



appea

the voice of australia's
oil and gas industry

Submission

April 2015

**DRAFT GUIDELINE FOR AGRICULTURE
IMPACT STATEMENTS AT THE
EXPLORATION STAGE:
April 2015**



KEY POINTS

GENERAL

- APPEA continues to support the review of the *Guideline for Agriculture Impact Statements (AIS) at the Exploration Stage*.
- APPEA acknowledges the commitment by the NSW Government to developing a rigorous regulatory model which balances the interests of industry, agriculture and the community.
- As demonstrated in Queensland, we believe the natural gas activities can comfortably co-exist with agricultural land uses.
- The natural gas industry in NSW is world-class with a solid track record in exploration underpinned by science, as was acknowledged in the findings of the NSW Chief Scientist and Engineer's review of coal seam gas exploration activity in NSW¹.
- As raised in our previous submission, a major concern for the natural gas industry is the unnecessary restrictions and 'red tape' placed on producers and explorers, a regulatory burden that has increased significantly over the past three years.
- Every step in the exploration, development and production of natural gas is highly regulated. APPEA supports objectives/risk-based regulatory regimes that are based on sound scientific principles. Currently, the NSW regulatory model is prescriptive, duplicative, complex and difficult to navigate.
- APPEA submits that the review of the AIS guidelines is a positive step to addressing these regulatory challenges to industry, however we believe the following sections continue to present duplication:

SECTION 5.2 – LEVEL 2 EXPLORATION AIS REQUIREMENTS

- A requirement to assess potential impacts on and within 2 kilometres of agricultural resources and industries remains part of the AIS guidelines. Section 5.3 mirrors this clause by requiring an impact assessment for activities on or within 2km of mapped Strategic Agricultural Land.
- While it is reasonable to assess impacts on Biophysical Strategic Agricultural Land if an activity is located on it (or neighbour's BSAL or a Critical Industry Cluster), the introduction of a further 2km assessment requirement will only cause confusion and concern in the community, and set a difficult precedent for regulators and the industry.
- APPEA previously suggested the deletion of these 'assessment buffers' as industry does not support arbitrary buffers which do not appear to have a scientific basis.
- There is neither a need nor a basis given for a 2km buffer reference.
- The assessment of impacts on surrounding land uses will always be undertaken as part of an REF, and therefore no need to duplicate these requirements in the AIS guidelines.
- In addition, under sections 71 and 72 of the *Petroleum (Onshore) Act 1991*, permission from landholders is required where activities are undertaken on cultivated land, or within 50 metres of a garden or vineyard.

¹ NSW Chief Scientist and Engineer (2014), *Final Report of the Independent Review of Coal Seam Gas Activities in NSW*, (available at www.chiefscientist.nsw.gov.au/_data/assets/pdf_file/0005/56912/140930-CSG-Final-Report.pdf).



SECTION 5.6 – ACCOUNTING FOR THE TAKE OF WATER

- APPEA continues to believe that the assessment of impacts of water use is provided in other documentation, such as the Review of Environmental Factors (REF) and supporting water management plans required by Government, therefore we request the deletion of the requirement avoid regulatory duplication.

SECTION 5.7 - CONSULTATION

- Consultation components are included in both the REF document and supporting community relations plan under the Environmental Impact Assessment Guidelines for Exploration, Mining and Petroleum Production Activities (ESG2) guidelines and community consultation guidelines.
- Again, we suggest the deletion of this section on the basis that it appears in several other regulatory documents.

LAND ACCESS

- APPEA believes that the issue of land access is beyond the scope of these guidelines and therefore references to land access arrangements should be removed.