

srlup - SRLUP SUBMISSION_BSAL, Stage 2 Exclusion Zones and Critical Industry Clusters

From: Malcolm Bocking <malcolm.bocking@bacbm.com>
To: "plan_comment@planning.nsw.gov.au" <plan_comment@planning.nsw.gov.au>, "cic.submissions@dpi.nsw.gov.au" <cic.submissions@dpi.nsw.gov.au>
Date: 11/8/2013 2:08 PM
Subject: SRLUP SUBMISSION_BSAL, Stage 2 Exclusion Zones and Critical Industry Clusters
CC: "Jason Needham (jason-needham@bigpond.com)" <jason-needham@bigpond.com>, "Ard Battye (abattye@dartgas.com)" <abattye@dartgas.com>, 'Peter Stanmore' <peter.stanmore@metgasco.com.au>, "RBondar@apea.com.au" <RBondar@apea.com.au>
Attachments: Portrayal - PEL 461 Restricted Areas Depts 25102013.pdf; Reality - PEL 461 with 2km buffers shown.pdf

The Director,

Pursuant to the request for submissions, by November 8th 2013, with respect to the BSAL, Stage 2 Exclusions and Critical Industry Clusters, I wish to make the following comments with respect to the Strategic Regional Land Use Policy (SRLUP) and its representation by website and related documentation available to November 7th, 2013. . These comments are made with respect to the parts of the Policy presently open to submission but apply equally to that part of the Policy relating to Exclusion Zones previously enacted.

The Policy makes a representation to restoring Balance, between the Community and Industry, to the process of the utilisation of some mineral resources. In actual fact as it applies to certain processes, (such as land occupation, drilling and pipelines) common to all agricultural, mineral and energy resource industries, be they related to the utilisation of Water, Land, Base Metals or different types of Energy resources, but it appears to restrict and regulate those processes only in two specific Energy Resources namely Coal Seam Gas Exploration and Production and Coal Mining. As such it increases the imbalance, placing those industries in which NSW has a natural advantage....at a profound disadvantage.

This submission is based on experience in using the Planning and Infrastructure and Office of CSG websites and from additional information gleaned during a presentation of the Policy by the Office of Coal Seam Gas and Resources & Energy, to Petroleum Resource Industry participants on October 24th 2013.

As a 'service company' and consultant to the coal seam gas, conventional petroleum and coal sectors of the energy industry, Bocking Associates CBM P/L find the information available, to both interpret and utilise the Policy, to be deficient at this time and request that changes be expedited to the presentation and implementation of the Policy, to enable the essential energy industries affected to better recommence resource exploration and development. In particular the following concerns are raised:

1. The information related to the parts of SRLUP is currently presented by two websites (those of *Planning and Infrastructure NSW* and *Office of Coal Seam Gas within Industry{Trade & Investment} NSW*) and that to further explain certain matters, these refer to each other and in certain cases result in 'dead ends'. An example of this is the apparent unavailability of information on the initial Exclusion Zones themselves. If a website approach is to be used, a single comprehensive site should present all information necessary to understand and utilise the Policy. To avoid confusion, that site should not refer to others. (Other websites may then refer to that principle site.)
2. It is useful for the maps outlining the areas thus far assessed for the Stage Two Exclusion Zones and Critical Industry Clusters and BSAL areas to be available on the Planning & Infrastructure website, but very little information appears to be available on the initial Exclusion Zones. A single multi

layered low resolution map has since been placed on the Office of CSGs website but the resolution available is inadequate for specific use by the industry. A comparison of the resolution provided by that map, with reality, is shown below in Figure 1.

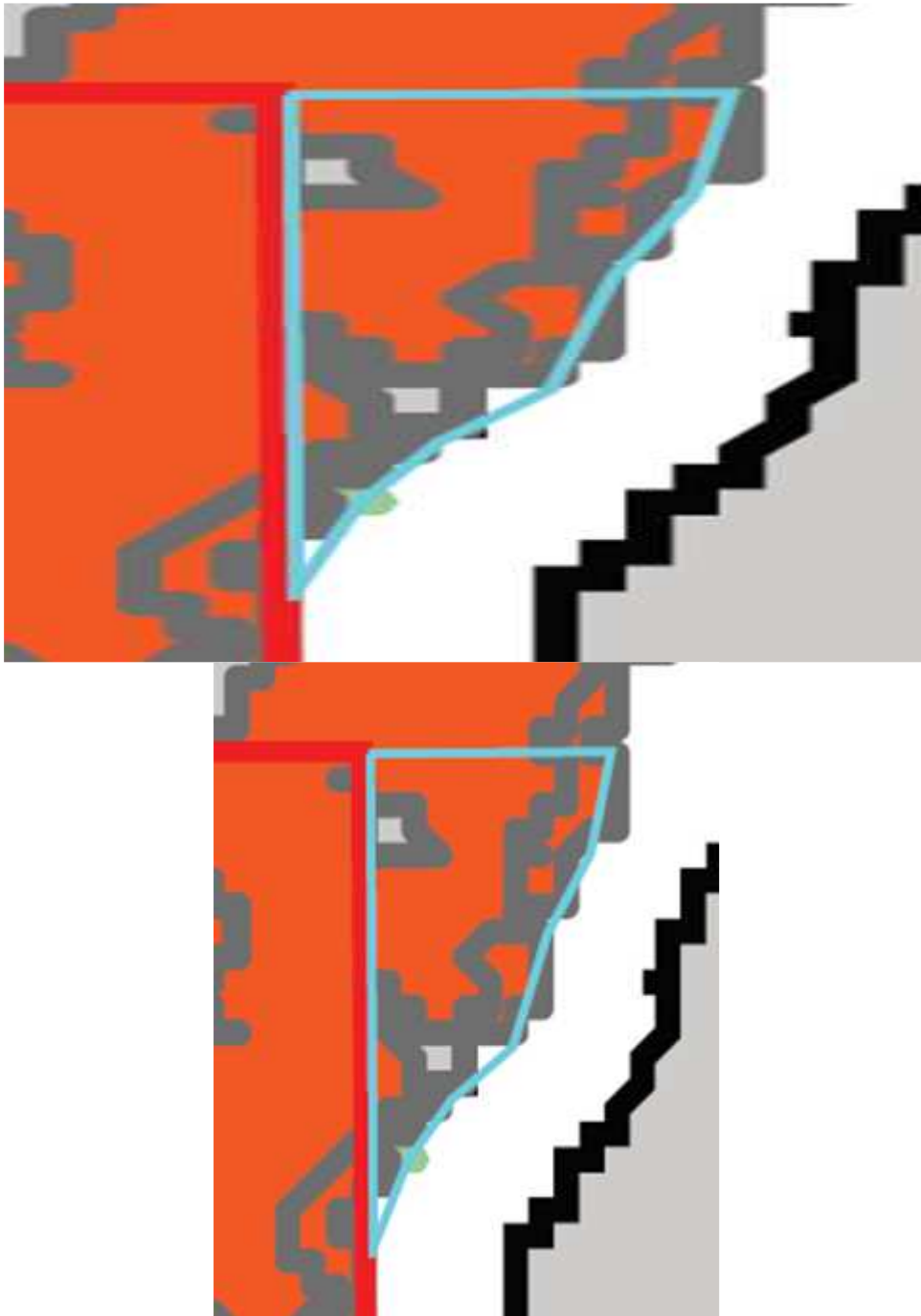


Figure 1. Comparing appearance of Reality (Left) being PEL 461 (red outline) wrt the Exclusion zones, compared to the Resolution available on O CSG provided map (Right) where PEL 461 is shown necessarily superimposed in Blue. These images are shown in more detail in files attached.

It is essential that Planning and Infrastructure make such plans available, and as readily available as the BSAL, Stage 2 and CIC mapping, preferably on an interactive webpage, to enable interrogation and utilisation of that information by both the community and industry. (Any references to such

information being available from local Government bodies and to be found within respective and multiple, multifarious LEPs is entirely inadequate for compliance or industry performance of its exploration obligations or intentions.)

3. While information on the initial Exclusion Zones referred to the residentially zoned lands and a 2 km buffer surrounding those lands, the Stage 2 Exclusion maps show only the excluded residential lands. To present the information and to avoid ambiguity, mapping must be made available clearly showing both the excluded residential land and its formally defined 2km buffer and the date on which the map was prepared and clearly stating whether or not the Exclusion Zones are subject to amendment at any possible future time or are final for the purposes of the SRLUP.

This last point is important, because the situation still appears to exist, that companies can be granted titles and expend funds in good faith, on resource exploration on areas outside the Exclusion Zones, only to have those areas subsequently excluded from further exploration or development. The protections to Titleholders are not evident with the Policy or its application.

4. Clear, brief documentation needs to be provided to enable Regulators, the Community, Landholders and Industry to understand which resource industries are subject to the various impacts of the Policy, and apply it to their ongoing activities. At this time there is no obvious single document that unambiguously explains
 - a. what exploration and development,
 - b. in which resource Classes,
 - c. is permitted on the relevant, often overlapping land classifications. For example
 - i. what natural resource activities are permitted and what are excluded in Exclusion zones for residential land zonings and their buffers
 - ii. what natural resource activities are permitted or excluded in CIC areas, and
 - iii. what natural resource activities are permitted in BSAL areas eg Exploration (unhindered?) and Development (where it operation may subject to the Gateway Process, involving stricter (as yet undefined) regulation or in certain unacceptable circumstances (as yet undefined) prohibition.

The suggested document should consist of no more than two pages and be suitable for the explanation of the Policy to both senior management, professionals and the community. That document should exist as a formal Schedule under the Policy and be the document on which investment decisions can be based.

That same document should include the restrictions on exploration and development imposed by National Parks, (which are sometimes depth limited) and State Conservation Areas, which allow the development of various mineral resources, but which appear on the presently available Office of CSG map to be shown as the same thing.

5. The initial advice from Planning & Infrastructure was that Local Government would have the right to reduce or restrict such Exclusion zones as might be determined by Planning & Infrastructure. It was not made clear at that time, was that the present situation which Planning & Infrastructure now advise, being that as no Local Government sought to vary the exclusion zones when they were subject to comment, they may not do so in future. That is, that what was considered a right going forward, was in fact a once only opportunity. Local Governments should have an ongoing ability to reduce the restrictions if communities see fit and that should be formalised in relevant LEPs.
6. The Office of CSG seems to have a regulatory role to protect the community and to ensure the compliance of the Titleholder with its obligations, but not a corresponding role to protect the Titleholders defined rights and enforce the communities obligations. Providing both responsibilities would ensure balance and progress.

7. The process of having to certify a site as BSAL or not to either prevent development or enable development seems to be unnecessarily cumbersome and appears to imply that its necessary to have each and every site certified enable exploration to take place. This matter needs clearer explanation and if necessary some degree of simplification such as only needing to certify if it is sought to change a sites designation as BSAL or not.
8. The rational for excluding such activities as CSG production from 'Strategic' Agricultural Land is itself a conundrum when many of the areas identified at 'Strategic' are no more than simple grazing land and clearly the CSG activities to date have confirmed that CSG production is fully compatible, if properly implemented with appropriate guidelines with both intensive and extensive agriculture not only in the rest of the world but also in Australian experience to date. The very definition of agriculture is itself very wide and clearly includes some types more or less easily compatible with CSG. Consider the definition of agriculture below....

Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land) the use of land as grazing land meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes and 'agricultural' shall be construed accordingly.

On the other hand the co-existence of many forms of agriculture with Coal mining really depends on the type of coal mining.

9. The distinction, between gas gathering pipelines in buffers zones and residential lands and gas distribution pipelines in residential lands, is difficult to comprehend and warrants explanation to justify.

In summary the documentation needs improvement, the implementation needs simplifying and the rationale of the policy needs to be fine tuned.

Thank you for considering the above representations towards the implementation of the BSAL, Stage 2 Exclusion and CIC parts of the SRLUP. Should further information be required please contact the undersigned.

Regards,

Malcolm Bocking

**Director, Principal Geologist
Bocking Associates CBM Pty Ltd**

Bocking Associates CBM Pty Ltd

ABN 33 103 769 008

8 Tahlee Close

CASTLE HILL,

NSW, 2154

Phone 02 9680 7709 (61 2 9680 7709)

Mob 0427 408 430 (61 427 408 430)

Fax 02 9680 7701 (61 2 9680 7701)

E-mail malcolm.bocking@bacbm.com

The information contained in this email message may be confidential. If you are not the intended recipient, any use, interference with, disclosure or copying of this material is unauthorised and prohibited. If you have received this message in error, please notify us by return and delete the message and any attachments. Further enquiries/returns can be sent to malcolm.bocking@bacbm.com