

Attachment to submission by Peter Buchtman re. AGL exploration/production near Gloucester, NSW.

- Previously, development consent was required for all drilling for a set more than five production or exploration wells that are within 3km of any other well in the same title.
 - The changes specify that this 3km distance is to be measured “from the geometric centre of the set of wells” rather than the outer-most well.
 - This apparently small change will have implications for the rural communities in and around Gloucester.
 - The community has argued that AGL’s plans for fracking in new exploration wells for coal seam gas as part of their Waukivory Project needs a full Environmental Impact Statement and development consent because of its proximity to gas wells that they have already drilled.
 - This change will allow AGL to slip through the loophole, and avoid full environmental assessment and consent for their controversial fracking project.
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- In October 2013, exclusion zones were brought into force in New South Wales that prevented coal seam gas activities in residential areas and critical industry clusters.
 - At that time, any project that already had transitional Part 3A approval at the time the exclusions came into effect was exempted from these new rules, including the already approved Gloucester Gas project and the Camden gasfield. The exemption also applied to any transitional Part 3A project that was not yet approved, but had a concept plan approved.
 - AGL had concept approval for an additional 330 wells in Gloucester prior to the exclusion zones coming into force, but they only had project approval for 110 wells.
 - That’s bad enough, but the residential exclusion zones would under the current law apply to a Stage 2 production project in Gloucester.
 - The changes now on exhibition extend the exemption from the residential no-go zone to modifications of approved Part 3A transitional projects where the modification is for wells that are already approved, and the Minister is satisfied there is “minimal” environmental impact.
 - This seems to make it possible for AGL to apply to modify their existing Stage 1 approval to drill some of the 220 wells that are approved by their concept plan without the residential exclusion zone applying.
 - There are lots of constraints on this change. It’s not open slather by any means, and it’s hard to believe the Government intends to allow them to triple the size of their gasfield as a “modification” of an existing consent and claim that it is having “minimal” harm, but perhaps there are wells not approved in their current project that they want to drill, and this would give them a pathway to do that.
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- The proposed changes to the EP&A Regulation make it clear that the requirement for Part 3A project modifications that impact on Strategic Agricultural Land to obtain a Gateway certificate does not apply if the land was not shown on the Strategic Agricultural Land Map before 28 January 2014 or the application was made before 3 October 2013.
 - Previously, the gateway process applied to all applications made since 10 September 2012.
 - Part of the changes on exhibition are changes to the Critical Industry Cluster maps to include 19 new viticulture properties: it’s not clear what public policy purpose is served by also exempting these properties from the Gateway process.