

Submission by Mrs Wendy Bowman regarding the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2014 [NSW]

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Submission via website.

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**I oppose the *Environmental Planning and Assessment Amendment (Mining and Petroleum Development) Regulation 2014* that does not include in the gateway process Strategic Agricultural Land identified after January 2014.**

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 to land not shown on the Strategic Agricultural Land Maps dated after 28 January 2014 or the project application was made before 3 October 2013.

Previously, the gateway process applied to all applications made since 10 September 2012.

### **Strategic Agricultural Land**

As Strategic Agricultural Land Mapping has been conducted on a broad regional scale there will be circumstances where the maps do not fully reflect the existence of Strategic Agricultural Land “on the ground”.

When new projects are assessed that are on or adjoining Strategic Agricultural Land the land is checked physically so that if it is incorrectly identified as Strategic Agricultural Land this can be corrected. What about Strategic Agricultural Land that has been missed that may be impacted upon by a mining project? Under these circumstances the Strategic Agricultural land should be identified and the Land ***should not*** be exempted. To not do so would be to disadvantage the land owner of that land.

Having farming land identified as strategic agricultural land is important for rural industries. It is an asset, and if mistakes have been made in the mapping they should be corrected so that land owners are not disadvantaged in the case that this may make the difference is a neighbouring mining exploration or development is established..

### **Critical Industry Cluster Maps**

Part of the regulation changes on exhibition, are changes to the Critical Industry Cluster maps that include viticulture and equine properties that were not included in previously published CIC maps. These properties and their industry activities were in existence before this date and ***should not*** be exempted from the Gateway process.

The publication and update of CIC maps should be dynamic and ongoing. In the same way that the mining industry changes the use of land over time, the use of land by other industries needs to be taken into account and updated.

### **Inclusion in CIC Maps is important for businesses and investors**

Updating these maps to include newly established businesses, or changes in existing business activity is critical to these industries. Not updating these maps creates uncertainty for business owners and will have the effect of discouraging the growth of these industries. This may also impact on the ability of businesses to seek investment as lending institutions and investors would see not being included in a CIC as a disadvantage that puts the business at risk of being negatively impacted by mining development.

### **Critical Industry Activities**

The critical industry clusters should be expanded to include other critical industries such as dairy farming, food production and fodder production.

### **Critical Alluvial Soils are a special case of Strategic Agricultural Land that needs its own definition and protection.**

The inherent value of alluvial soils is very high, regardless of the agricultural activity that takes place on that land. Alluvial soils must be placed off limits from mining as they are part of the complex system of water interaction between the river, alluvium and aquifers that agricultural industries depend upon. Mining of Alluvial soils has a significant impact on water resources.

These critical alluvial soils should have their own category under this legislation and Critical Alluvial Land and be protected from mining development in the same way that Critical Industry Clusters are protected.

**I oppose the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2014* because it changes the rules that determine which coal seam gas and other unconventional gas projects require development consent**

Presently development consent is required for all drilling for a set of more than five production or exploration wells that are within 3km of any other well in the same petroleum title. The proposed changes significantly reduce this distance by measuring the distance from the geometric centre of the proposed set of wells *rather than* the distance between proposed new wells and the closest existing well.

The way the regulation change is written is ambiguous. It could be interpreted that it refers to the geometric centre of the existing wells not the new set of proposed wells.

The method of the calculation of the geometric centre of the well set has not been provided or referenced in the regulation or the explanatory notes.

The proposed method of calculation is open to manipulation. The new set of proposed wells can contain one well that is placed far away from the other new wells in the opposite direct to the existing wells. This significantly moves the geometric centre of the new well set so that many wells in the new set are placed well within the area formed by the existing 'old' wells. This concentrates wells in a smaller area. If any of the new proposed wells are not developed this would distort the actual geometric centre from the theoretical geometric centre.

**I oppose the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2014* because it amends the exemption for transitional Part 3A projects from the coal seam gas exclusions creating more opportunities for companies extracting coal seam gas .**

In October 2013, exclusion zones were brought into force in New South Wales that prevented coal seam gas activities near residential areas and in 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 gas field. The exemption also applied to any transitional Part 3A project that was not yet approved, but had a concept plan approved.

The regulation changes now on exhibition extends 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.

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. 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.

An increase in the size of the gas field from 110 wells to 220 wells cannot be considered a “modification” of an existing consent that has “minimal” harm. It is a significant expansion.

**End of Submission**