

MARYLOU POTTS PTY LTD
ACN 074 896 263

22 May 2017

The Hon. Anthony Roberts
Minister for Planning

Ms Caroline McNally
Secretary Department of Planning

Dear Secretary and Minister,

21 MLPPL: Objection pursuant to s89F of the EP&A Act to the Narrabri Gas Project

I am writing on behalf of Marylou Potts Pty Ltd (**MLPPL**), an incorporated legal practice.

MLPPL objects to the Narrabri Gas Project on the following grounds:

1 The proponent does not have the necessary water access licences to undertake the project. Taking water without, or other than authorised by, an access licence" is an offence pursuant to s60A of the *Water Management Act 2000 (NSW)*. Project approval must not be given until the proponent has secured the necessary access licences.

2 Pursuant to s63 of the *Water Management Act 2000 (NSW)* an access licence [must] not be granted unless "*adequate arrangements are in place to ensure no more than minimal harm will be done to the water sources as a consequence of the water being taken from the water source under the licence*". The proponent admits "full recovery of subsurface pressure is predicted after 1500 years"¹. Reduction of subsurface pressure is likely to result in failure of stock and domestic bores impacted by the project. Note s58 of the *Water Management Act 2000 (NSW)* which gives priority to stock and domestic licences over other licences. Affecting pressure in bores for 1500 years we consider to be significant adverse impact sufficient to refuse development consent.

3 The project proponent has in the executive summary of its EIS provided false and misleading information stating that the "*project is not located in a major recharge area of the GAB*"². Provision of false or misleading information is an offence under s148B of the *Environmental*

¹ EIS 11-56 4th last para

² EIS p ES-12

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Planning and Assessment Act 1979 (NSW). This is a significant omission, we suggest sufficiently significant to refuse development consent.

4 The EIS fails to consider the impact of the project on the southern recharge zone of the GAB. Failure to consider the impact of the project on the recharge zone means the consent authority has inadequate information to make a determination as to the impact of the project and can refuse to provide consent on this basis.

5 The failure of the proponent to provide the location of its proposed 425 Well pads with 3 wells per pad³ within the Southern Recharge zone results in the provision of inadequate information in order to assess the impact, on a critical area of the functioning of the GAB in NSW. The project fails to consider the abundant research of the well integrity failure following abandonment.

6 The proponent repeatedly refers to thick aquitards between the coal seams and the overlying aquifers, but fails to consider that even if a small percentage of the abandoned wells fail the significant impact to the well head pressure this will have to surrounding bore users. An impact which will be irreversible. Failure to consider the impact of well failure and abandoned well failure creates significant uncertainty as to the impact of such incidents.

7 The proponent states that the project *"as the potential to supply up to 200Tj/day; which is sufficient gas to meet half of NSW natural gas demand. This would provide NSW with a secure, long term supply of this critical energy source"*⁴. However carefully worded, the proponent makes no guarantee or provides no security that the gas from the project will only go to NSW. If act the proposed pipeline for the gas is proposed to join the Moomba to Sydney pipeline. This pipeline also provides flows to Moomba which is connected directly to Gladstone. Unless NSW passes specific legislation to ensure domestic supply from this project, and most importantly at a reasonable price⁵, statements such as this in the EIS should be given no weight whatsoever!

8 The proponent has also stated it is now a "low cost producer" in its 2016 Annual report. Significant concern should surround how the proponent is going to manage the significant risks associated with the project if its business model does not cater for management of high risk projects.

9 The proponent has proposed no guaranteed means of getting its product to market, agreeing with APA that APA's proposed western slopes pipeline project be a separately assessed project. There is very significant landholder opposition to the APA proposed pipeline route as it goes through high quality agricultural land and will have a very serious adverse impact on the ability of those properties to continue to function as they do now, particularly through those significant portions of the proposed pipeline route with vertosol soils. Vertosol soils are known to be destructive of fixed infrastructure and significant erosion events occur in vertosol soils around buried fixed infrastructure.

10 The proponent has failed to rehabilitate the area of the Pilliga which was damaged by a spill in about 2011 despite spending over \$20m and having a continuing obligation to do so. There have been many subsequent spills and leaks, and findings of aquifer contamination. Serious questions must be raised about whether the proponent is able to carry out the project at the standard needed to ensure no further damage just on its past performance.

³ Further misleading information as 425x3 is not equal to 850 holes.

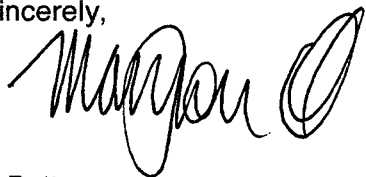
⁴ EIS p ES-6

⁵ Pre Gladstone LNG plants of \$3-\$5/Gj

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11 Evaporation ponds were banned in NSW yet the proponent proposes a number of very large ponds. We see no difference between the ponds proposed and evaporation ponds, in so far as the risk of spills due to any number of events including floods, and object to the use of such ponds in the water treatment processes proposed by the proponent.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Marylou Potts', with a large, stylized circular flourish at the end.

Marylou Potts
Director + Principal Solicitor
Marylou Potts Pty Ltd an incorporated legal practice

