

State Environmental Planning Policy Amendment (Gas Exploration and Mining) 2014.

SUBMISSION – Hunter Valley Protection Alliance Inc.

1. The extremely short window of opportunity for the community to review the proposed SEPP and comment on its proposals is unsatisfactory. It smacks of the Government attempting to push through legislation to suit the mining and CSG communities. This is not what the Chief Scientist recommended after her findings under the heading "*Lack of Trust*" on page 8 of her Final Report.
2. The Chief Scientist in her final report of the Independent Review of Coal Seam Gas Activities in NSW makes a number of recommendations, none of which recommend placing the approval responsibility for CSG test wells with the Office of Coal Seam Gas. Placing that responsibility with that Office is ill advised, is in opposition to the Recommendations of the Chief Scientist and must not supported.

Indeed Recommendation 7 of the Chief Scientist's report says "*that Government separate the process for allocation of rights to exploit subsurface resources (excluding water) from the regulation of the activities required to give effect to that exploitation.*" This separation should be enforced in the SEPP.

The proposed approval approach and agency should be altered so that the EPA has the review and approval responsibility, otherwise what was the point of having the Chief Scientist make such recommendations.

3. Removing the need for development consent for unconventional gas exploration where there are more than five wells within 3km of one another, and for exploration in environmentally sensitive areas of the State again ignores the recommendations of the Chief Scientist. The Chief Scientist is of the view that "*there is still considerable uncertainty associated with the development of any new resource province*" and "*there is a need to understand better how the different resources and their development regimes interact*" and "*More detailed knowledge of the structure and composition (especially regarding hydrogeology) of the sedimentary basins is needed to enhance productivity for the CSG industry through more precise resource characterisation and better subsurface and surface environmental management*" and "*There is a need to understand better the nature of risk of pollution or other potential short or long term environmental damage from CSG and related operations.*"

These findings by the Chief Scientist cry out for better regulation. Only with accurate Environmental Impact Statements and Assessments provided to enable informed development consent can the Chief Scientist's concerns that there is needed "*Better understanding of the industry impacts at scale and over time*" and "*To enable better planning decisions and better management of cumulative impacts*" be properly addressed.

It is essential that all proposed exploration activities require Environmental Impact Statements and Assessments, not merely desktop Reviews of Environmental Factors.

There should be no approvals given for Hydraulic Fracturing (Fracking) of coal seams before there is a full Environmental Impact Study and Assessment of a region's hydrology, hydrogeology and geology and the community is given the opportunity to have input into the process.

Without this we might as well not have had the Chief Scientist look at the CSG question at all.

All available information should be made available to the Government and the public before any approval for well drilling of any type is approved.

The recommendations of the Chief Scientist must be following slavishly and accurately. Both the Government and the CSG industry have stated their respective acceptance of all recommendations and it is not difficult to legislate to put those recommendations into enforceable law.

4. The Land Acquisition and Mitigation Policy should be amended to address cumulative affectations and should be extended from affected properties to those properties which are not directly affected by noise or pollution, but also to those properties which are affected because of the affectation to their neighbouring property. For example, if a CSG well pollutes or diminishes underground water then not only immediately neighbouring properties should be compensated, but also remote properties which may have been relying on that water.
5. Further in relation to the Land Acquisition and Mitigation Policy, the mining companies (CSG and coal and minerals) should be required to regulate their activities so that there are no breaches of the environmental rights of their neighbours, rather than entering into agreements to allow pollution. Additionally, there is insufficient emphasis on cumulative pollution which should be rectified. Rural families are being given an impossible choice: sell up and tear apart a community, or live with unacceptable noise and dust impacts from a coal mine or CSG activity next door. This is neither appropriate, just nor sustainable.