

Improving mining regulation in NSW Stage 2

Sir/Madam

My name is Anthony Pickard and I have a small property in the Narrabri Shire.

I am the delegate for People for the Plains on the current Narrabri Gas Project Community Consultation Committee. I was also a member of the previous Santos Narrabri Community Consultation Committee but represented no group.

I will be submitting on the Planning Agreement Guidelines for State significant Mining projects and the Web based reporting guidelines based on the participation of the CSG Industry or lack of it.

The discussion papers to improving mining regulations Stage 2 have no mention of CSG in them, that could be an oversight, but seeing as the CSG industry is covered by some of the ACTs and Regulations that cover the Mining and Extractive Industries then this discussion should also be applied to the CSG Industry.

As a suggestion and to avoid the confusion that already exists, there should be a determination of what CSG extraction is and where it sits with regard to all the Acts and Regulations that govern all other State and non-State significant developments/projects.

Over the years I have wondered why it was only the Coal Mining and Quarries that have had a Voluntary Planning Agreement with the local Councils and the Coal Seam Gas industry did not. I have pushed my local Council for answers on the subject but could never get a satisfactory one. The answers I got were more like excuses which could either be interpreted as coming from their own lack of knowledge on the subject, or an unwillingness to upset a new industry to the area, or just pure frustration at the New South Wales State Government Departments which have an input into deciding such matters. In short it was all too hard and the process so long and protracted that one Council could not do it alone so best to just go with the flow and gently push for results to come in their own time. However this discussion paper now opens this matter right up for Councils and others to push their case to have the Coal Seam Gas Industry included in the VPA process.

I have always believed in the user pays and everyone including major companies and especially those that are mining or gas producing/exploring should be pulling their weight when it comes to repairing and maintaining the Council assets that they use.

Since 2009 I have often addressed Narrabri Council on the matter of the CSG industry not pulling their weight when it comes to providing to Council for the use of Councils assets. During exploration the CSG industry are supposed to have what are called Road Dilapidation Reports with Councils, you can be assured that these are well out of date and if active exploration ceases but the CSG company is still active in the Council areas then the conditions of these Road Dilapidation Reports would be difficult to keep up to date or even being enforced and really how can they. Road Dilapidation reports are really only good for the lesser travelled roads servicing the remoter areas of a shire and are completely useless when it comes to the heavier trafficked roads because of the difficulty in determining the true vehicular use by CSG related traffic

Unlike the other mining and extractive industries like Coal or Quarries which are "fixed" in one general location the CSG industry is "fluid" and can be spread over a large area of Council controlled land which

necessitates the extensive and constant use of Council assets to service their installations and yet to the best of my knowledge they do not have a VPA with any Council.

My belief that there should have always been a VPA was strengthened at the August meeting of the Narrabri Gas Project Community Consultation Committee, when during a discussion which started around the need for a definition of CSG and whether it fell into the Mining or Extractive classifications or did it have its own unique standing and thus was separate and not subject to any other Acts other than the Onshore Petroleum Act. The answer came back that the CSG industry was subject to many Acts that were applied to the Coal Mining and Extractive industries. It was at this time that the question concerning VPA's with the CSG Industry was raised and the answer that came back from the Government member side of the NGPCCC was that they should have a VPA with Councils, however the same member was at pains to point out that Voluntary Planning Agreement payments were just that "VOLUNTARY". No one corrected that response not even the Santos Representatives. So from that it would be fair to say that the gas industry should have VPA's with Councils but does not have to.

This then raises the question as to when a VPA for the Gas industry should be entered into, should it be at the commencement of exploration or should it be only when an EIS for production has been approved. As mentioned earlier the use of Council assets is extensive in both exploration and production.

It is my belief that due to the very nature of the industry as being of necessity one which is wide spread and thus needs to constantly utilise council assets to access and adequately carry out the exploration for their product that gas companies should be entering into VPA's with Councils at the exploration phase of their operation and not when the production phase is approved.

As examples of the amount of VPA payments:

Exploration payments could either be based on an annual payment based on a percentage of the deposits required and/or held by the NSW Government

Production payments could be based on a combination of a fixed base amount again based on a percentage of any deposits required and/or held by the NSW Government and a fixed amount based on the cents per Gigajoule measured at the well head.

This then raises the rating Issue for CSG operation on private agricultural land and what changes are needed, if indeed they are, to the State Governing Acts to enable Councils to be able to apply a rate variance to any area of agricultural land that is being used for the purpose of CSG exploration or production and or associated infrastructure. This may or may not be part of this discussion, but it is one that is badly needed and it needs to happen soon as the outcome of many Access Agreements could be affected.

I am of the opinion that it is time for the New South Wales Government to step up and balance the burden carried by the other industries and include the CSG Industry in the Mining Regulations and any Improvement thereof by including all these industries in some form of Compulsory Planning Agreement (CPA) which are over and above any other Funds/Schemes or payments. An example of one such Fund is the Coal Seam Gas Regional Community Benefits Fund which could have a NSW Government public money input.

Web-based reporting Guideline

It is my belief and always has that full minutes including "who said what" notation, should be taken, recorded and made available to the public. The Narrabri Gas Project Community Consultation Committee issues what is called a Communiqué. This was decided by a member vote, but not all members voted for it

some wanted minutes of the meeting to be taken. This particular Communique is extremely vague and contains very little real in-depth information as to what transpired at the meeting so the public at large have no idea what transpired. The distribution of this Communique is done by the committee members. I and a few other members take our own notes to distribute to the groups we represent. There are no official records of what transpired in these meetings. This CCC was supposed to have its own web page where the Communiques and other material were to be made available to the general public, however as late as June 2015, when the question was asked concerning an official and dedicated web page, the answer was at this time there was none and as far as I am aware that situation still exists as there have been no announcements to the contrary. Santos has information about the NGPCCC up on their site, but this is hardly independent.

A perfect example of where minutes are required is contained in the first part of this submission.

Without a dedicated site with the full approved minutes of each meeting and other associated material from those meetings available then a Community Consultation Committee is not doing its job of true Community Consultation and therefore companies cannot refer to these Committees in relation to Consultation with the Community when they present any documents to any Government for consideration.

The idea put forward re the Community Complaints Register is a sound one, as some companies hide their Complaints area under other names. An example of one such name used is "Information"; however having said that once it is established that this name also covers the Complaints section they do pass the message on and you are contacted, however as to the recording of the complaint on a register, that is unknown.

I strongly support the intentions and recommendations put forward in the Web based reporting guidelines on this and other matters.

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5th September 2015

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