



Ryde - Hunter's Hill Flora and Fauna Preservation Society

Member of Nature Conservation Council of N.S.W.

**P.O. Box 2127
Boronia Park 2111**

Relevant Planning official,
Dept. of Planning and Infrastructure.
16.7.2014

RE:

- 1. State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2014.**
- 2. Environmental Planning and Assessment Amendment (Mining and petroleum Development) Regulation 2014.**

Dear Sir/Madam,

We are a local conservation group established in 1966. Our members are very concerned to see further attempts by the State Government to change the legislation and regulations related to mining and gas development. We feel that these proposed changes will further weaken environmental protection. The changes will lead to greater confusion and complexity when there is a recognized need for increased clarity in the protection of the environment. They demonstrate the government's intent to continue to place industry ahead of the health and well being of local communities.

Any changes to legislation should be to improve the protection of agricultural land and the communities which support our "food bowl" areas, not weaken them. The creation of legislative and regulatory loopholes, as proposed further reduces the rigor and transparency of the environmental assessment process as extractive industries continue to expand in concentrated areas of NSW.

1. We object to the proposed amendment to SEPP (Mining, Petroleum and Extractive industries) Amendment 2014 which 'reduces' the trigger for a full and proper environmental assessment via an Environmental Impact Statement. An EIS also ensures a public consultation process at a time that the community has expressed serious concerns about coal seam gas expansion. It would seem logical and necessary that the environmental assessment of the impact of a new well should be based on a tangible distance rather than some ill defined, vague notion of a 'geometric centre'. The proposed location of a new well from such a 'centre' would seem open to varying interpretation and potential deliberate manipulation in its positioning. It allows an intensification of activity in the absence of a proper assessment of its environmental impact. It creates a layer of further complexity to planning legislation at a time the state government is proposing to restore 'simplicity' and transparency to state planning legislation. The distance from the outermost well of a existing cluster to a new well would seem a more honest and straightforward determination of the trigger for the required planning assessment process. We would argue that the proposed amendment does not provide the clarification of the intent of the 'five wells rule' in any meaningful way.

Rather, it represents a weakening of current controls on an expanding and contentious industry. With a weakened set of controls covering coal seam gas development it becomes even more difficult to scientifically assess the cumulative environmental and social impacts of increased development.

We also object to another change which we feel will weaken the protections to residential areas and critical industry clusters afforded by the introduction of the October 2013 exclusion zones for coal seam gas activity. The introduction of a planning loophole which will extend the exemptions that apply within the residential and critical industry clusters zones so as to include 'minor modifications' of approved Part 3A transitional projects represents planning on the run. Residential and key industrial areas need up front protections in clearly stated and transparent planning legislation and not be vulnerable to a myriad of exempting clauses and manipulated modifications to smaller approved projects. No definition is provided of what constitutes 'minor' nor is it stated up front that fracking is excluded. This creates a situation where an adequate and proper environmental planning assessment process can be evaded and left to the "politically charged" domain of ministerial decision making.

2. We wish to object to the changes to the Gateway process and Critical Industry Cluster maps. Whilst we do not consider the Gateway process perfect it did provide for additional scientific critique of projects. These changes suggests that considered environmental assessment, based on best practice will not be required for some future coal seam gas development applications and modifications. In the public interest, there is need for advice from the Gateway Panel for all applications which require a certificate. This should not be left to ministerial decision.

In summary, we are extremely concerned that these proposed changes represent a weakening of the planning controls on coal seam gas. This activity has been a contentious industry, especially as it expands. The community has expressed its concerns. There is an urgent need for the state government to restore proper clarity and transparency to any decisions regarding future development. We are not convinced these proposed amendments achieve this but rather create further confusion for the community and create a greater number of loopholes for industry to avoid proper scrutiny of the environmental impact of their activity. This is disappointing from a government which assured the community otherwise.

Yours faithfully,
Cathy Merchant
President.