

Ministerial Correspondence Unit - IM13/44953 (ROUTINE) Mining SEPP & 2km exclusion zones - ED signoff

From: Lin Wrona <Lin.Wrona@minister.nsw.gov.au>
To: "mcudop@planning.nsw.gov.au" <mcudop@planning.nsw.gov.au>
Date: 11/11/2013 3:31 PM
Subject: IM13/44953 (ROUTINE) Mining SEPP & 2km exclusion zones - ED signoff
Attachments: Letter to Ministers_Brad Hazzard.pdf; OBJECTION TO LOWER BELFORD EXCLUSION FROM CSG EXCLUSION ZONE.pdf; MO Corro Action Sheet.doc

From: Christopher Robertson [<mailto:christopher.robertson03@gmail.com>]
Sent: Friday, 8 November 2013 1:30 PM
To: Public Hazzard's Office Email
Subject: SEPP Mining

Brad,

As Planning Minister it is hope that you may be able to assist us in this matter.

Attached is our covering letter and a copy of our objection to amendments to the SEPP Mining. In the original SRLUP our community was Classified SAL Biophysical and Viticulture, in the new SEPP Mining we have been excluded, we wish to have our community made CIC Viticulture Tourism Equine and the Village of Belford plus 2Km exclusion zone made a village excluded from CSG development.



Belford & Lower Belford
Residents Alliance

Belford Lower Belford Residents Alliance
Standen Drive
Lower Belford NSW 2335
8 November 2013

Dear Brad Hazzard

Mining SEPP objection

Please find attached our detailed report expressing the reasons for why we consider that our community of Belford/Lower Belford should be included as a CIC/Village under the proposed amendments to the Mining SEPP currently on exhibition.

In the original SRLUP our area was classified as SAL Viticulture and Biophysical. We seek your support to take the appropriate steps to ensure that our area is reinstated as exempt from CSG exploration and extraction under the new Mining SEPP.

Yours sincerely

Mitchell Beattie
President
Belford/Lower Belford Residents Alliance

Mitchell Beattie
President
511 Standen Dr
Lower Belford NSW 2335

Beth Hague
Secretary
508 Standen Dr
Lower Belford NSW 2335

Vikki Robertson
Treasurer
242 Kirkton Rd
Lower Belford NSW 2335

OBJECTION TO LOWER BELFORD EXCLUSION FROM CSG EXCLUSION ZONE

References:

- A. State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) - Amendment 2013.
- B. Hunter Valley Protection Alliance's stand on the Gateway process

We wish to object to the above Mining SEPP amendment (vide Ref. A.) on behalf of our community at Lower Belford in the Hunter Valley. We are the Belford/ Lower Belford Residents Alliance and we are writing on the behalf of these residents and the behalf of my family.

We acknowledge that the government has understood some of the communities concerns and made some adjustments so as to get right the balance between the protection of villages, communities, critical agricultural industries and prime agricultural land but we believe that some adjustment still needs to be made.

Our concerns will be addressed in following enumerated paragraphs.

1. Letter from Parliamentary Secretary to the Premier

1a. We refer to the government's letter of 18 October from Hon Marie Ficarra MLC Parliamentary Secretary to the Premier;

"Our reforms will ensure residential areas and country towns and villages are automatically excluded from new CSG activity."

1b. We believe this (the above statement) should apply to the village of Belford and the surrounding 2km around the village's boundaries. Belford is defined as "Village of Belford" on the Belford Parish map; it has been a village for over one hundred years.

1c. When defining the boundaries of the Village of Lower Belford" we need to ensure that the boundaries set for the village allow for future residential expansion.

1d. In order that the village of Belford is protected by the 2 kilometre residential exclusion zone it is submitted that 9A (5) should be amended to read:

1d1. "buffer zone means land, whether or not it is within a Coal Seam Gas exclusion zone, which is within 2 kilometres of the outside edge of the following land:

- a. land within a residential zone,
- b. future residential growth area land,
- c. additional rural village land."

2. Strategic Land Regional Use Policy (SRLUP)

2a. Our whole community was included in the original SRLUP as Strategic Agricultural Land (SAL) Viticulture - Critical Industry Cluster (CIC) and SAL Biophysical.

2b. We believe that this status should be reinstated and the whole community of Belford/Lower Belford classed as Viticulture Equine Tourism CIC because the original SRLUP analysis met the criteria for such classification.

2c. Close inspection and local understanding of the facilities our community provides would ensure our area remained within the original CIC.

3. Proximity to Pokolbin Viticulture Tourism CIC

3a. Our community abuts the Pokolbin Viticulture Tourism CIC (the Belford area south of the rail line being part of the Pokolbin CIC) and therefore we consider ourselves part of that whole tourism/viticulture cluster.

3b. We maintain this view as we meet the following criteria:

1. Five vineyards - we have the birth place of the wine industry in the valley, being Kelman's and Busby's land where the first grapes in the area were sown. (see Annexure "A")
2. Seven operating commercial equine facilities either breeding or training horses,
3. a recognised concert venue that has been operating for many years (the Gumball Music Festival) with plans for expansion of this operation in the future,
4. a primary school, Kirkton Public, with an enrolment of 56 students,
5. two churches and a CWA Hall and
6. Four dairies and numerous lucerne and beef operations.

4. Tourism and the new \$1.7 billion expressway link

4a. To allow CSG development in the Belford /Lower Belford community adjacent to the Pokolbin Viticulture Tourism CIC; one of the most significant tourism destinations in the State would be a failure for the NSW tourism industry and the viticulture, equine and tourism operations in the Belford/Lower Belford community. It would be a tragedy for tourism NSW and the Premiers goal to double tourism in NSW over the coming years.

4b. The new gateway to the Hunter Valley tourism industry will be the F3 expressway link from the M1 motorway to Lower Belford, the link starts/finishes at Black Creek, Lower Belford (see attached plans). State government spent \$1.7 billion dollars constructing this link expressway. This is a bonus to local Hunter Valley tourism and now DPI wants to diminish the value of that tourism industry by devaluing the whole area environmentally, property value wise, visually and health wise by placing CSG development on the front doorstep of the gateway to the vineyards.

4c. We have to ensure that we protect the vision of tourism in the Hunter and to have it damaged by the visual intrusion of industrial development of CSG extraction operations at the new gateway to the area, the F3 expressway link road, would be a serious backward step to that sustainable industry. The adverse health and environmental impacts of any CSG development would reflect badly on the local tourism industry.

4d. We request that you include Belford/Lower Belford as a CIC Viticulture Tourism and Equine under the new Mining SEPP (see attached plan).

5. Residential development locally

5a. Currently there is a development underway for a residential subdivision at Lower Belford near the corner of Standen Drive and the New England Highway. The Lower Belford area has the potential for even further residential subdivision in the near future because the new \$1.7 billion expressway link commences at the eastern boundary of Lower Belford. Please do not allow CSG to place this residential development at risk.

5b. The Huntlee development for a projected population of 20,000 people runs from Branxton to Belford, this is to be a town the size of Singleton, it will have schools, shopping precincts and mixed residential development. This proposal has been approved and this week in the local paper they ran an article about the first blocks of land have already been sold. Do not jeopardise the future of an approved new town with a CSG development on its doorstep. (See Annexure. B. - please note some of the \$ figures vary depending on the site used as reference, also the development is staged with stage 1 be for the initial 1473 lots).

6. Community Survey

6a. In early 2013 the Belford/Lower Belford Residents Alliance conducted a survey of all the residences in our community. The result of the survey was that 97%+ of the residents wanted our community to remain CSG free, with no residents in favour of CSG and the remainder non committal with regards CSG.

6b. As a result we declared our community to be a "CSG Free Community".

7. Buffer Zones

7. CIC exclusion zones need a 2km buffer zone around them. It is not appropriate to have an operating gas field threatening the scenic amenity and economic viability of a Tourism Equine Viticulture CIC.

8. History

8a. We have a history of being the birthplace of wine in the Hunter Valley with Busby and Kelman's establishment of a vineyard at "Kirkton", Standen Drive, Lower Belford.

8b. The Government has acknowledged the risk of all such damage in its documentation when it describes a Critical Industry Cluster in these terms: "For the purposes of the Strategic Regional Land Use Policy, a CIC is a localized concentration of interrelated productive industries based on an agricultural product that provides significant employment opportunities and contributes to the identity of the region" and "it consists of a unique combination of factors such as location, infrastructure, heritage and natural resources" amongst other things.

9. Villages and CICs -no CSG infrastructure

9. CSG operations should not be allowed to place their industry infrastructure within the boundaries of Villages, including exclusion zone and CICs excluded from CSG development; such structures as storage facilities, local operation headquarters and any design of pipeline

10. The Belford Lower Belford Residents Alliance

We support fully the Hunter Valley Protection Alliance's stand on the Gateway process as quoted below:

"Gateway.

We re-iterate all our previous submissions put to you in relation to the Gateway process and confirm:

- a. 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.
- b. In the later draft SEPP the power of refusal was removed.
- c. The result would be that the Gateway process would be window dressing at best.
- d. 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.
- e. 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.
- f. Provision should 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.
- g. It should be mandatory for the Panel to consult with stakeholders, including the Hunter Valley Wine and Tourism Industry Association Inc., rather than it being optional.
- h. The earlier draft SEPP should be expanded (in Clause 17H) 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 overall cumulative effect of the proposal.
- i. Clause 17J of the earlier draft SEPP makes provision for the Gateway Panel to make "one" request for further information from the applicant. This is seen as being far too restrictive. Any further information supplied may give rise to further concerns for the Panel and the Panel should not be restricted in its ability to ensure that all necessary information is before it.
- j. 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.
- k. Clause 17B does not require the consent authority to consider an Agricultural Impact Statement, and it should be amended to do so.
- l. 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 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 in some other way.

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

11) Hunter Expressway link road



This diagram from the RMS brochure link

http://www.rms.nsw.gov.au/roadprojects/projects/hunter_expressway/documents/community_info/2013/130612_rms237_hex_neh_traffic_arrangements.pdf

Clearly shows the bridge over Black Creek and the Northern end of the \$1.7 billion expressway link from the MI to Black Creek and that the new extension actually finishes at the community of Belford/ Lower Belford.

The expressway link finishing at this location has several implications;

- Reduces travel time to Newcastle by half making it the perfect location for future residential development.
- Reduces travel time to and from Sydney to 1.5 hours making it the perfect location for future residential development.
- It provides access to the new town of Huntlee, a \$1.5 billion development with a proposed population of 20,000 people; Huntlee adjoins the expressway in the Branxton/Belford area.
- It provides the new "Gateway" to the Hunter vineyards.

All these factors show that the Belford/Lower Belford community has huge potential for residential development and huge financial benefit to the State. This potential should not be destroyed by the introduction of CSG to this community.

List of Annexures

Annexure A – History of Lower Belford

Annexure B – Newspaper Article - "Huntlee housing Project Approved"

Annexure C - Singleton Council's letter of support

Annexure D - Plan of the area we request be made CIC Viticulture Tourism and Equine

Annexure E - Parish of Belford shown "Village of Belford"

Annexure F - Map of existing CIC sites

Objection to lower Belford Exclusion from CSG Exclusion Zone

Dated November 2013

History of Lower Belford

James Busby (1801-1871), known as the father of Australian and New Zealand viticulture and founder of one of Australia's best-known wine regions, the Hunter Valley, arrived in Australia in 1824. Having studied viticulture and winemaking in France, he bought land in the Hunter Valley named "Kirkton", later to be developed for winemaking by his brother-in-law, William Kelman. While teaching viticulture at a Liverpool school, Busby planted a vineyard there but does not appear to have been involved in winemaking. Instead he is noted as being the writer of Australia's first wine books, and importer of vines.

Kelman Vineyard History

The Kelman vineyard story and past awards in a cabinet. A love for the land and a passion for winecraft were the hallmarks of William Kelman, one of the founding fathers of Australian wine. These attributes are today the guiding forces driving the owners of the vineyard that bears his name.

In 1824 William Kelman (1800-1863) and John Busby (1765-1857) arrived in Australia from Britain. Busby was commissioned to provide the township of Sydney with a water supply and when he retired in 1837, he received a gratuity of a 1000 pounds and 2000 acres in the Hunter.

His second son James Busby (1800-1863) had studied viticulture and winemaking in France. As a viticulturist, he is generally regarded as the founding father of the industry in NSW. In 1825 he received a grant of land in the Hunter which he named Kirkton, after Lord Saltaun's estate in Scotland where William Kelman had been employed.

William Kelman met John Busby's daughter, Katherine, on the ship to Australia. They married and settled in the Hunter. William Kelman looked after the vineyard at Kirkton.

Today, the spirit and passion of William continue at the vineyard owned and managed by its unique residential community.

Please follow this link for further information of the history of viticulture in the Lower Belford area.
http://www.jenwilletts.com/william_kelman.htm

Huntlee housing project approved

Updated Fri 26 Apr 2013, 5:13pm AEST



PHOTO: The first stage of the Huntlee project, near Branxton has been approved by the Planning Assessment Commission. (Supplied by LWP Property Group)

MAP: Branxton 2335

The first stage of the controversial \$1.5 billion Huntlee housing project near Branxton has been approved by the Planning Assessment Commission.

The approval is for a subdivision containing 1473 residential lots, 14 super lots and land for a primary school.

The Department of Planning had recommended the development be approved because it will provide environmental, social and economic benefits for the region.

Managing Director of LWP Property Group, Danny Murphy has welcomed the approval.



Enquiries to: Mark Ihlein
02 6578 7330

Our Ref: 03/0242

4 November 2013

Mitchell Beattie
President
Belford and Lower Belford Residents Alliance
511 Standen Drive
LOWER BELFORD NSW 2335

Dear Sir

Subject: Coal Seam Gas Exclusion Zones – Belford – Lower Belford Rural Area

I refer to your correspondence dated 25 October 2013, requesting Council's support in having the village and community of Belford/Lower Belford included in the Coal Seam Gas exclusion zones under the draft State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Coal Seam Gas) 2013.

I confirm that in respect of Belford and Lower Belford the Council's position was resolved at its meeting held on 8 April 2013, as follows:

"Request the inclusion of the Putty Valley, Belford and Lower Belford (to the eastern side of Black Creek), Whittingham and Milbrodale settlements as exclusion zones, similar to the residential exclusion zones as these areas contain schools and/or community halls."

Please contact the undersigned should you require further clarification

Yours faithfully

Mark Ihlein

Mark Ihlein
Director – Planning & Sustainable Environment
M.I.

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The General Manager
PO Box 999
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ANNEXURE D

PROPOSED CIC VITICULTURE TOURISM & EQUINE

1:72,224

0 1 2km

map data not to scale



ANNEXURE E



