

Executive Director, Resource Assessments  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001  
22 May 2017

**This is a submission to the Narrabri Gas EIS. I object to the expansion of CSG activities in the Pilliga Forest.**

Thank you for providing me the opportunity to respond to the Narrabri Gas EIS.

I work as the Project Manager for Walgett's Dharriwaa Elders Group ("DEG") - an association formed in 2000 by Walgett Aboriginal Elders. The DEG seeks to manage and maintain Aboriginal Cultural Values in the community and this includes protecting the lands and waters in the Walgett region and our community's connection with them. Members believe that healthy rivers and environment support healthy people and that environmental values are and will be an important resource for the Walgett community's social and economic wellbeing. In addition, DEG believes that Aboriginal people have the knowledge and will to use these resources in ways that can benefit many.

I am making this submission as a private individual and the views I am expressing are my own.

The Walgett community drinks the Namoi River waters downstream of Bohena Creek<sup>1</sup> and lives around 100kms north west of the project area. Floodwaters that have passed over the project's waste water pits and chemical spill areas may well contribute to Walgett's water supply.

Santos was invited by the DEG to make a presentation to Walgett to explain its plans. This occurred 2 June 2015. At this meeting Santos created damaging community division by paying Gomeroi Native Title Applicants from outside the Walgett area to make presentations in favour of Santos' plans. This upset and outraged those present and probably damaged the scarcely-resourced Native Title process. Compounding the outrage to some was the fact that it occurred in front of non-Aboriginal Santos employees which had the effect of humiliating those who were seeking respect and information from the Santos guests. Two men were present to speak for Santos who I had previously met as NSW public servants employed to protect Aboriginal Cultural Heritage and ensure environmental compliance respectively. Some might think that their experience and reputations in the NSW North West lent credibility to Santos. Their presence helped me understand better the quality of their capabilities in their previous roles with the NSW Government. Unqualified claims were made which I cannot believe are true – "aquifers will be safe", "biodiversity will not be adversely affected", "many jobs for Aboriginal people will be created", "the Pilliga Forest is not a recharge site for the GAB". The meeting was also told "the gas produced will be used in NSW". It was clear to me that Santos does not know how to respectfully engage with Aboriginal communities so I also now cannot believe Santos' claims that its project plan has been developed with Aboriginal stakeholders<sup>2</sup>. Substantial ongoing engagement, trust and advocacy capability-building activities are required for informed consent by our community for any planning proposals – and this has not occurred. Informed consent would require a concerted effort that no agency or organisation is currently resourced to undertake however the NSW Government can change for the better if it so determines.

---

<sup>1</sup> A creek which runs through the project

<sup>2</sup> Page 3, 3.1, Appendix N2, Cultural Heritage Management Plan

I request that the following issues are considered and addressed by NSW Planning:

- 1) NSW Planning and the NSW Government must change the current planning system which favours well-resourced interest groups at the expense of Aboriginal communities and the environment. There is a better and fairer way.
- 2) Santos demonstrated in Walgett that it cannot engage respectfully with Aboriginal communities. NSW Planning must not allow Santos to negotiate any processes directly with Aboriginal communities without first ensuring they have been resourced to have the capacity to negotiate with Santos. Native Title groups and Aboriginal Land Councils must be resourced to represent their communities and receive quality independent advice. They are not currently. The NSW Government's legislative mechanisms for Aboriginal representation in planning matters are failing Aboriginal communities in North West NSW because they are under-resourced.
- 3) The Narrabri Gas Project EIS Aboriginal Cultural Heritage Management Plan ("ACHMP") limits its scope to archaeology, occupation and story places and does not include consideration of significant native vegetation communities and clusters, the living patterns and habitats of birds and animals and other core elements of biodiversity Aboriginal communities value for health and wellbeing. 63 plants were identified as being of cultural value<sup>3</sup> but no inclusion was made in the ACHMP for their habitats to be protected. This narrow view of Aboriginal Cultural Heritage ("ACH") should not be accepted by the NSW Government which in recent times has substantially reduced the requirements and responsibilities of development proponents to protect Aboriginal Cultural Heritage and Values. NSW Planning must quantify the Aboriginal Cultural Heritage risks of the project realistically.
- 4) I am concerned the proposed expanded gas field and its associated activities will have many negative impacts on Aboriginal Cultural Heritage ("ACH") including to biodiversity, surface and groundwaters. Losses and damages must be measured and compensation negotiated fairly for the project to proceed. Usually, once Aboriginal Cultural Values are destroyed they cannot be replaced. I do not believe that offset lands will be acceptable compensation. The EIS does not explain how "community management of offset lands"<sup>4</sup> will occur unresourced. I request NSW Planning ensure that Aboriginal communities affected by the project are resourced to access their own independent scientific and legal advice to consider these issues and advise the NSW Government.
- 5) Santos' management of Aboriginal Cultural Heritage (including biodiversity) must be monitored for compliance by the NSW and Commonwealth Governments. Self-management by a developer ("Cultural Heritage Compliance Report<sup>5</sup> and Plan") when huge money is gained from the destruction of ACH is not acceptable. Relying on mining workforce education<sup>6</sup> to protect ACH is not acceptable. Ongoing monitoring by NSW OEH officers must be required during development processes. The NSW Government must be able to resource this process, so the cost must be quantified and considered by NSW Planning in considering the EIS.
- 6) Discrepancies in the recorded and actual locations of known ACH sites were found by Santos<sup>7</sup>. This is one of many examples of the inadequate management of ACH by NSW Governments despite their legislative and policy responsibilities to ensure that ACH

---

<sup>3</sup> Pages 63 – 75, 4.5.7 Appendix N1, Aboriginal cultural heritage assessment

<sup>4</sup> Page 20 – 26 Chapter 20, Aboriginal Heritage

<sup>5</sup> Page 15, 4.8 (i) Appendix N2, Cultural Heritage Management Plan

<sup>6</sup> Page 17, 4.11 Appendix N2, Cultural Heritage Management Plan

<sup>7</sup> Page 10, 4.2 Appendix N2, Cultural Heritage Management Plan

---

values are maintained and strengthened in NW NSW. NSW Planning's response to the proposed project must ensure that intended protections supplied under law are complied with. NSW Aboriginal communities must be resourced to manage their ACH assets. I cannot believe that the mapping of zones defined by the Santos ACHMP<sup>8</sup> is accurate unless they are ground-truthed by local Aboriginal knowledge-holders, and endorsed by local Aboriginal Elders and NSW OEH. NSW Planning must ensure this process is resourced and not managed by Santos employees.

- 7) NSW Planning and NSW Office of Environment and Heritage must be resourced so they can monitor that the admirable Avoidance and Precautionary Principles expressed in the EIS are incorporated into Santos' management of the project. Otherwise, I do not trust Santos to implement these Principles. NSW Planning's decision cannot rely on trusting Santos – it must be based on evidence and compliance monitoring.
- 8) The proposed Aboriginal Cultural Heritage Working Group ("ACHWG")<sup>9</sup> is a divisive and flawed model. It should not be financed directly by the proponent, nor should it be bound by confidentiality to the proponent.<sup>10</sup> Aboriginal site registers must not remain the Intellectual Property of the proponent. Any auditor undertaking a review of the ACHMP<sup>11</sup> should be approved by local Aboriginal communities and NSW OEH, and their reports endorsed by them (not just offered for their comment<sup>12</sup>). A 5 year review is not acceptable as breaches require immediate remedies. NSW OEH monitoring is required during the processes when any new works are being undertaken. The resourcing of the ACHWG to perform its duties, undertake community communications to ensure broad Aboriginal community knowledge and support for activities is not outlined in the EIS. Performance reviews and the resourcing of delegates' source organisations (i.e. LALCs and Native Title groups) to support their delegates' representation of their interests, is not described. There are better ways for the management of ACH by Aboriginal communities that maintain integrity and build community strengths. NSW Planning must not allow precious Aboriginal cultural assets to be managed by conflicted Santos employees separated from their communities and lore.
- 9) The proposed project will require substantial clearing of native vegetation thereby destroying and disrupting wildlife and habitats. The costs to NSW of cumulative biodiversity loss must be understood and valued before a decision to approve more loss can be responsibly taken. NSW Planning must ensure that scientists independent to Santos measure the cumulative impacts of biodiversity loss in our region from this proposed project added to the past losses incurred by other mining and agricultural activities. Their findings must inform NSW Planning's measuring of the risks of this project.
- 10) Fugitive methane emissions from the project will contribute to global warming. NSW Planning must ensure that these emissions are quantified, so that the project's impacts on Australia's international commitments and obligations are understood.
- 11) I have seen Eastern Star's<sup>13</sup> chemical spills near Bibblewindi and the trees are still dying years later – the radius of affected vegetation appears to be growing. I fear that this pollution could already have impacted the Walgett community's drinking water and

---

<sup>8</sup> Page 23, Appendix N2, Cultural Heritage Management Plan

<sup>9</sup> Pages 30 – 32, Schedule 6, Appendix N2, Cultural Heritage Management Plan

<sup>10</sup> Page 20, 6.b Appendix N2, Cultural Heritage Management Plan

<sup>11</sup> Page 17, 5.3 Appendix N2, Cultural Heritage Management Plan

<sup>12</sup> as suggested page 18, 5.3 Appendix N2, Cultural Heritage Management Plan

<sup>13</sup> The company that began CSG exploration in the Pilliga which I believe was chaired by John Anderson, past leader of the National Party and past Deputy Prime Minister. This company was bought by Santos.

health. I request NSW Planning engage independent scientists to advise it of the impacts over years and into the future of this spill (and others) and the costs of remediation to NSW and the environment. This should be undertaken fearlessly, transparently and without regard to the political affiliations of the responsible parties.

- 12) NSW Planning must measure the costs of the project's pollution risks to public health and the environment for the long term. These costs are not limited to the costs of rehabilitation. Rehabilitation may not even be possible - it seems unlikely at the Bibblewindi spill site.
- 13) Rehabilitation of unused, abandoned or depleted mines rarely occurs with opal mines near Walgett. NSW Planning must demonstrate how rehabilitation compliance will occur for this project. I am told all bores/wells eventually fail. NSW Planning must consider a plan and the costs to NSW for ongoing maintenance of Santos' gas wells long after Santos has gone.
- 14) Negative social and economic impacts for local towns and Aboriginal communities from an influx of fly in fly out workers are feared. Housing shortages and high rents are already causing severe hardship in Walgett.
- 15) NSW Planning and NSW agencies must ensure that local Aboriginal unemployed have the required skills and job readiness to benefit from Santos' undertaking that "employment of the Project is expected to generate 1,300 jobs during the construction phase and sustain around 200 jobs during the operational phase".<sup>14</sup> From my experience it is extremely unlikely that many Aboriginal families would benefit from the few jobs generated by this project. NSW Planning should request advice from its NSW Industry Aboriginal economic development colleagues to measure how many future local Aboriginal jobs will be lost though from the project's cumulative impacts on biodiversity.

I can see no benefits, only threats and losses for my community and those near me, from the proposal. The costs to taxpayers of managing compliance and project risks seem very large. I therefore have concluded that the project presents too great a risk for my community, for NSW, Australia and the world.

---

<sup>14</sup> Page 5, 2.1.(b) Appendix N2, Cultural Heritage Management Plan