



Environmental Defenders Office

27 July 2020

Steve O'Connor
Panel Chair, Narrabri Gas Project
Independent Planning Commission

CC: Casey Joshua, Planner

By email: ipcn@ipcn.nsw.gov.au

Dear Mr O'Connor,

URGENT: Request to participate in meetings with Water Expert Panel and agencies on 28 July 2020

1. We refer to information published on the Independent Planning Commission's (**Commission's**) website on 24 July 2020 indicating the panel considering the Narrabri Gas Project has arranged to meet with the Department of Planning, Industry and Environment (DPIE), the Environment Protection Authority, DPIE Water Group and Natural Resources Access Regulator and, separately, with the Water Expert Panel advising the Department of Planning tomorrow, Tuesday 28 July, to discuss issues raised during the public hearing for the Narrabri Gas Project.
2. We write **urgently** on behalf of our client, North West Alliance (**NWA**) and its member groups in relation to these meetings.
3. We note that the hearing is currently still underway and will be still underway when this meeting takes place and also note our previous request to the Commission that the above-listed agencies be asked to attend the public hearing to provide evidence, a request which has so far been neither granted nor refused.
4. We are of the view that holding separate meetings with these agencies and experts without affording the public, objectors and experts retained by objectors to witness and participate in such meetings is not conducive to procedural fairness, nor to public confidence in the transparency, efficiency and rigour of the planning process.
5. We respectfully request that our client and the relevant independent experts briefed by it be invited to participate in the meetings scheduled for Tuesday 28 July. We would be happy to agree to terms to ensure the conduct of the meeting is efficient for the purposes of the Commission's consideration of the Narrabri Gas Project.

6. Our client has many years' experience and deep knowledge of the Narrabri Gas Project and its assessment that will aid the Commission in the rigorous conduct of these meetings. As one of the lead objectors, it has invested a substantial amount of time and expense in responding to the Project application and participating in the public hearing. The very intense public interest in this project will inevitably lead to questions being raised as to why the Commission panel has chosen to meet these agencies and experts separately from the public hearing even while the hearing is still underway. Inviting our client to participate in the meeting will improve transparency and perceptions of the fairness of the proceedings.
7. The presence at this meeting of experts retained by our client will enable the efficient cross-referencing of information and opinion.
8. We also request that the Commission make arrangements to live-stream the meetings scheduled for 28 July 2020 to afford the general public the opportunity to observe the proceedings. As we expect the Commission to publish a transcript of these meetings and they are not confidential, it is reasonable, given the very high public interest in this development, for the meetings to be live-streamed.
9. Our client takes this opportunity to submit further questions for DPIE for the panel's consideration prior to the meetings to be held on 28 July 2020. In addition to the questions and issues we have already submitted, our client requests the Commission put the following anomalies and questions to DPIE:

- a. The Assessment Reports for the Dewhurst and Bibblewindi coal seam gas pilots in the project area in 2014 note that "the Office of Water told the Department that Class 1 model 'would only be acceptable where activities are demonstrated to be particularly low risk'". In those Assessment Reports, the Department made the following statement:

[The NSW Office of Water] notes, and the Department concurs, that while Santos's model is not suitable for making the required predictions of groundwater impacts for a larger production project, the risks associated with predicting the impacts of an appraisal pilot are much lower than the risks associated with impacts of full-scale CSG production.

What has changed to make the Department now prepared to accept a Class 1 model for making prediction for full-scale CSG production?

- b. The Water Expert Panel (**WEP**) asked Santos why it had not provided data from its previous appraisal program to inform the groundwater assessment in the EIS. Santos' response states that "data from appraisal wells does not provide information that can help inform groundwater models and is not proposed to be provided" (Santos' response to WEP questions page 2).
If this is the case, how will Phase 1 of the project enable the upgrade of the model to Class 2 or 3 confidence level?

- c. Answers provided by Santos and repeated by the Department in its Assessment Report state that “All recorded cases of methane in groundwater outside the coal measures have been below 10 parts per million (ppm),” but methane concentrations in samples collected for the Iverach et al 2020 paper ranged from 520ppm to 3,427ppm.¹ How does the Department reconcile this information?
- d. The applicant has noted that the groundwater modelling includes a projected 5% of water extraction occurring from Hoskissons seam. Specific information about the thickness and extent of the key intervening layers between the Great Artesian Basin (**GAB**) and the Hoskissons seam is not analysed in depth, and it remains unclear how the balance of gas extraction between the Hoskissons and Maules Creek formations will be determined.

How has the Department considered the impacts on this on how the approval would be granted and/or how the additional potential risk of leakage and drawdown would be estimated and accounted for in water licensing and other regulatory requirements?

- e. There remains significant uncertainty as the scale of salt waste that will be produced from the Project with the Environmental Impact statement suggesting that 430,000 tonnes of salt are projected to be produced over the life of the project and the WEP’s expectation that salt production could be up to approximately 850,000 tonnes over the Project life. What has been done to reconcile these estimates?
10. We will shortly submit to you expert advice from several of the experts retained by EDO on behalf of NWA in advance of tomorrow’s meetings.
11. We would appreciate a response to this request **as soon as possible and before 5pm today**.

Yours sincerely,

Environmental Defenders Office



Elaine Johnson

Principal Lawyer

Reference number: 1724807

¹ Iverach, C.P., Cendon, D.I., Beckmann, S., Hankin, S.I., Manefield, M., Kelly, B.F.J. 2020. Constraining source attribution of methane in an alluvial aquifer with multiple recharge pathways. Science of the Total Environment 703: 134927.