

THE  
**MANNING ALLIANCE INC.**

**“Working Strategically with the Community to Avert Coal Seam Gas Extraction in our Valley.”**  
Information Centre: 89 Isabella St Wingham. PO Box 470 Taree NSW 2430. [www.manningalliance.org.au](http://www.manningalliance.org.au) Project Blue Hotline (02) 65505853  
Patron: Di Morrissey

**“IT’S TIME TO CARE”**

**8 November 2013**

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

**Draft amendment to the State Environmental Planning Policy (Mining, Petroleum  
Production and Extractive Industries)**

***SUBMISSION***

**Peter Epov  
Chairman**



**A view of the Manning Valley**

# 1.0 The Manning Valley

**Patron of the Manning Alliance and one of Australia's best selling authors, truly a national icon, Di Morrissey:**

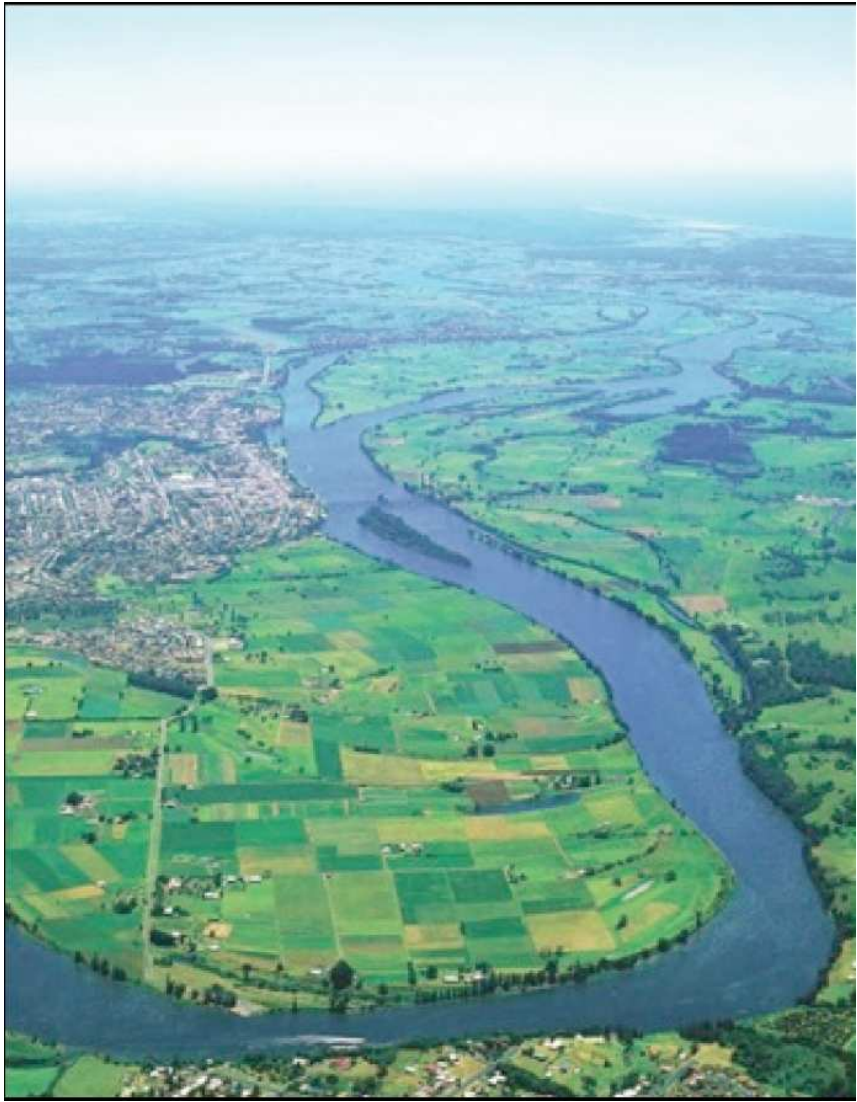
*"Turn off the fast lane, take a breath and meander. Pause awhile and discover the secrets of the Manning Valley.*

*You'll find the remnants of an ancient riverside rainforest close to the main street of Wingham, which is matched in appeal by the welcoming warmth of the locals in the main street who enjoy pausing to have a yarn with visitors. They are proud of their heritage town surrounded by beautiful bushland.*

*From the centre of Taree on the river there are scores of villages and localities in the Manning Valley - beautiful coastal towns with lagoons, lakes and glorious reaches of the river meeting the sea; the quaint and quiet inland villages that serve the farms rolling over the river flats and surrounding hills; the dramatic scenery of the mountain country; the wildlife to be glimpsed in forests.*

*And while our past history of pioneering days seems very close, so too we see a promising future in growth and prosperity as families choose to make the 'tree and sea change' from over crowded cities.*

*As a visitor you'll appreciate the quality of lifestyle, the beauty, the people that make the Manning Valley so special. I grew up here and have returned, feeling very, very lucky to call the Manning Valley home."*



**Manning River near Taree**

## 1.1 An Introduction

The Manning Valley is situated less than three hours from Sydney. Surrounded by State and National Parks, interwoven with pristine springs, creeks and streams it is a unique area in terms of water catchment. The 250 km long Manning River with over 300 tributaries is fed upstream by the Avon River, Rowley's River, Nowendoc River, Barnard River, Little Manning River and the Barrington River which flows through Gloucester. Once the river reaches Taree it splits and the southern arm flows into the Pacific Ocean at Old Bar. The northern arm is joined by the Dawson River and the Lansdowne River, which meets the ocean at Harrington; hence the river has two separate entrances. It is the only split river delta system in the southern hemisphere, second only to the Nile in Egypt. It is one of Australia's few large river systems not to be dammed for water supply purposes anywhere along its catchment.

The local water supply is fed by Bootawa Dam, which is an offsite dam, however, water is pumped from the river to the dam whenever river turbidity and flow levels can allow. MidCoast Water is the local Water authority. It has in excess of 28,000 customers. The balance of the Manning Valley community rely on tank, stream, creek and river water for their survival. Thus the very significant relevance of the Manning River to a population of over 90,000 people.

The Manning Valley attracts over 250,000 tourists per annum, who come to enjoy our local beaches, rivers, mountains, waterfalls, lake systems, fishing, hunting, shooting, and all the natural beauty of the area. Manning Valley Tourism has achieved record results with their ***“Unlock the Secrets”*** and ***“Manning Valley ... naturally”*** campaigns.

Tourism is a major industry in the Mid North Coast. According to Travel by Australians Report June 2009 (TRA) compiled from quarterly reports of the National Visitor Survey (NVS) spending by *domestic overnight visitors*, the Mid North Coast of NSW rated 3<sup>rd</sup> highest in all the regional areas with a \$1.4 billion spend, behind the Sunshine Coast and then Tropical North Queensland. Over 2.952 million visitors came to the Mid North Coast and they stayed in excess of 11.704 million over night trips. The Manning Valley is at the entrance to the Mid North Coast, our tourism supports 2600 jobs and over 1000 tourism businesses. Official estimates value tourism at in excess of \$160 million in 2012.

Retirees and tree changers flock to the region as the land is reasonably priced, with good amenities, with clean air and ample access to unspoiled recreation activities.

The area boasts agricultural pursuits from dairy and beef farming, organic vegetable and vegetable production, cheese and yoghurt production, wine making, turf farms, nut orchards, cut flower production, fishing, prawning and oyster farms. Our pristine water flows from the mountains where native flora and fauna abound.

Many species of crustaceans, amphibians and marsupials are threatened or endangered. Of these, many aquarian species rely on the purity of the Manning Valley's waterways. MidCoast Water supports Platypus Conservation as platypus populations which thrive in the Manning Valley, are declining across the State. The quality of water in tributaries of the Manning River is second only to the melting snow caps in Kosciusko National Park.

In April 2013, water from Mid Coast's Bootawa Dam water was announced as the inaugural winner of the NSW Taste Test Competition held in Canberra at the annual Water Industry Operators Association Conference. Bootawa dam is fed by water pumped from the Manning River.

Subsequently in June, the Australian Water Industry Operators Association conducted a comparison between Queensland's best tasting water which was from the township of Ayr (Burdekin Shire



Council) and water from Mid Coast's Bootawa Dam, with the result that the Mid Coast water was judged as the best of the two states (see front page articles below).



## How sweet it is!

Manning water tops the State's taste test

It is official - MidCoast Water's Manning water supply customers have the best tasting water in NSW.

MidCoast Water has been named the inaugural winner of the NSW Water Taste Test competition, held in Canberra as part of an annual Water Industry Operators Association conference, with its sample from the state-of-the-art Bootawa Water Treatment Plant.

The plant, which has been operational for two years, uses a membrane filtration process to ensure the highest quality water for customers.

The plant serves communities from Crowley Head in the north to Pacific Point in the south, and covers the major centres of Taree, Tuncurry, Wingham, Old Bar and Halls Head.

The competition was held as a fun and exciting way of raising awareness of the State's drinking quality and to recognise the efforts of local water service providers in delivering valuable water services to their communities.



Cheers to a good year! MidCoast Water's Bootawa water treatment plant operator Geoff Kerr, MidCoast County Council chairman Neil Huggitt, general manager Robert Loadman and executive manager of infrastructure development, Bronson Fisher toast the county council's win in the Inaugural State water taste test.

MidCoast Water's Bootawa Water Treatment Plant, which has been operational for two years, uses a membrane filtration process to ensure the highest quality water for customers.

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The competition was sponsored by Orica and supported by the Water Directorate and is a further in the cap of the team at MidCoast Water who have worked hard to deliver high quality water.

Mr Loadman said the award was a great accolade for the hard work of our staff, and the investment we as an organisation have made in improving water quality for our customers.

"We only have a small team operating the facility as it is very pleasing their hard work and conscientious approach to meeting

## Blue ribbon drop!



Here sweet it is - a double victory: MidCoast Water general manager Robert Loadman with members of the team at Bootawa treatment works, Geoff Kerr, Craig Stone and Jason Zahed. The winning water sample was taken from Jason's house at Forster. The team was the winner for the NSW competition and the trophy for the State of Origin title.

While the rest of the State celebrated the 146 defeat of Queensland, the Manning's water was being tasted, coming out on top of a taste test with our northern neighbours.

After winning the best tasting water in NSW five times, samples from MidCoast Water's state-of-the-art Bootawa Water Treatment Plant were pitted against Queensland's best at the Gold Coast.

"This competition is a great way of raising awareness of the quality of our drinking water and to recognise the efforts of the water operators who work hard to deliver valuable water services to our communities," general manager Robert Loadman said.

"The Bootawa Water Treatment Plant, which has been operational for two years, uses a membrane filtration process to ensure the highest quality water for customers."

The plant serves communities from Crowley Head in the north to Pacific Point in the south, and covers the major centres of Taree, Tuncurry, Wingham, Old Bar and Halls Head.

The competition was initiated and conducted by the Water Industry Operators Association, an industry association with the primary role of facilitating the collection, development and exchange of quality information between people undertaking operations in the water industry.

Representing Queensland in the challenge was the Bundamba Council, which won the 2012 Queensland Best of the Best Queensland Water Taste Test.

Mr Loadman said the award was a great accolade for the hard work of our staff, and the investment we as an organisation have made in improving water quality for our customers.

MidCoast Water staff project managed the construction of the water treatment plant and we are particularly proud of the way in which we, as a smaller water utility, were able to use our in-house skills to manage such a large and important project for our community.

"We only have a small team operating the facility as it is very pleasing their hard work and conscientious approach to meeting

Manning water takes out State of Origin taste battle

Continued on page 2

Malcolm Nix retires after 45 years in vital services PAGE 2

### 1.1.1 Future Growth and Potential

Given the Manning Valley's proximity to Sydney (less than 3 hrs. drive), the future growth and population density of Sydney, the Central Coast and Newcastle, the Manning Valley is a major State asset, which represents significant future population growth potential.

In less than a decade there will be a distinct imperative to decentralise Sydney. As business practices change and a great focus is placed on people working from home life style locations will become a premium much sought commodity. The Manning Valley is ideally placed to become the next major lifestyle centre in NSW.

For very similar proximity and lifestyle reasons the Manning Valley will also continue to grow as a major tourist location in NSW.

The quality of our water, our land, our river systems and our consistent annual rainfall, ensures that we can grow and provide "clean" and fresh food, and again, our proximity to Sydney and thus to market, will warrant that the Manning Valley will become a major food production zone (food bowl), not only for Sydney, but for the entire State and internationally.

Our location and proximately to Sydney defines the region as being ideally placed to become a major transportation hub for the transmission of goods to and from regional areas and between Sydney and Brisbane.

The future growth, potential and relevance of the Manning Valley to this State must not be underestimated for short-term, expedient and dubious economic returns from extractive industries.

## 2.0 The Manning Alliance Inc

The Manning Alliance was formed in 2011 as a result of a series of public meetings and information nights held in the Manning Valley, for Landholders, Farmers, Business Owners and other Members of the Community. *“Our Goal is to preserve the Agrarian Amenity of the Manning Valley for Future Generations!”*

The Alliance is a non-profit, volunteer based, community service, incorporated association, **which is not affiliated to any political party, nor any politically motivated organisation.**

The comments and views expressed in this document reflect the clear and unreserved opinion and concerns of The Manning Alliance Inc., and the thousands of community members of the Manning Valley who have attended Public Meetings and Information Forums pertaining to Strategic Regional Land Use Policy, Landholder Rights and the disturbing and ominous growth of extractive industries on: prime agricultural, food producing land, encroaching on regional towns and cities, and the unchecked health, social and environmental consequences which flow from this pandemic.

In 2011, the Alliance was heavily involved in advocating community opposition to Coal Seam Gas Extraction. Through this advocacy the Alliance was able to secure a hearing in Taree by General Purpose Standing Committee No 5, which was inquiring into Coal Seam Gas and the environmental, economic and social impacts of CSG activities, including exploration and commercial extraction activities, allowable under the NSW Petroleum (Onshore) Act 1991. The Alliance was invited to give evidence at this Hearing and indeed the Committee’s Final Report includes a number of references to evidence given by the Alliance and it’s members.

Between 2012 and 2013, the Manning Alliance was heavily engaged in community advocacy regarding electricity prices, the gold plating of electricity networks and the construction of unnecessary electricity infrastructure, which was adding a heavy burden through spiralling electricity prices on the lives of the ordinary citizens of NSW.

As a direct consequence of our strategic work in bringing key issues to the national stage and indeed placing electricity prices on the national agenda, the NSW Government established an Inquiry into Transgrid’s proposed \$160 million transmission line from Stroud to Taree, with the result that the project was found to be unnecessary (as argued by the Alliance) and ultimately abandoned.

Our work has been extensively recognised through our Local Media (Manning River Times, Wingham Chronicle, NBN, Prime 7, Radio 2RE, ABC Mid North Coast) the Fairfax National Media including:

The Sydney Morning Herald, The Melbourne Age, the Canberra Time and the Brisbane Time as well as through a recent program on **Australian Story** entitled: *“Corridors of Power”*.





The Alliance has also consistently argued and opposed Transgrid's proposed \$250 million high voltage transmission line from Dumaresq to Lismore. Subsequently, and in part as a consequence of the findings of the Rollinson Inquiry into the Stroud to Taree High Voltage Line (through the advocacy work of the Manning Alliance) the Dumaresq to Lismore Transmission High Voltage line has also been abandoned.

The result of these two outcomes alone will mean that the people of NSW will not be funding over \$410 million in government borrowings with the downstream effect that electricity prices will have to fall as the annual 10% regulated return on these projects will not be added to the public's electricity prices in future years.

The Manning Alliance is a responsible community organisation, which examines, represents and expresses the views of our membership and to a significant extent the broader community of the Manning Valley on issues such as Strategic Regional Land Use Policy, Landholder Rights, Coal and Coal Seam Gas Extraction.

We advocate and represent the interests and concerns of mainstream Australians as seen in the images below.



**Manning Alliance Meeting August 2013**



**Manning Alliance Meeting March 2012**

On 18 July 2013, in a packed Wingham Town Hall with hardly any standing room, over 350 attendees unanimously voted for all political parties to support the introduction of legislation that will enshrine the right of all landholders in New South Wales to incontrovertibly refuse access to mining and exploration companies. The following motions we unanimously passed!

#### **Motion 1: To the NSW Liberal Government**

WE the attendees of the Wingham Town Hall meeting of 18 July 2013 support the indisputable right of all landholders in New South Wales to refuse access to mining and exploration companies. Further, we call on the NSW Government to immediately introduce legislation that will enshrine the right of all landholders in New South Wales to incontrovertibly refuse access to mining and exploration companies desirous of entering their properties.

#### **Motion 2: To the NSW National Party**

WE the attendees of the Wingham Town Hall meeting of 18 July 2013 support the indisputable right of all landholders in New South Wales to refuse access to mining and exploration companies. Further, we call on the NSW National Party to immediately introduce legislation that will enshrine the right of all landholders in New South Wales to incontrovertibly refuse access to mining and exploration companies desirous of entering their properties.







## 2.1 The Manning Alliance Position on Extractive Industries.

Whilst we recognise that politically there is a perception that there are economic benefits from the extraction of certain mineral and petroleum resources the process should never override the triple bottom line assessment which the NSW Government promised the people of this State, nor should the Government compromise nor abandon the universally recognised, science based “precautionary principle” as it relates to our environment and our biodiversity.

Risk Assessment, Risk Management and mitigation now permeates through all levels of our business, government and our lives, yet when it comes to the future survival of our land, our water our air, our nation and our people, our Governments’ abandon these principle for very dubious short term economic gain which ultimately cannot even be effectively tracked or balanced as making a “critical contribution” to the people of the State.

Simply put, if there is no **“critical imperative”** for the application of dangerous and destructive incident ridden extractive industries such as unconventional coal seam gas extraction then the “precautionary principle” should always apply. The issue is not about creating a balance between mining and agriculture nor about creating a balance between sustainable development and economic benefits, these are merely superficial arguments and deliberate distractions, which mask the real issue and indeed the question which permeates through the minds of most reasonable Australians:

**“Why does our government need to deliberately place our land, our water, our stock and our people in harms way, with risky, immature, toxic industrial processes, which serve only to fuel the economies of foreign countries and large and significant multinational corporations? It makes no sense!”**

Neither does the assertion nor the justification that “extractive industries bring potential investment and employment benefits for regional communities. *“One does not cut of the left arm to make the right arm stronger”*. The risk with extractive industries such as unconventional coal seam gas extraction does not in any way, mitigate, balance or better the reward.

Unlike a number of countries around the world, Australia is not in a situation where we are in a desperate or dire need for extracted fossil fuels we have significant offshore natural gas reserves, and there is no justification to risk or compromise our land, our air, and our water, it is just irresponsible and history will review and merciless condemn this generation (and our governments) as has happened with tobacco, and asbestos.

Governments’ addiction to economic expedience, such as the promotion of unconventional coal seam gas extraction and coal mining is clearly as a result of a lack of innovative and effective economic polices. Policies which will only serve to contribute to increased global warming (from other nations) in order that we can import more cheaper toasters and hair dryers to fuel our “cosmetic and disposable” economy. A national economy that is now so fragile and perilously positioned that we need and encourage people to spend every day.

It is our considered view that there is no social licence, nor any support of substance, for Coal Seam Gas Extraction in the Manning Valley!

Our Community, is particularly concerned at the potential introduction of Coal Seam Gas Extraction in the Gloucester Valley and at the indecent expansion of Coal Mining in the region; both of which we believe (in the absence of any qualified guarantees), may have dire consequences on the entire Manning Valley; our water supply, our agricultural land, our food production capacity, our tourism, our industries and businesses, social and health consequences and our “Australian” way of life.

Our community is particularly frustrated with broken promises and an out-dated system which is not reflective of 21<sup>st</sup> century standards nor expectations, and which is allowing the Exploration and Mining Companies to have unfair, and unreasonable status over landholders and farmers who, in many instances, have farmed and worked their land for many generations. These community concerns, are not adequately addressed nor resolved by either the SRLUP or the SEPP 2013.

In 2012 the NSW Government received an overwhelming public response with over 2000 submissions to the draft SRLUP. This clearly demonstrated widespread community concern yet the Government continues to ignore the community's disappointment with the Gateway Process, the Gateway Panel and the Aquifer Interference Policy.

We understand that the NSW Farmers were *"bitterly disappointed to see that community feedback had been overlooked in the amended proposals"*.

We believe that the community disappointment will turn to outrage, which will only continue to grow and fester and regrettably it will manifest itself through direct action throughout 2014 and right up to the next NSW State Election.

Community sentiment is continually growing against Coal Seam Gas Extraction and even Coal Mining, as the public becomes better educated on all the potential consequences, and the fact that they see no real direct nor substantial tangible benefit from the risks of these dangerous and destructive extractive industries apart from the bizarre antics of the billionaires who own and control the business engaged in these industries.

Through the continual exposés on corruption associated with mining the public has lost confidence in the Government on this issue and in the regulatory, compliance and planning authorities.

We are not seeing legislation, or regulation, or indeed a process, which is skilfully crafted to minimise or reduce the scope for corruption with these emerging, cashed-up and very powerful multi billion dollar industries. Industries and their executives who are constantly lobbying and forcefully arguing through their positions and their status, for de-regulation, reduction in what has been termed as "green tape" in order that they may expediently fast track the harvest of a resource.

But at what cost? There is no guarantee that there will be no harm or damage to our land, our water, our air, the environment or humans and animals nor that the perpetrator will have the capacity to pay for the remediation. Harm, which could last for centuries. History has already proven that with major industrial environmental disasters, that it is always the humble tax payer who has to ultimately pay for subsidise the consequences with these environmentally speculative ventures. Ultimately what is the nett community or public benefit? History has also shown that the magnitude of environmental disasters from extractive industries continues to build and grow!

In a capitalist or a market based economy it should not be the role of government to take sides or to favour one side over another, in years gone by government understood and clearly was able to provide a balance between industry and the people. The circumstances are now totally skewed in favour of business and mining interests.

We have previously questioned the inequity of the NSW Government role of being the prosecutor, the judge, the jury and ultimately the final beneficiary when it comes to mining. This makes a complete mockery of Landholder rights.

Government assumes that they are the beneficiary, when it's the Crown that is the beneficiary, and the Crown is not just the Executive or the Government of the day, or the Parliament, but the Crown also includes the Judiciary and the People.

Governments role in the 21<sup>st</sup> Century has to be to protect the people; their ability to live, eat, work and not to disadvantage the people, it is also governments responsibility to protect the land, the air, the water and the environment, all of which are essential for our future survival and that of future generations.

The situation is not enhanced by unqualified efforts by the incoming Federal Liberal / National Government to refuel an energy and mining boom, but at what cost? It is widely accepted that Government should not meddle in how or when business should be making investment. Business understands when to invest and how and when to maximise cost effective returns, in the case of extractive industries, government's role should be to establish an effective regulatory environment that ensures that the community and the environment are not disadvantaged and there is a direct and significant tangible benefit to the people (of the State), and further that there is no direct or indirect detriment to other existing stakeholders such as: existing businesses, industry, the environment and the community.

We are particularly concerned that government meddling and intervention eventually leads to expanding the scope for corruption at both the political and the bureaucratic levels. And, as a result the community becomes the vehicle of exploitation.

As an example by giving greater power to the DTRIS in determining what are 'significant mineral resources' this is expanding and providing further scope for corruption to another level.

In Our Submission to the 2011 NSW Upper House Inquiry into CSG the Alliance highlighted and referenced our concerns regarding political and bureaucratic corruption. Clearly, those concerns have been validated through recent ICAC inquiries.

If the extractive industries are so critical, and so important, then they should be totally controlled, regulated, cautiously policed, **AND POLICED**.

The extractive industries should be introduced and evolved in NSW in a manner, which will have and create the least possible harm to our key regions, our water, our land, our environment, our people and our existing enterprises.

The extractive industries should be cautiously and progressively introduced and limited to locations that are least likely to have significant harm to land, water, environment, local communities and their existing characteristics, structures and economies.

At the present time the Government simply allows exploration to occur everywhere, and all over our State.

Exploration should be limited, and controlled. It should not just be through a process of accessing whether the region is "prime agricultural land" but through a structure which accesses all the relative merits and considerations determining **regions which are of State Significance**. Areas should be closed off as '**No Go Zones**', specifically areas which already have flourishing activities, economies, sensitive land and water characteristics which will be significantly jeopardized by the introduction of extractive industries. This is what the Coalition promised the people of the State before the last State election.



## **The Manning Valley is a unique Region which should not be compromised and exposed to the risk of Coal or Coal Seam gas Extraction.**

CSG extraction in NSW should be viewed and seen as experimental and should be strictly controlled. The risks are too great and it will be too late if significant damage is caused to our aquifers and particularly the water table below the Manning Valley.

Given our geographical outline, a CSG accident in the Gloucester or Manning Valley's could cause overwhelming damage to our pristine water, land, biodiversity and consequently upon our economy and way of life.

From a social perspective there is a significant stigma associated with CSG. Is it totally necessary to risk and impose CSG on a community and on an existing thriving economy, which is likely to suffer from such a stigma?

We live in Australia, not some third world dictatorship where foreign investments and interests dictate and impose on communities at will, or at the whim of government, without any due respect or concern for the implications on the people and the community.

Here in The Manning Valley we have not seen one single person marching down our main streets carrying banners and placards cheering and calling for unconventional coal seam gas extraction to be introduced, but we do have thousands who oppose this industry.

As such we need to be vigilant: to defend and protect our basic living standards and our way of life. We should never risk nor compromise the basic human requirements for air, water and food under any circumstances, particularly in a world which has a growing population, and the subject of food security and the availability of water will become critical!

We don't need to try and copy or emulate what is happening in the United States, in fact, given the condition of the United States at this time, whether it be socially, structurally, economically or in relation to Food Quality, Water Quality, genetically modified, and other serious environmental issues, we should be extremely cautious at introducing industries such as CSG.

A similar philosophy should apply to Asia and indeed, the rest of the world for that matter. As Australians, we should create and maintain our own values and standards, we must revere, treasure and respect the wondrous, rich and natural bounty that exists in this country and protect it at all costs for future generations. Our natural and bio-diverse environment is our future, our grandchildren's future and **"the Australian way of life"**. It's our way of life!

This is why we should not, and indeed we don't, need to jump into the mire of Coal Seam Gas Mining recklessly, and with some extreme sense of indecent urgency, as if it really is the end of the world and if we don't take up this opportunity, it will pass us by never to return. One argument is that perhaps we should let this opportunity pass us by at this time. The fact is that the world will always need energy, and we need not, nor should we, climb into that pit voluntarily. We should hold off until it is critical and a necessity, and there is substantial balanced scientific data which demonstrates with some degree of certainty that the industry is mature, respectable and responsible.

Nor should we be bullied into accepting and adopting unqualified and potentially indiscriminate technologies that other countries are prepared to adopt in desperation to feed and meet their national energy requirement. We don't need to compromise and risk the health of our nation, the health of our environment, the health of our land and the quality of our water.

Nor do we need to jeopardise the existing local economies by imposing a process which may, in fact, create a few "new" jobs, but will significantly impact upon and harm other existing and non compatible activities such as agriculture, animal farming, or tourism.

The politically touted “employment argument” with Coal Seam Gas Extraction has already been proven to be untrue and has very limited implications. This is exemplified in the “general mining industry” where we now have what has been described as a two speed economy, and the mining sector is robbing tradespeople from existing manufacturing and other industries. Clearly, if the demand for skilled labor becomes excessive then wages will rise, inflation will increase and our international competitiveness will fall and in a wide range of export sectors, including farming and agriculture. This results in no net significant benefit in employment, just robs Peter to pay Paul. Perhaps it might allow the government to maintain statistical appearances that new jobs are created, but it will damage the existing structure and our current and very limited manufacturing base.

Further, and perhaps of more significance, is the fact that unconventional Coal Seam Gas Extraction negatively impacts on communities. All surrounding industries such as agriculture, farming, tourism, construction and property values are significantly reduced. There are down stream effects and implications on construction. This is all before an “environmental accident” may occur! The experiences in the United States, Canada and now Queensland clearly demonstrate this!

The evolution of the ‘new unconventional Coal Seam Gas Extraction industry is, as a result, of America’s ongoing hunger and demand for energy. It is now their most immediate and expedient solution to feed their ever-growing energy consumption beast in order to retain profits for **their** corporations, **their** financial institutions and desperately prop up and maintain some level of economic activity. The United States is seriously struggling with severe social, economic and environmental consequences.

For decades the United States has squandered enormous oil reserves and is now desperately trying to balance its energy needs, which have been placed under severe stress by the dependency on imported oil from the Middle East.

Conversely, at the present time Australia does not need nor require the CSG industry for its own stability, growth and economy. We have sufficient energy resources and alternatives to fuel this country and its economy for many years to come.

Gas has been touted by a number of Federal Government Ministers and Professor Ross Garnaut as the most obvious alternative to replace coal powered electricity generation. Unfortunately it appears that this conclusion has been reached without due and proper consideration of all the relevant facts and proper due diligence. Studies from Cornell University in the United States are now questioning the value of unconventional gas over coal if measured through its full life cycle!

As more detailed study, knowledge and experience is emerging regarding the ‘new’ CSG industry there is significant and growing concern with all the down stream implications.

**Everything comes at a price! If it looks too good to be true – then it probably is!**

This ‘new’ unconventional Coal Seam Gas Extraction is immature and in the very early stages of its evolution. Most of the research and experience comes from the United States, where in recent times the environmental protection laws have been very ‘flexible’ and the research and experience has either been funded and or controlled by the major mining interests.

For a number of years companies such as Halliburton have claimed propriety ownership of patents and have controlled information regarding the chemicals (and their composition) which are used in CSG drilling. Authorities such as the EPA and other entities have been deliberately denied access to accurate information.

It appears that some of the chemicals that are used in the United States are not identified and even the drillers who carry out the practice do not really know, nor understand, the chemicals or what the implications are either to the environment or to themselves, as individuals who handle the chemicals.

This cone of silence and secrecy from the industry in the US has clear and significant implications on the industry here in Australia, an industry that has been educated on CSG by US engineers and executives. Our unconventional Coal Seam Gas Extraction industry is severely influenced, educated and updated by the United States model.

The secrecy element must clearly ring warning bells to any reasonable and responsible government agency or official. In the Halliburton experience, the company fought off subpoenas from the EPA for some considerable time, until executives were threatened with jail time.

These types of antics only serve to fuel greater concern within the community over the BTEX chemicals used in CSG.

Currently, United States is one of a few countries with substantial unconventional shale gas wells. Its corporations own and control a significant part of the knowledge and experience with shale gas extraction. If their engineers specify particular products to be used in the process then the reality is that our engineers have followed, and may indeed continue to follow. A QLD Environment Minister admitted in a recent, television interview that he didn't know which chemicals are being used in CSG drilling, but he believed that they were "safe". Such an admission is inexplicable, but the lesson to be learnt from this is if a government minister doesn't know what is going down the shaft how is a driller or the local engineer expected to know and understand, particularly if the product that they use is not labelled properly or is described as "secret".

The public does not see the sense in it. More importantly, they can not understand nor accept that the government can and does allow this very dangerous and hazardous process of "fracking" to be utilised, in a time when the public have been progressively educated towards understanding environmental concerns which face our planet. The public has been encouraged and regulated to be environmentally conscious and responsible!

Our State governments have allowed companies to drill and sink bores thousands of metres below the ground, then pump thousands of litres of hazardous and toxic chemicals mixed in with millions of litres of water under high pressure to fracture the coal seam and effectively cause what has been described as a "mini" earthquake, a process which rather indiscriminately, and with minimum control, releases methane gas which hopefully travels back up the same pipeline.

The industry claims that it pumps all the water (and chemicals) back to the surface for disposal yet on a recent American TV series known as "Licence to Drill" shown on ABC 2, a program developed essentially to glorify the drilling industry (both oil and CSG), a "fracker" is shown at the conclusion of the fracking process as saying "we're only going to get 20% maybe 25% of that water back. We've pumped in a couple of lakes..." (and laughs!). The obvious question is, "What happens with the other 75-80% of the water? In this specific episode the 'frackers' pumped in 25,000,000 litres of water and 1600 tonnes of sand down one well. Yet the industry claims that it pumps all the water out. A copy of this vision can be made available.

Currently, this type of activity is carried out without any independent overview or supervision with the only threat being if a company pollutes or has 'an accident' it may be fined and ordered to rectify the damage.



The CSIRO is on public record as stating that to rectify damage to aquifers from unconventional Coal Seam Gas Extraction may take up to several hundred years. And someone is yet to explain 'how do you rectify a poisoned aquifers?'

In legal terms the usual remedy for damages is a fine and an order for rectification. Following the same logical approach what is the process to rectify poisoned aquifers, springs, streams, creeks, ponds and rivers. **A fine is not, and will never be, a suitable remedy!**

Unconventional Coal Seam Gas Extraction is a 'new' industry in Australia, essentially in its embryonic stage of evolution; and there is very little published local information, or studies which have been carried out, that can reasonably substantiate that unconventional Coal Seam Gas Extraction is safe.

Conversely, there is significant and available evidence both in the USA, Canada and now Queensland (and know in NSW – Pilliga) that demonstrates that incidents and "accidents" occur regularly, confirming the allegation that the process is unstable. Further, it appears that there is very little published literature which clearly outlines and understands all of the relative implications of the fracking process. There is a limited degree of predictability, but it by no means is certain nor accurate.

In Australia thus far we have resisted the temptation of the introduction of nuclear power generation, and with good reason, given the recent experience in Japan at the Fukushima Plant. This incident clearly demonstrated that the 'experts' did not, and could not, get it right!

Global mining and extractive disasters are becoming more significant and prominent. The risks of unconventional Gas Extraction can have disastrous consequences. Our land must be properly protected and insulated in a manner, which will have and create the least possible harm to our key regions, our water, our land, our environment, our people and our existing enterprises.

## **Sustainable Development**

Manning Alliance believes that any mining or associated infrastructure within NSW should be developed in accordance with Ecologically Sustainable Development (ESD).

Before ESD can be introduced, in the planning process it is imperative that documented base-line statistical data is established by an independent body before any approvals are given.

This would include legislative provisions for:

- The precautionary principle;
- Inter and intra-generational equity;
- Conservation of biological diversity and ecological integrity;
- Internalisation of environmental costs; and
- Polluter pays principle.

### 3.0 The SEPP

***Overall there is still no protection of Strategic Agricultural Land, and there is no certainty for landholders or business operators within those areas. Their land is not protected in any way from CSG exploration or mining and, as a result, there is no incentive for sustainable growth of the agricultural industry within SAL.***

The SEPP must be expanded to enable the Panel to take into account impacts of proposed CSG development on the commercial operations, productivity, value, reputation and growth potential of critical industry clusters.

Further, the Gateway process is not initiated until **after exploration**. Exploration for unconventional coal seam methane gas involves drilling through fresh water aquifers to the contaminated coal seam aquifers beneath. Not only is there the risk of contamination, deflation or reduction of the fresh water aquifers, the exploration process also involves the hydraulic fracturing (fracking) of coal seams with its many attendant environmental risks. These risks are particularly **“significant” when undertaken in proximity** to underground coal mining.

#### 3. 1 The Public Process.

Without much fanfare the NSW Government has recently placed on exhibition for a miserly period of 30 days its amendments to the State Environmental Planning Policy (**SEPP**) which will expose practically the entire State to Mining, Petroleum Production and Extractive Industries.

Our community is angry and bitterly disappointed that the Government has only provided 30 days for public consultation. In the 21<sup>st</sup> century the keys to good corporate governance are: **transparency, inclusion and reasonable consultation** – the government has struck out on all three.

To add insult to injury it appears that the Department's website has been restructured and rather than it being easier to navigate it has become more complicated and difficult to find anything. Clearly this seems to be part of the new culture and the agenda of minimising information to the public – we guess the Government believes the less we know the less we can criticize!

It is just incredulous, that on something as critically important as the future of our food production, our prime agricultural land and our water catchments, the Government, after 31 months of procrastination, has only given the public one month to respond.

Unfortunately, we have to assume that this is a total sellout to the mining industry and whilst they rollout Ministers and Members of Parliament to tell us that we have the toughest regulations for CSG in NSW, the simple fact is that the regulations are still not very good and only offer minimal if any protection to our acquirers, our river systems, our prime agricultural land, our food production capacity and indeed to our health and our way of life.

Clearly the recent amendments are focused and structured away from minimising social and environmental impact or from protecting and insulating, prime food producing land, and our river systems. If anything the approach is fixated on providing certainty for the mining industry and its investors.

What the Government is proposing is a grab bag of smoke and mirrors, without any tangible protection for landholders and food producers.

The Biophysical Strategic Agricultural Land Mapping (BSAL) is clearly incomplete and fails to adequately cover the entire State. From a local perspective the BSAL mapping only covers a very small portion of the Manning Valley, as such, much of the Valley and particularly our substantial agricultural land is deliberately exposed to Mining Exploration and Extraction.

There is no serious protection of the Manning River, our Dairy farmers that produce over 20% of the State's milk supply, our Oyster farmers, nor does it appear that Bootwa Dam is highlighted nor slated on the BSAL Mapping for protection. Cattai Wetlands is not identified for protection.

The BSAL maps are very difficult to read, they have very limited identifiable information and there are no explanations. There are massive gaps between the 2 km exclusion zones.

- Why has the Government only published Strategic Plans for the Upper Hunter and for the New England / North West Regions area but not for the Manning Valley, nor other key regions in the State?
- The approach has been very inconsistent and imbalanced, there are glossy 80 page plus Strategic Plans for the Upper Hunter and the New England / North West Regions but nothing for the rest of the State.
- If this is truly a Strategic Land Use Policy that is designed to protect our land and key assets then surely local input is not only relevant, but also vital to a precise process.
- The government should be actively encouraging specific local contributions; taking advantage of all relevant local intelligence and knowledge to produce a plan that provides public confidence and certainty – this is not the case here and not in 30 days!
- There is just insufficient information, the Maps have very little detail they are not interactive nor are they layered as other planning maps on the Planning Department's (Government's) Websites.
- It make it very difficult to discern what is intended to be include and the justification.
- How can the people be expected to participate in the consultation process and to make a reasoned contribution, if information is deliberately not provided and what is available is unclear?
- What is the criteria as to what can and can't be included as "*Biophysical Strategic Agricultural Land*"?
- There is no explanation as to how the green zones or the red zones have been determined, on the BSAL mapping.
- Given we live in a very dry country, why wouldn't higher rainfall areas be included as high value strategic land and thus be protected.
- The current proposal actually removes a number of established protections such as for national and state parks and makes the process a great deal easier for mining approvals.



The New England Strategic Plan and associated maps, clearly demonstrates that the most valuable agricultural land in NSW - is all exposed for coal exploration; the prospect of mining taking over those areas is ridiculous as it is the major food growing area of NSW - with the world class potential of not only feeding the nation, but the world.

If the New England / North West Region has no protection then what real hope is there for the Manning Valley nor the rest of the State.

The protection of our land and indeed landholder rights will like the proverbial albatross hang around the O'Farrell Government's neck until the next election, which is due in only 17 months. This is not a subject that will fade and die easily. Community outrage will only fester and grow, the NSW Government needs to get serious or they may find themselves on the backbenches after only one term.

### 3.2 The Gateway Process

The Gateway Process, a key component of the SRLUP, does not rule any agricultural land off-limits, meaning that there is ongoing uncertainty for rural communities and businesses. In addition, it applies post-exploration, meaning that all parties will go through the risk, expense and uncertainty of exploration in areas where mining may be prohibited.

It fails to reflect the Policy of March, 2012 wherein it was stated that **“Proposals that do not pass the gateway cannot proceed to DA lodgement.”** This SEPP does not provide for any proposal to not pass the Gateway. It provides that all proposals must pass the Gateway either with conditions or without conditions. This renders the Gateway ineffectual at best. At worst it is mere window dressing promulgated by the Government so it appears that there is a hurdle, when in fact there is no hurdle (or gate) at all.

### 3.3 The Gateway Panel

The Gateway Panel has no power to prevent inappropriate projects. In essence, there is no “gate” and no ability for projects to be denied a Gateway certificate. It is envisaged that the Gateway Panel will have many well credentialed individuals, but if the panel are not empowered to recommend that a dangerous project not go ahead, their expertise are not being fully utilised.

Additionally, there are concerns as to the ability of the Planning and Assessment Commission (PAC) to be able to adequately assess compliance with any conditions recommended by the Gateway Panel.

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.

In this regard it is at odds with the recommendations of the Stakeholders Reference Group and requires amendment so that the scientific Gateway Panel can determine that a proposal not go any further.

Additionally provision needs to be made to include on the Panel a member with expertise in the socio-economic effects of any application. In relation to Critical Industry Clusters, this is of paramount importance in order that all impacts on all industries and businesses within that cluster are assessed.

The SEPP should be expanded to make provision for the Panel to assess the effect of the proposed development on the existing operations within the Cluster, including sustained growth, productivity, value and reputation. The Panel should also be required to assess the effect of the proposal on towns, villages, landholders and businesses within the cluster. And finally, the Panel must receive sufficient information so that it can assess the cumulative effect of the proposal.

The Gateway Panel should not be restricted and should be free to obtain information from the applicant as required.

The current position 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.

The consent authority should be empowered to consider an Agricultural Impact Statement.

The default provision 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 stringent conditions. It puts at risk the environment of the State. It compounds the risks the Gateway process is being established to prevent.

The prompt determinations of the Gateway Panel should be enforced.

### **3.4 Protection for Strategic Agricultural Land**

The provisions of the SEPP in relation to “Site verification certificates – critical industry cluster land” result in there being absolutely no protection to any such Strategic Agricultural Land. It is open for any land within the mapped Strategic Agricultural Lands areas to be excised upon application.

There is no provision under for consultation with the industry stakeholder groups. It is submitted that this is an essential requirement. Applications for site verification certificates should not just be advertised in a local newspaper, but widely advised to all properties within the cluster, particularly neighboring properties.

The SEPP needs considerable amendment if it is to result in having any meaningful protection of Strategic Agricultural Land and if it is to address competing land uses.

The Government should honour its pre-election commitments and excise declared Strategic Agricultural Land from any Mining Leases or Petroleum Exploration or Production Licences.

### **3.5 The Aquifer Interference Policy**

The Aquifer Interference Policy has no regulatory force, meaning there is no legal recourse for communities impacted by projects exceeding the minimal harm thresholds. By becoming an advisory instrument, the policy undermines the Minister for Water’s ability to progress the objectives of the *Water Management Act 2003*.

As a non-binding instrument, communities and farm businesses will be denied the level of protection and certainty they were promised. We contends that the Aquifer Interference Policy should be a regulation.

### **3.6 Significant Mineral Resources**

We are very concerned about the re-definitions and the prioritization of what has been termed as **‘significant mineral resources’**.

The current Mining SEPP already provides for proper management and development of mineral resources for the purposes of promoting the social and economic welfare of the State’ if any changes are made then they should be to “ecological sustainable development” of resources.

We strongly oppose prioritizing **‘significant mineral resources’** over other economic, social and environmental impacts.

By placing primary reliance on discretionary advice from New South Wales Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS) about a resource’s ‘economic significance’, this would transfer significant additional power over mining decisions to the department responsible for promoting the industry (instead of the relevant decision maker under the existing planning laws). It is tantamount to placing Dracula in charge of the Blood Bank.

This could also lead to greater scope for corruption.

These proposal just enhances the communities’ scepticism and makes the public very cynical in these matters. We understand that even the Ombudsman has also highlighted this concern in their submission on Coal Seam Gas!

### **3.7 ‘Non-discretionary development standards’ for environmental & social impacts**

We support these standards provided they are: “are robust, enforceable, and fair to neighbouring residents and land uses (including for conservation and natural resource management purposes); are subject to continuous improvement, and regular and independent review – to ensure they keep pace with leading environmental management practices; and permit decision-makers to set more stringent limits where appropriate.”

In regard to draft clause 12AC(8) the term should be “all residences” so that the standards for noise limits, air quality, overpressure and ground vibration apply to “private dwellings”. In its current form mining companies which purchase properties then rent them back to residents are not covered. As such the amendment needs a definition of “private dwelling” in the proposed SEPP in the interests of socially equitable protections.

The definition of ‘sensitive receivers’ be expanded to include relevant natural areas of sensitivity, such as national parks and feeding areas for migratory birds.

### **3.8 Amendment to move consideration of existing mining projects out of Part 3 (meaning they do not become ‘secondary’ considerations)**

- Clause 13 requires a decision-maker to consider whether a new development application (DA) for a mine will have significant impacts on existing mining projects.
- Draft Clause 12AA(3) provides that *‘the significance of the resource [new DA] is to be the consent authority’s principal consideration under this Part.’* (i.e. under Part 3)
- Item 3 of the proposed SEPP would move existing Clause 13 from Part 3 to Part 4.

By moving Clause 13 out of Part 3 therefore appears to create a double standard, which protects existing mining projects from being downgraded to a ‘secondary’ consideration.



Other land use considerations that will remain under Part 3 (such as water, conservation, housing or agriculture) will become a 'secondary' consideration compared with significant new mining projects. However, the impacts on existing mines will be considered separately under Part 4 of the Mining SEPP (as a new clause 18B). Therefore, if the proposed SEPP is introduced, existing mining projects should not be treated differently from other existing land users."

Clearly this area needs to be adequately addressed before it becomes legislation.

### **3.9 Requirement to consider OEH certification (adequacy of mitigation/offsetting).**

This requires decision makers to comply or take into account of any OEH advice which states "will be adequate" but it does not state what happens if the OEH finds that measures are INADEQUATE. This needs strengthening.

### **3.10 CSG Exclusion Zones**

Exclusion zones and corridors are critically important and should be at least 20km from population areas and strategic agriculture sectors.

#### **Conclusion**

We understand that ICAC has recommended the use of a "triple bottom line" assessment system in the allocation of coal exploration licences. Triple bottom line means taking into account social and environmental impacts of a mine, as well as economic considerations.

Clearly, if it is obvious at the start that the social and environmental costs of a mine are going to be very severe, those concerns may have a decent chance of outweighing the economic benefits so the project should not proceed, the community not be affected and expensive investment is not wasted.

A particularly damaging mining proposal should never get past square one!

If Government had followed the promised triple bottom line evaluation system, then we don't believe that we would be having furious arguments about the antisocial and destructive mining proposals which now threatening the village of Bulga and the town of Gloucester

**The Manning Alliance is particularly concerned at the development and expansion of mining and coal seam gas industries in this state, we have legitimate concerns and questions surrounding the suitability and safety of these activities, particularly as they relate to agricultural land and water.**