



## **Submission to the NSW Department of Planning and Infrastructure re:**

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

**From: No CSG Gilgandra District Inc**

**31 October 2013**

#### **Background:**

The group "No CSG Gilgandra District Inc" (NCSGGDInc) was formed on May 5<sup>th</sup>, 2013 by members of the Gilgandra Shire community who had become alarmed at the rapid expansion of the coal seam gas industry in NSW, particularly with reference to the Queensland experience of this industry. NCSGGDInc held its first public meeting of over 200 people in June 2013. The group has a major educational emphasis and now has 118 financial members, 281 on its emailing list and 182 Facebook followers. Our membership includes farmers, professionals, business owners, town and village people. The main shire township, Gilgandra is completely reliant on bore water for the town water supply and rural enterprises surrounding Gilgandra as well as satellite villages are likewise reliant on the excellent groundwater available here, some of which originates in the Great Artesian Basin. **Surface water cannot take the place of the ground water in this region.**

To address **the New South Wales State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2013 under the Environmental Planning and Assessment Act 1979**, NCSGGDInc wish to make the following points:

#### **Biophysical Strategic Agricultural Land and the Gateway Process**

The exclusion of coal seam gas (CSG) activity, including a 2 km buffer zone, from residential areas, which took effect on the 4th October 2013 is a step in the right direction for common sense management of the expanding CSG industry. However NCSGGDInc is massively disappointed that:

- People who have chosen to live outside residential zones and do not farm in the Hunter Valley critical industry clusters of equine or viticulture categories have far fewer rights than those people who do. Surely this is an unjust assigning of civic rights "haves" and "have nots" of epic proportions. Farm houses and rural residences outside the specified zoning have the looming spectre of gas wells 200 metres from the principal residence or just 50 m from the garden fence despite many of these residences being built and supporting productive industries long before coal seam gas extraction was technically viable.
- R5 designated land in the local council LEPs has been left out of the exclusion and buffer zoning. This will no doubt affect the planning expectations of many towns where R5 zoning was assigned before this amendment (with its associated ramifications) was drafted.
- The 2 km buffer zone has not been applied to the equine and viticulture Critical Industry Clusters (CIC).
- Resource development companies that own areas within CICs (before 10 September 2012) have been given "the opportunity to be removed from the CIC. Removal from the CIC means

that the property is exempt from the CSG exclusion zone and is no longer subject to the Gateway Process for mining projects unless the land is also biophysical strategic agricultural land." (1.) Either a Critical Industry Cluster is critical or it is not. Consistency here is essential. We question the scientific and evidentiary basis for arbitrary decisions such as the one taken in relation to Critical Industry Clusters. Decisions such as these continue to deliver uncertainty for all parties involved, residents, landholders and proponents alike.

- The Biophysical Strategic Agricultural Land (BSAL) mapping is very incomplete. It appears that the government has undertaken a rushed and ad hoc mapping process, and has shifted the burden for addressing the shortcomings in the BSAL maps to landholders. This is entirely unreasonable and unfair, not to mention costly. The state asset of productive agricultural land is there, and should remain so, for generations to come and should be identified, mapped and safeguarded by the State, not by individuals with personal, and often, misanthropic interests.
- Once the Gateway process is invoked for a new mining or CSG development, the Gateway Panel has only the right to issue a certificate without conditions, or to issue a certificate with conditions. The Panel does not have any power to protect that especially classified, prime, highly productive land from a mining development. The inability for the panel to say "NO" to a mining development is absurd after the amount of effort expended to identify the area as exceptional quality for another competing land use in the first place. The Gateway must have a gate.

### **Regulation and Policy Amendments in General.**

With every layer of amendments are always associated "escape" clauses making possible, many exceptions to all the apparent, newly amended "rules". Examples of this are:

- mining companies that own land within a critical cluster zone before the 10 Sept 2012 may opt out of the exclusion zone. This is ridiculous because it fragments the critical cluster (either it is critical or it is not) and you are allowing a mining company's business driven determination to nullify the Governments common sense, state benefit based decision.
- The ability of the Director-General of the Department of Planning to have the discretion to decide BSAL. Either the land does fulfil the BSAL criteria or it does not and the Director General cannot change this fact. Entrusting too much power to one person (like the recent Clause 3A issues in NSW) is very unwise and open to corruption.

Change is inevitable over time but allow the future population to deal with it rather than making regulations that are equivocal.

### **The Broad Picture:**

In history the inconvenience of a few for the "greater good" has been repeated many times and it can be argued that mankind has prospered and progressed because of the sacrifice of a few for the advancement of many. The ongoing and accelerating development of the CSG industry **should not be one of those pages in history**. This industry perpetuates :

- The industrialisation of the landscape including scarce Australian agricultural land resources and environmental habitats, giving rise to conflict with current land use.
- The potential (still largely undetermined) degradation, of the environment including water resources, soils, air as well as flora and fauna (including human) health. (2.)
- The burning of ever more fossil fuels when the science of the day is gaining more and more evidence to state that this is counter to the sustainability of life on this planet as we know and enjoy it today.

The NCSGGDInc would like to see the NSW Government take a proactive approach to:

- Manage resource use (land, water, biodiversity and community) in NSW based on long term goals of sustained industries that do not require the net degradation of the states assets.
- Stop the rush and oversee the development of mining, CSG and agriculture industries in a balanced way that will ensure the ongoing, broadly based, productivity of the State.
- Steer political will toward solving the energy transition to renewables rather than continuing to rely heavily on the fossil fuel industries for energy and state income. New energy industries will generate wealth too. Surely the most effective way to reduce carbon emissions is to slow and finally stop the removal of fossil fuels from their sequestered state.

To gain the confidence of the NSW public, long term, transparent, planning is essential. Change is inevitable with time but a clear vision about where NSW wants to be in 25 years may make the difficult decisions required more obvious and simple to dictate and enact. This would be superior to the short term, economic imperative, panic driven development, that is currently taking place. And in this clear plan, the equality of rights for every member of the NSW population must be assured.

#### References and Websites (at 1 November 2013):

1. Mining and Coal Seam Gas Fact Sheet for the Final Stage in the Critical Industry Cluster Data Collection.  
[https://majorprojects.affinitylive.com/public/0c176e30acbab5e3da1712d107968aa4/Fact%20sheet\\_%20Mining%20and%20coal%20seam%20gas%20for%20Critical%20Industry%20Clusters.pdf](https://majorprojects.affinitylive.com/public/0c176e30acbab5e3da1712d107968aa4/Fact%20sheet_%20Mining%20and%20coal%20seam%20gas%20for%20Critical%20Industry%20Clusters.pdf)
2. NSW Chief Scientist and Engineer, "Initial report on the Independent Review of Coal seam Gas Activities in NSW", July 2013
3. SRLUP Frequently Asked Questions: Introduction of Gateway Process & Gateway Panel  
[http://www.planning.nsw.gov.au/Portals/0/StrategicPlanning/CoalAndGas/FAQ\\_Gateway\\_assessment.pdf](http://www.planning.nsw.gov.au/Portals/0/StrategicPlanning/CoalAndGas/FAQ_Gateway_assessment.pdf)
4. SRLUP Frequently Asked Questions: Feedback sought on mapping of additional coal seam gas exclusion zones.  
<https://majorprojects.affinitylive.com/public/e108fcd61467e0df4e86b6fd437af3f8/FAQs%20Stage%20two%20exclusion%20zones.pdf>
5. NSW State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2013 under the Environmental Planning and Assessment Act 1979 2013 No 581. <http://www.legislation.nsw.gov.au/sessionalview/sessional/epi/2013-581.pdf>
6. NSW 2013 No 578, Environmental Planning and Assessment Amendment (Gateway Process for Strategic Agricultural Land) Regulation 2013 under the Environmental Planning and Assessment Act 1979  
<http://www.legislation.nsw.gov.au/sessionalview/sessional/sr/2013-578.pdf>