



CLARENCE ENVIRONMENT CENTRE

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The Hon. Chris Hartcher
Minister for Resources and Energy
Level 37 Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Mr Hartcher

I am writing to lodge a series of complaints with your department over the processes involved with Metgasco's gas drilling operations within the Clarence Valley local government area, specifically

TE03

Lot 66 DP 751382 off Banyabba Road, Banyabba, and

TE04

Lot 2 DP 793765 Golden Mile Road, Glenugie.

Some months ago, the Clarence Environment Centre contacted Metgasco requesting a copy of its Review of Environmental Factors (REF) in relation to these two sites. Despite Metgasco's oft-repeated claims of comprehensive consultation, they declined to provide the document, claiming instead that the REF would be posted on the relevant government website.

Last week, construction work began at the TE04 site. and at that point there was nothing posted on the web site, and neighbours had received no notification that work was to begin.

We contacted the relevant department, to find out why the REF had not been posted, and received what can only be described as a "run-around", and the short story is, the document was finally posted on the web site 2 days later. However, upon receiving the document, we discovered the flora and fauna components for both sites were scanned and virtually unreadable. This is unacceptable.

According to the REF document, we note:

Condition 2: Notice of Activities.

"Metgasco will provide notice to nearby residences of proposed activities at TE04". This never happened.

Then we have the claim that Metgasco: "*Will consult with the local Aboriginal Land Council*". This too, as far as we can ascertain, has not occurred (all depends on what is considered "local").

In terms of the flora and fauna component of the REF, we have to bring a number of anomalies to your attention and insist that proper studies be undertaken, rather than depend on desk-top assessments and a one hour meander across the site.

In that respect, we draw your attention to Section 111 of the EP&A Act which provides the broad duty on the determining authority. ie how can the duty to consider have been discharged if all matters that ought to have been considered to the fullest extent possible have not.

111 Duty to consider environmental impact

- (1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.
- (4) Without limiting subsection (1), a determining authority must consider the effect of an activity on:
 - (a) critical habitat, and
 - (b) in the case of threatened species, populations and ecological communities, and their habitats, whether there is likely to be a significant effect on those species, populations or ecological communities, or those habitats, and
 - (c) any other protected fauna or protected native plants within the meaning of the *National Parks and Wildlife Act 1974*.

Firstly, in relation to Koalas. The Ecological Report acknowledges the occurrence of Koalas, through NSW Wildlife Atlas Records, within the locality, and that the Koala feed tree species, *Eucalyptus tereticornis*, dominates part of the study area, concluding that: “Potential habitat does occur on the site due to the dominance of Eucalyptus tereticornis in the canopy”.

However, we assert that the presence of Koalas, coupled with a dominance of Koala feed tree species makes it “core Koala habitat” at the site under the definition of the State Environmental Planning Policy 44 (SEPP44), not “potential habitat”.

As well the desk-top assessment, using only NSW Wildlife Atlas records, has resulted in the REF failing to identify two, possibly more, Endangered Ecological Communities that occur within the 5km radius, specifically within the significant Coldstream wetlands, which lie immediately downstream of the drill site.

We point out that the assessment of ecological impacts for the second site, **TE03**. Lot 66 DP 751382 off Banyabba Road, Banyabba, is equally cursory and inadequate. The forest community at that site has high conservation value, and ask that you immediately require Metgasco to undertake adequate surveys as required under the EP&A Act before any work commences at that site.

As a result of the failures listed above in relation to the Glenugie site, the Clarence Environment Centre also calls on you to require those matters to be addressed before further work is undertaken, and ask that your Department require a far more robust assessment of all CSG activities in the future. A survey that involves a simple one hour meander about the site is clearly inadequate, and totally unacceptable.

Yours sincerely

John Edwards
Honorary Secretary
Clarence Environment Centre