



supplementary submission to Chief Scientist from Carmelite Nuns
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to:
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1 Attachment



CSsupplementarysubmission.pdf

Dear Mr Deighton,

Please find attached a supplementary submission to the Chief Scientist's CSG Review from the Disalced Carmelite Nuns, Varroville.

My apologies for the delay in receiving it. We have had email problems over the last few days.

Kind regards,

Sister Jocelyn Kramer OCD

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Professor Mary O’Kane
NSW Chief Scientist and Engineer

troy.deighton@chiefscientist.nsw.gov.au

12 July 2013

Dear Professor O’Kane,

Re: Review of coal seam gas activities in NSW

I write on behalf of the Discalced Carmelite Nuns, Varroville, to make a supplementary submission following the meeting with you and your team at Campbelltown on 1 July 2013.

We make additional comments on three areas of concern.

Regulation, compliance and the Environmental Protection Authority

On Wednesday last week (3 July 2013) we received notification from the Environmental Protection Authority (EPA) via the Scenic Hills Association (SHA) that as of 28 June 2013 the EPA is now the appropriate regulatory authority (ARA) under the *Protection of the Environment Operations Act 1997* (POEO Act) for all CSG exploration, assessment and production activities.

The initial submission made by SHA to your review of CSG activities in NSW documented repeated compliance failures by AGL in relation to its Camden Gas Project, and failure by the EPA to identify them and act independently of AGL in documenting them and applying penalties. These well publicised failures have understandably sapped public confidence in the regulatory mechanisms. The CSG industry in NSW claims to be the most highly regulated CSG industry in the world, but it seems that this strict regulation might exist merely on paper, since the practical reality of regulation seems far from satisfactory when repeated breaches such as those identified at Camden go undetected, unreported and inadequately penalised.

At last week’s meeting we said that it seemed that the EPA has been ‘a toothless tiger’ in relation to AGL’s Camden Gas Project and we expressed grave concern at the proposal to make the EPA the leading regulator. We now ask:

1. What measures have been put in place to restore public confidence and ensure that the EPA is capable of undertaking its new responsibilities of strictly enforcing regulation of the CSG industry in NSW?

Public Utility Undertaking

At the meeting last week we referred to the intention of AGL to locate the main spine line of gas gathering lines and other infrastructure for the proposed Northern Expansion (Stage 3) of the Camden Gas Project along the heritage-listed Sydney Upper Canal Water Supply.

At the meeting, we neglected to mention that AGL has characterised its CSG extraction project for Stage 3 at Camden as a *utility installation* or a *public utility undertaking*. Its reasons for doing so appear to be based on two grounds:

- (1) legal – to circumvent possible prohibitions in the local environment plan. Having been challenged by the SHA on this point, it has now avoided legal challenge by transferring Stage 3 into the O’Farrell Government’s SSD regime.
- (2) moral – to gain acceptance by the community and government that it is providing an essential service and to gain access to land reserved for public utility companies, i.e. Sydney Catchment Authority land (running its spine line alongside the Upper Canal, classified as *critical public infrastructure* because it carries Sydney’s back-up water supply, and within a corridor inside the Australian Botanical Garden at Mount Annan that is reserved for public utilities).

We consider that AGL’s claim that CSG extraction is a public utility undertaking is untenable, since by its own admission AGL will only supply a small proportion (<10%) of Sydney’s gas from CSG via the Camden Gas Project. Moreover, the Preliminary Hazard Analysis for Stage 3 states that ‘In the case of the proposed development, the loss of supply is not considered critical...’ (PHA, Appendix D, p.8) Since no serious consequences for the public would follow as a result of loss of supply of gas from the Project, there appears to be no justification for according this commercial venture the status of a public utility undertaking. Furthermore, legal advice suggests that its intended use of public land is unacceptable as AGL is not a public utility company and its CSG activities cannot be classified as public utility undertakings.

There are, however, potentially serious consequences for the public if the Government accepts characterisation of the CSG industry as a public utility undertaking. AGL’s stance seems to account for its perverse attitude of ‘entitlement’ and risk-taking in relation to groundwater, air quality and human health. The same attitude is apparent in other companies, supported by industry consultants, to justify exploring for CSG in Sydney’s Water Catchment areas. Therefore, the claim that CSG extraction is a public utility undertaking needs to be examined critically, since failure to do so helps to downplay its risks to public health and the environment. So, we ask:

2. Will the Chief Scientist review the characterisation of this Project (and, where applicable, other CSG projects in NSW) as a public utility undertaking?

Health Impacts

We wish to make an additional comment relating to assessing the possible impacts on human health of CSG extraction. Professor Wayne Smith, Director of the Environmental Health Branch of NSW Health, spoke at a public information forum organised by Campbelltown City Council on 20 February 2013 at Mount Carmel High School, Varroville. Many public submissions following exhibition of AGL's Amended Development Application expressed concern at the possible impacts on human health of extracting CSG in the Sydney Metropolitan Area. At that meeting Professor Smith stated that he was in discussions with AGL to enable the Company to meet the Health Department's requirement for a 'health impact assessment' (HIA). He commented, 'Research can be done in a timely fashion so that this [Project] can move ahead'.

We have read the Health Impact Assessment Guidelines (September 2001) used by NSW Health. They constitute a general framework for a report which the Proponent is being asked to add to the portfolio of documentation to complete the requirements for an Environmental Assessment. In this sense, it seems merely to be focused upon meeting a condition of consent. We now understand how this 'research' could be done 'in a timely fashion' so that the Project can move ahead.

We are concerned that such a 'box-ticking' exercise does not deal with the public's concerns about reports suggesting possible impacts of CSG extraction on human health.

We therefore ask:

3. Does the research for the HIA include a comprehensive literature review of studies and reports on CSG in relation to human health?
4. Will such a literature review inform the risk assessment of the HIA?
5. Will the research methodology of the HIA and its findings be made available to the public?
6. Is there any outcome of such research that would prevent the Company 'moving ahead' with the Project?



Sister Jocelyn Kramer OCD

For the Carmelite Nuns, Varroville:

Sisters Sarah Carpenter, Joan Fanning, Elizabeth Franks, Patricia Giuliano, Helen Hill, Jennifer Jones, Jocelyn Kramer, Alice Mulcare, Gemma O'Keefe, Alice Page, Anna Skoczylas