

Amended planning rules for coal mining and coal seam gas activity

WHY HAVE CHANGES BEEN MADE TO THE STATE ENVIRONMENTAL PLANNING POLICY ON MINING?

- Changes have been made to the policy to clarify some anomalies arising from the implementation of the coal seam gas (CSG) reforms of January 2014.
- The changes clarify the assessment pathways for CSG exploration, and provide greater clarity and certainty for existing approved coal seam gas activities, and continue to safeguard residents from additional CSG activity in exclusion zones.

WHAT CHANGES HAVE BEEN MADE TO THE POLICY?

- The changes:
 - ensure a consistent approach to the way the Gateway process is applied across the state
 - include an additional 19 properties in the viticulture Critical Industry Cluster in the Upper Hunter region, making these areas off-limits to new CSG activity
 - clarify the assessment pathway for CSG exploration activities by identifying the point at which the measurement begins between new petroleum exploration wells within an existing petroleum title ('five wells rule')
 - permit minor modifications of existing CSG projects within CSG exclusion zones that do not enlarge, expand or intensify CSG development and which have minimal anticipated environmental impact.
- **No additional coal seam gas activity will be allowed in CSG exclusion zones** as a result of these changes.

HOW DO THE CHANGES AFFECT THE GATEWAY PROCESS?

- The NSW Government introduced the Gateway process to add an additional layer of scientific scrutiny to new coal mining and coal seam gas proposals on important agricultural land – biophysical strategic agricultural land (BSAL).
- BSAL was mapped in the Upper Hunter and the New England North West regions of the state in 2012. The Gateway process became effective in these regions from 10 September 2012.
- BSAL mapping for the remaining areas of the state was finalised in early 2014.
- The change to the policy clarifies the date that the Gateway process will apply to any new mining or CSG proposals **in these remaining areas of the state**.

Frequently Asked Questions

- Any new mining or coal seam gas proposal on BSAL in these areas, which did not receive environmental assessment requirements (known as Director General's Requirements or DGRs) **before 4 October 2013**, will be subject to the Gateway process.

WHAT CHANGES HAVE BEEN MADE TO THE VITICULTURE CRITICAL INDUSTRY CLUSTER BOUNDARY?

- A minor mapping adjustment has been made to align the viticulture critical industry cluster boundary with the boundary for the Upper Hunter region. The changes will ensure greater consistency between the regional boundaries used by the Department of Planning & Environment and maps used by the Department of Trade, Investment, Regional Infrastructure and Services.
- As a result of this map alignment, a further 19 wine-growing properties which were already identified, have now been included in the viticulture critical industry cluster in the Upper Hunter region.
- No new CSG activity can occur in this critical industry cluster and any new coal mining application would need to go through the Gateway process, before a development application is lodged.

WHAT CHANGE HAS BEEN MADE TO THE PLANNING RULES FOR CSG EXPLORATION?

- The Mining SEPP already allowed for the drilling and operation of a set of up to five petroleum exploration wells without development consent, provided the set is **more than** three kilometres from any other well in the same petroleum title. (In this instance, the Office of Coal Seam Gas (OCSG) would have to conduct an environmental assessment of such a proposal.)
- A change has been made to the policy to clarify the point at which the three kilometre distance is measured from – that point is the geometric centre of the set of wells.
- Under current planning rules, any proposal to have a set of more than five wells **within** three kilometres of an existing well would be considered State Significant Development. In this instance, the applicant would have to provide a comprehensive Environmental Impact Statement on the proposal. The development would then be assessed by the Department of Planning & Environment and usually determined by the Planning Assessment Commission.

WHAT MODIFICATIONS ARE PERMITTED TO EXISTING CSG PROJECTS?

- One of the unintended consequences of introducing the CSG exclusion zones earlier in the year was that they prevented minor modifications to approved CSG activities.
- The policy has now been changed to permit minor modifications to approved CSG activities such as road improvements, vegetation management or rehabilitation work.
- The modification must be of minor environmental impact to be approved by the Minister or the approval authority.
- No modifications to expand, enlarge or intensify existing operations will be permitted through new wells or through increasing the depth or lateral extent of an existing approved well. Importantly, no additional coal seam gas activity will be permitted in CSG exclusion zones as a result of these changes.

Frequently Asked Questions

WHAT CONSULTATION OCCURRED ON THESE CHANGES?

- The changes were publicly advertised across the state and the proposed changes were exhibited on the department's website from 2 to 16 July 2014. While there is no legal requirement to exhibit the SEPP, the changes were released for consultation due to the interest in coal mining and CSG activity.
- One hundred and fourteen submissions were received and analysed by the department.
- The submissions did not raise any new issues that would require a reassessment of the proposed changes. However, a minor change has been made to clarify the wording of one of the clauses in the SEPP relating to minor modifications in CSG exclusion zones.

HOW WERE THE CHANGES MADE?

- The changes were made via the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment 2014*.

WHAT CSG REFORMS APPLY ACROSS THE STATE?

- The NSW Government's CSG reforms safeguard existing residential areas, future residential growth areas in 55 council areas, seven villages, and the horse and wine critical industry clusters in the Upper Hunter and New England North West regions, from any new CSG activity.
- CSG exclusion zones are in force across 2.7 million hectares of the state and apply to an estimated 95 per cent of NSW dwellings covered by current petroleum licences.

FURTHER INFORMATION

- Contact the department's Information Centre at 23-33 Bridge St, Sydney.
- Telephone: 1300 305 695