

# Narrabri Gas Project proposal assessment by the Independent Planning Commission NSW – Submission from Chloë Mason: objection

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## Standing

I understand that the IPC is assessing this proposal under the EPBC Act. I appreciate the opportunity to make my submission objecting to this proposal, in the public interest.

Professionally I have worked in environmental risk assessment and operations for regulatory compliance for the NSW government (NSW State Rail and NSW EPA), also in private practice for developers. Further as an academic (in public health and sustainability) I have researched standards and compliance, and contributed to their revision, e.g. human (and avian) reproductive risk from exposure to toxic substances. I have taught environmental risk assessment, particularly the application of ESD principles (s6(2) former *Protection of the Environment Administration Act* 1991). To strengthen my understanding, I returned to university completing degrees in environmental studies and law.<sup>1</sup>

Throughout my life, I have also greatly enjoyed ecological tourism, such as cycling holidays in NSW and Europe. I volunteer on land care, bush care and am a regular donor to several environment groups. Earlier this year, I made a submission to the review of the EPBC Act, a frustrating experience.<sup>2</sup> Since then I note publicity about the growing evidence of institutional failure – that regulatory bodies at both State and Commonwealth level are not effective in enforcing conditions of consent, for which conditional approval was granted to protect the environment. Apart from environmental, often irreversible damage, this is a breach of institutional trust in our democratic nation.

Personally, I am deeply saddened that the Santos proposal has been made at all. With the news this month, journalists have reported that Santos' own investors are concerned about climate change, that solar and wind renewables can replace dirty coal seam gas. The pandemic has heightened people's appreciation of Nature.

People of a liberal persuasion recognise the value of ecological conservation. In the early 1980s, this was well expressed as one of the visionary, practical goals for the NSW Division of the Liberal Party: "the vital ecological challenge, too, to conserve our natural resources, to protect the environment and to fight pollution."<sup>3</sup>

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<sup>1</sup> Master Environmental Studies (UNSW, 1994), BLaw & Grad Dip Leg Prac (UTS, 2006) after earlier PhD (School of Economics, UNSW) and BAHons (Macquarie University).

<sup>2</sup> <https://www.theguardian.com/environment/2020/jul/17/frustration-grows-over-delayed-release-of-review-into-australias-environmental-laws>

<sup>3</sup> Liberal Party of Australia, NSW Division further records 1941-1982, State Library of NSW, MLMSS 3340 MLK 1254, Liberal Philosophy Committee, 'Into the '80's', p. 1, undated.

## Why am I making this objection to the NGP proposal?

I am concerned about this proposal for many reasons, including:

1. The sheer scale of this proposed project: significant in geography and time - the land-take; risks to the water sources; atmospheric damage – both local damage and climate change; long-term contamination of the environment.
2. The timing is now absolutely wrong: on the heels of bushfire, commitment to the Paris Agreement<sup>4</sup>, the strong capacity of the renewables (solar and wind – not gas) sector to supply energy with a greatly reduced domestic price<sup>5</sup>; the public recognition of the value of nature (internationally symbolised by the koala<sup>6</sup>, habitat Pilliga forest). To accept the NGP would be choosing to drive species to extinction – a sheer tragedy. I urge the IPC to reject this proposal.
3. DPIE's June 2020 Assessment Report has recommended a conditional approval for NGP proposal having decided that many risks are "acceptable". DPIE's executive summary makes much of the setting of those conditions and refers to them as "strict conditions".<sup>7</sup> Is the IPC assured by this claim?

**Where is evidence** that the NSW Government has monitored and enforced conditions of consent on major environmental projects?

- What happened to the conditions imposed on another development nearby to Narrabri, Whitehaven's Maules Creek coal mine? At the time the approval (2013) was granted (strict conditions?) the community predicted it Whitehaven would not be able to meet those conditions. This year, seven years later, unable to meet approval conditions, the Environmental Defenders Office issued a legal challenge for this failure<sup>8</sup> – a failure surely not only of the operator but of the assessor using heroic assumptions about "acceptable risk"?

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<sup>4</sup> E.g. Diesendorf Mark (2020) 'The last chance to stabilise Earth's climate' *Pearls and Irritations* (ed. John Menadue), 16 July 2020. [https://johnmenadue.com/the-last-chance-to-stabilise-earths-climate/?mc\\_cid=6ab2d6be5b&mc\\_eid=14f8b0f122](https://johnmenadue.com/the-last-chance-to-stabilise-earths-climate/?mc_cid=6ab2d6be5b&mc_eid=14f8b0f122)

<sup>5</sup> Tony Wood in the Guardian 2020

<sup>6</sup> Koala Action Inc.

[http://www.majorprojects.planning.nsw.gov.au/?action=view\\_submission&job\\_id=6456&submission\\_id=189316](http://www.majorprojects.planning.nsw.gov.au/?action=view_submission&job_id=6456&submission_id=189316)

<sup>7</sup> Dept of Planning, Industry & Environment (June 2020) *NGP (SSD 6367) Assessment Report*, Summary, p. iv. A search shows 23 uses of the word "acceptable" – whereas most of these are credibly contested.

<https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2020/03/narrabri-gas-project/referral-from-the-department-of-planning-industry-and-environment/dpie-final-assessment-report.pdf>

<sup>8</sup> <https://www.edo.org.au/2020/04/03/court-challenge-over-coal-mines-critically-endangered-woodlands-offsets-failure/>

- Then, there's the Murray-Darling...

On 25 June 2020, the Australian National Audit Office (ANAO) published *Referrals, Assessments and Approvals of Controlled Actions under the Environment Protection and Biodiversity Conservation Act 1999*.<sup>9</sup> Its focus of activity: regulation; its sector: environment. This report has a direct bearing on the NGP proposal now being assessed further by the IPC who are in receipt of the DPIE's June (n.d.) 2020 assessment report on behalf of the NSW Government. Here is ANAO's conclusion:

## Conclusion

8. Despite being subject to multiple reviews, audits and parliamentary inquiries since the commencement of the Act, the Department of Agriculture, Water and the Environment's administration of referrals, assessments and approvals of controlled actions under the EPBC Act is not effective.
9. Governance arrangements to support the administration of referrals, assessments and approvals of controlled actions are not sound. The department has not established a risk-based approach to its regulation, implemented effective oversight arrangements, or established appropriate performance measures.
10. Referrals and assessments are not administered effectively or efficiently. Regulation is not supported by appropriate systems and processes, including an appropriate quality assurance framework. The department has not implemented arrangements to measure or improve its efficiency.
11. The department is unable to demonstrate that conditions of approval are appropriate. The implementation of conditions is not assessed with rigour. The absence of effective monitoring, reporting and evaluation arrangements limit the department's ability to measure its contribution to the objectives of the EPBC Act.

This material adds to an informed consideration lending weight to a recommendation from the IPC to the Minister **not to grant approval**.

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<sup>9</sup> <https://www.anao.gov.au/work/performance-audit/referrals-assessments-and-approvals-controlled-actions-under-the-epbc-act>

## Further reasons to reject the NGP proposal

4. The **short-term gain to Santos** is vastly outweighed by the long-term, irretrievable destruction of nature, of irreplaceable habitat and species; destruction of the land (e.g. by soil compaction and habitat severance – scattered 850 proposed wells, roads, and pipelines), water, and atmosphere. I note reports of rising shareholder concern about Santos' disregard for climate change.

5. The **energy “demand” arguments put by DPIE** in its June assessment report do not even stand up to scrutiny from experts in the popular media.

- After the June DPIE report, we learn about future outlooks for the gas industry:

*...the future of the local gas industry may be clearer once world-leading models published recently by more than 60 central banks, under the banner of the Network for Greening the Financial System, give a local, rather than just a global, picture. The Australian Prudential Regulation Authority has begun the job of producing that data.*

*It could, for example, give investors a better picture of whether Santos's controversial \$3.6bn Narrabri coal-seam gas proposal has a viable future.*<sup>10</sup>

The current work by the Australian Prudential Regulation Authority—has that been assessed by DPIE?

- Also after the June DPIE report, came the breakthrough technology for solar cells.<sup>11</sup>

6. The **risk to water** is of paramount importance, especially given the changing climate and that the Great Artesian Basin was filled long, long ago during much wetter periods. A 2007 CSIRO report: “The interaction between the Pilliga sandstone aquifer and other groundwater and surface systems is unknown.”<sup>12</sup> Land clearing of native vegetation would be depleting these resources.

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<sup>10</sup> Morton Adam, 'From Covid-19 to climate: what's next after the global oil and gas industry crash?' *Guardian*, 12 July 2020: <https://www.theguardian.com/environment/2020/jul/12/from-covid-19-to-climate-whats-next-after-the-global-oil-and-gas-industry-crash?CMP=S>

<sup>11</sup> <https://cleantechnica.com/2020/07/16/low-cost-perovskite-solar-cells-breathing-down-the-neck-of-coal-fossil-gas-too>

<sup>12</sup> CSIRO on the Coonamble Embayment, p. 17  
<http://www.clw.csiro.au/publications/waterforahealthycountry/2007/wfhc-Great-Artesian-Basin-recharge-mechanisms.pdf>

The proposal for **massive abstraction** of water that is **rendered toxic** is irresponsible in the face of the short-term future for the coal seam gas industry.

Santos' proposal and the Department's assessment contains heroic presumptions that exaggerate the benefits and diminish the risk of damage. I note reference to the **water modelling** used by Santos has "poor predictive capacity" according to the NSW Government's Water Expert Panel.

7. The site - expect IPC confined to the site despite the reality that it risks being a trojan horse for mining the **lands surrounding the subject site**. Strangely, Scope 3 is part of legal consideration - regret that our law lags so badly behind in being able to protect the environment within the State or the Commonwealth (and so many other nation-states encumbered by English common law).
8. I support the objections from many NGOs submitted to the IPC, including the National Parks Association of NSW (as a member); Mulgoa Valley Landcare Group, Regentsville NSW protecting the remnants of the Cumberland Plain; Koala Action Inc., and Lock the Gate Alliance North West.

Thank you.