the Minister for Primary Industries considers the IESC advice in regard to all coal seam gas and large scale mining projects.

Development assessment under the proposed new planning system is based on alignment with the aforementioned Regional Growth Plans (to be developed). It is unclear how the Gateway Process will operate in areas not yet subject to Regional Growth Plans eg the Southern Highlands coalfields.

4) Conclusion

Council supports the introduction of CSG exclusion zones within two kilometres of existing and (specified) future residential areas. However, it is requested that the details of the zones and the broader SRLUP be reviewed following the completion of the 'Review of the Coal Seam Gas Industry in NSW'.

Council continues to hold the view that CSG exclusion zones should apply to wells that are approved and yet to be drilled. Council suggests that the NSW DP&I carry out a community consultation and awareness program, in association with AGL, regarding the applicability of the CSG exclusion zones to all stages of the CGP.

The criteria for determination of BSAL should be reviewed and released for public information and the areas identified as BSAL within the Campbelltown LGA are specifically requested to be reviewed.

The full requirements of the Gateway Process and related Aquifer Interference Policy should apply to all CSG or mining State Significant Developments, including referral to the IESC for advice.