



PO Box 468  
Springwood NSW 2777

November 6, 2013

The NSW Government  
Department of Planning and Infrastructure

Dear Sir/Madam,

I write on behalf of the 400 members of Stop CSG Blue Mountains in response to the Government's invitation for feedback on the following:

Stage-two Coal Seam Gas Exclusion Zones

Draft Biophysical Strategic Agricultural Land Mapping

Draft Equine and Viticulture Critical Industry Clusters

Draft Amendment to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2013

### **Stage-two Coal Seam Gas Exclusion Zones**

Exclusion protection for some and not for others:

In addition to the exclusion zones around residential areas, projected growth areas and critical industry clusters the NSW Government to date has afforded only a small number of rural residential areas exclusion protection under the new R5 zoning. To be eligible for large lot residential zoning an area must meet the 'village' criteria. "Councils will be asked to nominate particular areas zoned R5 within their LGA for listing the SEPP as a R5 village. Nominations will be evaluated by the Department of Planning and Infrastructure and Local Government NSW and recommendations will be made to the Minister for Planning and Infrastructure for inclusion in the finalized Sepp."

This could mean many people are left without exclusion and buffer zone protection if (a) an area doesn't meet the 'village' criteria, (b) Council doesn't nominate the area or (c) it doesn't make it through the evaluation process.

All large lot residential areas must be entitled to exclusion and buffer zone protection and need to be mapped as such.

Rural dwellings are not afforded any protection and must be entitled to the same exclusion zone protection and need to be mapped as such.

The areas of Goonengerry, Jerrys Plains, Broke and Bulga are only partly protected. These areas need to be protected in their entirety.

The Sydney Water Catchment areas, and the Central Coast drinking water catchment, are not protected from mining and CSG by exclusion zones and buffer zones. These vital areas and any other catchments supplying drinking water to residents of NSW must have exclusion zones and buffer zones in place and need to be mapped as such.

The NSW government must not allow councils the ability to “identify areas for removal from all or part of an exclusion zone to enable coal seam gas development to occur.” Exclusion zones and 2 km buffer zones must be protected and kept complete.

### **Critical Industry Clusters:**

It is of major concern and totally absurd that whilst affording protection to areas and enterprises of significant importance by establishing critical industry clusters, in the same process the Government is encouraging mining and CSG companies “to identify equine or viticulture properties they already owned as at September 10, 2012 – before the Strategic Regional Land Use Policy was introduced and if they meet the criteria they will then be exempt from the exclusion zone”. Critical Industry Clusters must be mapped as a whole. Not with areas of exemption.

It is also totally unacceptable that two vineyards in Broke owned by AGL were, according to the Department of Primary Industries “inadvertently omitted from the maps”.

Critical Industry Clusters protection only covers Viticulture and Equine industries. There are equally, if not more important enterprises that need to be afforded the same protection. For example: cropping, grazing, dairy, to name but a few.

In addition to the exclusion zoning Critical Industry Clusters should have the 2 km buffer zone.

### **Biophysical Strategic Agricultural Land**

Although 2.8 million ha of BSAL has been mapped this only represents the best of prime agricultural land and only 3.5% of the state. If Australia is to feed itself in years to come, which **will** become a major issue, protecting more of our food production areas is vital. **Even** areas mapped as BSAL do not have protection from CSG and mining, they must simply go through the ‘gateway’ process which appears to have no powers to reject a project unless the Gateway Panel have requested further information and the applicant fails to provide that information within thirty days of the request.

BSAL and other agricultural land **MUST** have exclusion zone protection.

The Director-General of planning will be the one that determines verification certificates for biophysical strategic agricultural land, not an authority with any experience of agriculture or any independence from the assessment process. The Director-General only needs to “have regard to” the verification criteria, so the decision about whether land really is strategic agricultural land is discretionary.

**Summary of Concerns:**

Fails to protect water catchments or sensitive environments (such as the Pilliga).

Fails to adequately protect agricultural land (BSAL land will still be mined/drilled via Gateway process).

Fails to protect rural residents.

May well not protect all large lot residential areas.

Gives no protection to Gloucester residents where 110 wells have already been approved and to-date large lot residential estates have not been given protection

Does not protect against other unconventional gas exploration, such as tight sands and shale gas.

Only protects narrowly defined critical industry clusters.

Allows CSG and mining companies who own land within a critical industry an exemption (provided they meet criteria) from the CIC.

For and on behalf of Stop CSG Blue Mountains