

# Submission on additional material by Brenda Gerrie

Thank you for the opportunity to comment on the additional information on the Narrabri Gas Project recently provided to the IPC.

I have tried to put my objections to one side and to focus on the questions asked by the IPC and see if the last minute additional material provided by the proponent and the Department has added anything to the assessment.

Yes and no... mostly no.

The Santos submission added very little to the case at hand, the expert opinions they commissioned were somewhat at odds with the Department's assessment and their additional material and indeed highlighted the shortcomings in the Department's assessment report which has downplayed the risks and glossed over the likely impacts of mining the Pilliga for its gas reserves.

The Department's answers to the IPC's questions did not tie the conditions of consent to either the SEARS or ESD, but they did further highlight the inadequacies in the assessment because much of it is supposition, and the draft conditions of consent are so loosely worded as to be unenforceable.

## The Department

I wish to focus on the most significant of the questions asked of the Department namely how Santos addressed the SEARS and how the principles of ESD are addressed in the assessment report and implemented in the conditions of consent.

### SEARS

The SEARS underpins everything the proponent is required to do and is the yardstick against which the Department assessed the proposal.

In answering the question about how Santos addressed the SEARS, the Department has simply invited the IPC to plough through the wealth of information and follow the many threads left behind by a protracted and complex process. I would have thought that the Department should have been able to quickly and easily produce a list of unresolved matters, their current status, how they wish them to be dealt with as well as deadlines to be met by the proponent, particularly since there are many matters still to be resolved.

Here are a few examples of the unknowns...

At a high level we know a lot about the existing infrastructure in the gas field, but the location of new gas wells, infrastructure, fencing and roads is an unknown and yet this information is stipulated as a requirement in the SEARS. Not only that, but conclusions are drawn by both the proponent and the department about land clearing, fragmentation, impacts and risks which are dependent on knowing these things.

There is a SEARS requirement for baseline data to be collected to monitor change, assess risk and measure contamination if it occurs. Where is that data? And why is it not written into the conditions of consent as thresholds (limits on permissible wastewater extraction is an exception).

A waste management strategy with an emphasis on a plan for the beneficial use of the salt is a SEARS requirement but is still unknown. The Department has indicated that there are more options for using the carbonate-bicarbonate salts produced at Narrabri than for the Queensland salt waste. The inference is that some beneficial use for the waste will be found. The reality is that after years of drilling Santos sees sending the waste to landfill as the preferred option.

We don't even know the chemical composition of the wastewater after years of drilling and yet it is a SEARS requirement.

The list goes on... and there are many more examples of conclusions being drawn from nothing.

And adaptive management is not the panacea the Department says it is when Santos has had more than a decade of experimentation to plan and design a gas field, gather useful baseline data and develop a realistic waste management plan.

There is a disconnect between the SEARS which describes clearly what the proponent must examine in the EIS and the conditions of consent which are anything but rigorous with phrases like reasonable, feasible, generally and as soon as practicable used throughout. The conditions of consent are so loosely worded that they do not hold Santos to account, specify what has to be done and will therefore be difficult if not impossible to enforce.

And listing such aspirational words and phrases like reasonable and if feasible in a glossary implying they can be defined and that Santos will do the right thing does not change a thing.

## **ESD**

The department said that the whole assessment report was about ESD, but nowhere does the report weigh the environmental impacts and the social pluses and minuses against the economic benefits. The way things stand the need for the gas is not a given, the project may not deliver cheaper gas to NSW, the economic benefits are small and localised compared to the wider NSW economy and the social impacts are both positive and negative.

As for environmental impacts, the Department has acknowledged uncertainties and risks but maintain that the risks can be avoided or managed. Just as they say the precautionary principle is not triggered because risk of harm is low and localised. This puts the onus firmly on Santos to manage the gas field appropriately and to adhere to clear and stringent conditions of consent.

However, the conditions of consent as they stand are so vague that Santos cannot be held to account and they will be unable to be enforced.

The impacts are downplayed and the benefits exaggerated.

The Department said that no single project can affect the global climate, but argues that a single project may influence gas prices in a global market. The latter point was used to argue for the project's approval and the former was not a consideration for rejecting the project. This is an example of cherry picking when you want to argue a preconceived outcome.

Moreover, the Department is very familiar about the cumulative impacts of other developments, but not apparently the cumulative impacts of gas mining on global warming.

And so it would seem that the recommendation to approve this project is an arbitrary decision based on nothing but opinion.

## **The Proponent**

The Santos material seems to address many of the technical issues raised during the public hearing. I leave comment on that to more qualified others.

I am more concerned about all the unknowns and how the risks, the wastewater and the impacts will be managed going forward. It seems that after more than a decade of drilling and experimentation the only certainty is that the Pilliga holds gas deep in its aquifer at the limits of profitability.

Santos' additional material included an economic analysis. The opinion of the economist about prices and impacts on the local economy are simply that - an opinion with no certainty and therefore not relevant to the IPC decision-making.

The principles of ESD (and the precautionary principle) which are fundamental to a viable and approvable project were not addressed by Santos. They fielded that ball to a legal opinion which conjectured on the level of risk, the certainty of harm and whether steps can be taken to mitigate, reduce or reverse the harm. The very questions which still need to be answered. So no help there either.

The legal opinion did mention a court ruling that an adaptive management approach was inappropriate when a lack of data created uncertainty and when appropriate management plans were yet to be prepared, suggesting that without the requisite management plans in place impacts cannot be assessed.

But the Department and the Water Expert Panel advocate an adaptive management approach when all the requisite management plans have yet to be written and approved.

Is an adaptive management approach appropriate?

Should not the development of appropriate management plans as specified in the SEARS be a condition of approval rather than a condition of consent?

The legal opinion also said that social licence is not a legal term and therefore not a consideration. But many objectors have said that Santos has no social licence to operate a gas mine in the Pilliga - a record number of objectors in fact. Social licence must be a guiding factor in determining whether the Narrabri Project is in the public interest. And so the view that Santos does not have a social licence cannot be readily dismissed in the IPC determination.

Whilst some of the information Santos provided was helpful like the composition of the gas across the gas field, most of the big questions remain unanswered including the composition and disposal of saline wastewater. Despite being asked multiple times to address these important issues Santos preferred option is to send the waste to landfill to make it somebody else's problem. Is not salt toxic? Is it not soluble? What else is in the waste?

If anything the additional material provided by Santos only serves to highlight the deficiencies in the Department's assessment report by flagging the unanswered SEARS requirements and the lengths to which the Department has gone to gloss over the risks associated with this project.

### **Endnote**

The Department has offered no new information and has simply repeated what has been said before - that the assessment was rigorous, that the risks can be managed and the project is in keeping with government policy.

It would seem that the Department has made sweeping judgements that everything will be alright based on nothing but Santos' aspirations to do the right thing.

And since all of the required management plans have yet to be formed and written, the Department's assessment that the risks are low is merely an opinion. An opinion which is not shared by many experts and which, according to Santos' legal expert, should not be given dispositive weight.

Contrary to what the Department says, the assessment has not been rigorous and gives the proponent considerable latitude in how the gas field will be developed and operated as reflected in loosely and vaguely worded conditions of consent which will be unenforceable.

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August 2020

PS I am a concerned citizen who wants our governments at all levels to protect our environment and do more to reduce Australia's greenhouse gases for the sake of future generations.