

From: [Daniel Jack](#)
To: [IPCN Enquiries Mailbox](#)
Date: Friday, 21 August 2020 4:57:38 PM

To Whom it May Concern,

Please accept this response in addition to my original submission against the proposed Narrabri Gas Project.

I have serious questions of the procedural fairness of this process. It does not seem fair that the Department's 'Response to Independent Planning Commission Questions' were able to be provided to the Commission on 14 August 2020 after the closing date for submissions. Is this legal to allow the DPIE additional time to provide their response? In addition to this, what are the legalities of allowing Santos to completely re-write their business case and still have it considered?

In response to the DPIE letter submitted 14 August 2020 by David Kitto:

It is stated that Under NSW case law, there are two preconditions for the application of the precautionary principle: 1. Threat of serious or reversible environmental damage; and 2. Scientific uncertainty as to the nature and scope of the threat of environmental damage.

Given the overwhelming evidence against this project from scientists, geologists, engineers, fire experts etc you cannot confidently claim that there is no threat to serious or reversible damage. In addition to this you cannot claim that there is scientific certainty around the nature and scope of the threat to environmental damage. Within this response it acknowledges 'While there is some scientific uncertainty.' On both Santos and the Government's admission there is not enough data to determine with any ounce of confidence what the impact will be. This is grounds for this project not to proceed.

In contrast to the response, under this case law there is no requirement to prove evidence of the specific serious or irreversible environmental damage. The uncertainty alone, by their admission is enough grounds for this not to proceed.

In regards to intergenerational equity, this letter claims this project wouldn't impose 'any significant burdens on individuals or groups within the existing local or regional community and without compromising the needs of any future generations.' I disagree with this notion, this statement is disregarding the intergenerational equity of our people, the Gomeroi people. As stated, in my original response the DPIE's failure to conduct sub-surface archaeological excavations of the project area will result in cultural heritage sites that are important to Gomeroi people being irreversibly destroyed. This will directly impact the intergenerational equity of a people who have 4,000 generations more of intergenerational equity over the project area. This project promises nothing in return for local Aboriginal people. No direct employment targets. Nothing. Not that any amount of jobs would replace the need to protect the land, our heritage, the water, ecosystem and animals that rely upon it.

In addition to this the letter states, that based on this assessment and subject to the recommended conditions, the Department has concluded that the project: the project 'would not significantly affect the cultural heritage of the region, including Aboriginal cultural heritage, and that the culturally significant resources within the project area can be managed in a sustainable way in consultation with key Aboriginal stakeholders under the recommended conditions of consent (Object j).

Once again, Within Dr Sneddon's report it is acknowledged that there is flaws in the predictive model used to identify Aboriginal cultural heritage sites for a number of reasons. The report concluded that 'the use of predictive models in the Pilliga is appropriate, at least until the baseline data are improved.' Dr Sneddon states that the project area is archeologically 'an under-studied region in Australia' in the context of what is below the surface.

The Santos EIS states that its approach to Aboriginal cultural heritage within the study area will be based on an 'avoidance principle'.

This means they will be using outdated data according to Dr Sneddon's own admission and avoiding the 90 *known* sites in the project area.

Santos has committed to undertaking additional Aboriginal heritage filed surveys, to avoiding any sites of significance identified in these surveys but these surveys do not extend to look below the surface. They do not commit to Sub-surface archaeological test excavations.

In regards to Santos Submission to IPC following the public hearing, I would like to provide the following responses:

The submissions states 'During the consultation process all Registered Aboriginal Parties were expressly provided the opportunity to provide information regarding Aboriginal cultural values.' In contrast to this statement, Dr Sneddon states within his report '...It is not clear how comprehensively the possibility of sub-surface archaeological test excavation was canvassed during Aboriginal community consultation.' As stated in my response, I believe that the omission of the benefits of sub-surface archaeological test excavation during the consultation demonstrates that the consultation process was inadequate having regard to the Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH, 2010). As a result methods that may have decreased the likelihood of irreversible damage to highly valuable Aboriginal cultural heritage may have been overlooked. As a result of this the risks to Aboriginal cultural heritage is increased exponentially. This is not just Aboriginal heritage at risk this is Australian heritage.

I wonder whether the lack of adequate consultation by Santos stems from similar prejudicial thinking by Santos as the NSW Government when they suggested in a latter that our people were not capable 'to absorb large amounts of technical information including the circumstances in which archaeological test excavation would be appropriate in scientific terms.'

Within Santos Submission to IPC following the public hearing it states 'the assessment concluded that by application of the avoidance principle there would be no impact on cultural heritage sites that have been assessed of high significance.' As previously stated, Within Dr Sneddon's report it is acknowledged that there is flaws in the predictive model used to identify Aboriginal cultural heritage sites for a number of reasons. The report concluded that 'the use of predictive models in the Pilliga is appropriate, at least until the baseline data are improved.' Yet there is no genuine commitment by Santos to improve the baseline data in an area that was defined as under studied by Dr Sneddon himself.

The fact remains that the risks to Aboriginal cultural heritage, including the remains of our family remain high. This notion is supported by the subject matter experts in Aboriginal cultural heritage I referred to within my submission in Paul Gordon and Jarn Hodg. There is no commitment by Santos or DPIE to conduct sub-surface surveys which would mitigate against the risk of disturbing 'unknown' Aboriginal cultural heritage sites. The persistence of proceeding to avoid 'known sites' and preclearance surface surveys is insufficient to protect Aboriginal cultural heritage sites. The refusal to include any conditions for Santos to conduct archaeological sub-surface excavations is flawed and will result in damage to cultural heritage sites and will directly impact the intergenerational equity of Gomeroi people. The NSW Government would not put less than 200 year old colonial heritage at risk. Why does Aboriginal heritage sit so low in the pecking order?

Within Santos submission they stated 'the CHMP outlines the process for pre-clearance surveys and for the management and protection of new finds discovered during carrying out of Project activities.' The reality is that there will not be any new finds because there is no accountability placed on Santos to out in meaningful resources to properly manage cultural heritage within the project area.

I ask that the Commissioners please consider the true merits of this case or lack thereof and ignore external political pressure from both the State and Federal level to approve this project. There is considerable doubt that this project can be conducted without irreversible damage to the environment. In addition to this, the NSW Government has proven in the past that it is not appropriately equipped/resourced to regulate this industry. The fining of Santos for poisoning the aquifer 20 times safe drinking level demonstrates this.

Do not allow Santos to turn Gomeroi country into some post-apocalyptic world where mental and physical abnormalities are the norm. We don't want our land to become the science fiction world of the Chrysalids. If you approve this project that very well may be the reality. The barren wasteland and lack of vegetation regrowing at the site of the Pilliga Pond Incident stands as

constant reminder of what is not just possible but likely if this project is given a green light.
Please reject this project.

Kind regards,

Daniel Jack