

Submission to

“Changes to planning rules applying to gas exploration and mining”

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Appropriate competence/triggers to revise Minister’s discretion: There appears to be a gap in appropriate assessment requirements for drilling in subterranean areas where there is no detectable flora, fauna, fish, fisheries, scenic attractions, or features of Aboriginal, architectural, archaeological, historical or geological interest. Environmental Planning and Assessment Regulation 2000 Schedule 3 only includes exploration drillings that are “located: (i) within 40 metres of a natural waterbody or wetland, or (ii) in an area of high watertable or highly permeable soils, or (iii) within a drinking water catchment, or (iv) on a floodplain.” as designated development and therefore subject to public challenge following a public EIS. In other cases, the Petroleum (Onshore) Act 1991 S74 leaves to the minister’s discretion an assessment of what he considers necessary to enable a decision for granting petroleum title for exploration. **Assessment by someone of appropriate technical competence ought to by law qualify the Minister’s discretion to not require an EIS as reasonable in each licensing case.** With due respect to the Minister there can be few factors more important than protection of underground water in Australia. While an EIS for every different exploration drill situation is an excessive requirement the significance of water as a resource indicates a trigger-type approach may be warranted. **In the absence of an EIS appropriate to the location the determining authority ought to ensure title conditions are responsive to risk and legally enforceable** eg that a technically competent person (required to provide data to and alert the determining authority at agreed trigger points) monitor the location, testing, recording and storage of salt concentrations of encountered water layers before sealing and fracturing, and of pre-, during- and post- drill water balances.

Enshrine right to drilling data : The licensing conditions that can be imposed under the Petroleum (Onshore) Act 1991 S75 should be expanded beyond those relating to the conservation and protection of flora, fauna, fish, fisheries, scenic attractions, or features of Aboriginal, architectural, archaeological, historical or geological interest. The Act should include something to the effect of “at the determining authority’s discretion, storage and provision to the determining authority as required and appropriately formatted : baseline-, drilling- and post- drilling data including chemical concentrations and fluid volume balances.”