

*Department of Planning and Environment
23-33 Bridge St
Sydney 2000
Australia*

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

Please accept our late submission as an oral community we were not aware of the policy changes and were only advised last night. This submission is made by the Gomeroi Traditional Custodians comprising 181 people including Elders who represent every family line within our community. We also have native title claimants group members and members of the Redchief local Aboriginal land council and Min Min Aboriginal Corporation. We do not purport to represent all Gomeroi people but do assert representation of the families over the traditional homelands of Boggabri, Gunnedah, Curlew and surrounding regions. We remain deeply concerned about the proposed mining and petroleum activities proposed in our region – our traditional homelands and the need for government protections to ensure that the public and environmental and cultural interests are protected.

Section 38 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') requires the Minister to take such steps, if any, as the Minister considers appropriate or necessary to publicise an explanation of the intended effect of a proposed State environmental planning policy and to seek and consider submissions from the public on the matter before recommending that the proposed instrument be made by the Governor. An indicative draft amendment SEPP entitled *State Environmental Planning Policy Amendment (Gas Exploration and Mining) 2014* ('the proposed SEPP') has been prepared for the purpose of public consultation. The proposed amendments will:

- amend the Mining SEPP to remove petroleum exploration activities, including the 5 wells rule, from being development permissible with consent so that these activities are no longer assessed by the Department of Planning and Environment as a development application, but rather are assessed by a relevant determining authority under Part 5 of the EP&A Act;
- amend the Mining SEPP to require a consent authority to consider the Voluntary Land Acquisition and Mitigation Policy in determining applications for State significant mining, petroleum and extractive industry projects; and
- amend the SRD SEPP to remove references to petroleum exploration, including the 5 wells rule, from specified development in Schedule 1 under petroleum (oil and gas) so that it is no longer considered to be State Significant Development (SSD).

As the traditional owners of the traditional homelands where there is intensive Gas exploration and mining is proposed and as a significant oral community we find the decision making processes burgeoning on our community. We have been writing to have the Minister come and visit us and explain what is going on and while we finally received a letter back yesterday to say a staff member

of the department will be coming out to see us we find that there are significant policy changes afoot which have a profound and potentially harmful effect on our community.

Of concern is that the proposed SEPP amendments will be if the amendments are approved no longer assessed by the Department of Planning and Environment as a development application but will be assessed by some other determining authority without telling us who this might be. We are deeply concerned that the assessment processes appear to being watered down when the impact to communities and regional homelife are at risk. We believe that petroleum exploration activities including the 5 wells rule must remain as development permissible with consent so that these activities remain assessed by the Department of Planning and Environment We met with the staff of the EPA recently and ty have informed us that there are no projects in NSW that they would ever recommend no development they just add conditions to the approval and this is concerning as sometimes the risks outweigh the economic benefits (which a times have been proven to be overstated) We believe that these extractive petroleum proposals must be made state significant assessed.

The Department of Planning & Environment has an important role in monitoring and enforcing compliance with the Minister's approvals. Currently A project will be SSD if it falls into one of the following classes listed in Schedule 1 of the State and Regional Development State environmental planning policy (SEPP):

- Intensive livestock agriculture
- Aquaculture
- Agricultural produce industries and food and beverage processing
- Timber milling, timber processing, paper and pulp processing
- Mining
- Petroleum (oil and gas)
- Extractive industries
- Geosequestration
- Metal, mineral and extractive material processing
- Chemical, manufacturing and related industries
- Other manufacturing industries
- Warehouses or distribution centres
- Cultural, recreation and tourist facilities
- Hospitals, medical centres and health research facilities
- Educational establishments

The petroleum extraction activities must remain assessed as state significant in order that a comprehensive assessment of environmental cultural heritage economic and social impacts may be assessed We consider the system flawed and pro mining and petroleum companies to lose the processes in place to ensure that our communities are safe is unconscionable

We have a greater population of Aboriginal people living in our region than the National Average and the effects to lands waters and our people are profound we need to be ensured that the State Government is working in the public and environmental interests and to remove requirements from a state significance process for petroleum mining activities is in our view highly disadvantageous and places at risk our people our lifestyle our food security our water security and our spiritual rights .

We are also concerned that without the assessment processes of a state significant process the proponents will use due diligence processes and the adverse impacts to our culture and heritage will be realised. A development application for SSD must be accompanied by an environmental impact statement (EIS), prepared in accordance with the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and this is currently the only process which examines the

environmental impact and the cumulative impact of such activity These processes need to be in place with petroleum extraction company activities. With the number of reports raising risks as a result of petroleum activity and the recent ICAC enquiry results communities trust in Government and elected representatives is low. Government needs to be working hard to build confidence and demonstrate themselves to be undertaking their roles and responsibilities the following reports do little to build confidence that the changes suggested will protect the rights and interests of the community in NSW

Melissa Haswell, Associate Professor (Public, Environmental and Indigenous Health), Muru Marri, School of Public Health and Community Medicine at UNSW in November 2014., Pointed to a number of recent studies investigating the health impacts of CSG mining:

- ☐ a rigorous analysis of hazards, exposure routes and health effects identified multiple potential health risks and impacts. Read the report.
- ☐ a community study found significantly higher prevalences of self-reported respiratory (39% vs 18%) and skin (19% vs 3%) conditions among people living within 1 kilometre vs those living more than 2 kilometre away from shale gas wells. Read the report.
- ☐ a regional study involving 124,832 infants found positive links between congenital heart disease and increasing numbers of shale gas wells within 10 miles of residence in the infant's birth year. Read the report.
- ☐ a German analysis of water-related risks of coal seam and shale gas "fracking" concluded that "there is a general lack of basic information that would be needed for any well-founded assessment of the pertinent risks and the degree to which they can be controlled by technical means". Read the report.

Not only should you be concerned about possible health impacts but this study suggests that CSG is not a cleaner alternative to energy production from coal due to the leaks of methane, a greenhouse gas more than 25 times more potent than carbon dioxide.

The NSW Chief Scientist has highlighted serious risks from coal seam gas mining, including to human health and water supplies, vindicating strongly held concerns of communities across NSW, "The Chief Scientist report released November 2014 made it clear that CSG mining could contaminate groundwater and food products and could place human health at risk, which are exactly the concerns which have been raised by the community for several years" "The report has recommended a massive overhaul of the laws relating to CSG mining and an entirely new approach to collection of baseline environmental data and monitoring.

"It has warned that health risk assessments are needed before projects commence to help make sure that the population is protected from the risk of exposure to contaminants and the cumulative impact of pollutants:.

For these reasons all petroleum extraction must be subject to the scrutiny of a state significant project and must produce detailed assessment reports to ensure that that community and the environment is safe We are alarmed and fear for our community and our children that the changes are suggested. For this reason we reject the suggested changes

Yours sincerely

Dolly Talbott on behalf of the Gomeroi Traditional Custodians Elders and Community

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