

Your ref: 06_0286

Scott Jeffries
Director – Major Project Assessments
NSW Department of Planning
23-33 Bridge Street
Sydney NSW 2000



"Kingdon Ponds"
Wrights Rd
Wingen NSW 2337

13 October 2008

32
#30

Dear Sir

Re: Queensland Hunter Gas Pipeline Project- Environmental Assessment – Public Exhibition

I wish to provide the following comments on the above Environmental Assessment, which lacked considerable detail despite its great bulk. Most of the information provided was based on desktop assessments using information that had been developed at a scale totally inappropriate for a 30 metre wide gas pipeline easement.

I do not oppose the construction of a gas pipeline, in fact I applaud the use of alternative energy for industry and power generation, although I do not think coal seam gas or natural gas is a sustainable source as the resource is still finite.

However I am opposed to the above proposal based on the information provided and am seriously concerned that the proponent is seeking approval for "concept plan application, assessment and approval – no further assessment required for the project or any particular stage of the project" (page 1-5) and yet then goes on to state on a number of occasions that further detailed design, field assessment and development of a CEMP (construction environmental management plan) would be required. In other words once this EA is approved with its conditions of consent they would require no further approvals! "Adaptive management" (page 1-5) is fine provided somebody other than the proponent is looking after stakeholders' needs and concerns.

To suggest that the potential impacts are only short term in the construction phase is plainly incorrect when remediation (including weed control, soil and watercourse erosion and stabilization) will take at least three years to ensure they are successful and even longer if the drought continues as it has for the last seven years. The return of biodiversity to our native grass areas and Box-Gum Woodland (an EEC) would obviously require much longer.

In fact the EA refers to the fact that construction would last up to four months (page 5-9) and yet there is no mention as to how landholders would be able to continue their normal activities, particularly if the pipeline effectively cuts the property in half and cuts through the middle of paddocks.

The greatest concerns I have are for private landholders who are directly affected as a result of an easement imposed over their land and the ever present risk of leakage or failures. There is no mention of a full release and indemnity for private landholders who are forced to allow survey, construction and maintenance access. The EA continually refers to "negotiation" with landholders during the construction phase but no mention of ongoing liaison with landholders, only with state agencies (page vii). If this attempt is anything like the "consultation, engagement and negotiation activities...targeted to ensure landowners' specific concerns are understood and adequately addressed" (page 6-8) in early 2008, then

it appears landowners will have little control or room for discussion and negotiation about what happens. We met face to face with a very ignorant land agent, who showed us an air photo with the 30m ROW right up through the middle of our property and a one page "Land Survey Agreement" that he wanted us to sign to begin survey work. As the ROW was within 200metres of our residence and crossed two dams, yards, numerous water lines and at least 5 fence lines and a riparian zone that we have received both federal and State funding to rehabilitate, we had a number of questions that required answering. The only advice we received was that we would get a one off financial payment for the easement based on land values and that we would not be able to access the gas as a customer unless a supplier could be found. The EA now appears to confirm that the pipeline gas is for industrial and power generation needs and in fact will provide very few local economic benefits to the communities it passes through or affects.

No answers or further advice and information was provided and we sought legal advice. As a result we did not sign the survey consent. No attempt was made to avoid infrastructure and the ROW accessed the riparian zone at right angles. We also advised that our natural vegetation was the EEC, Box-Gum Woodland and both that vegetation type and the Kingdon Ponds riparian area were regarded as high priority areas for investment by the Hunter-Central Rivers Catchment Management Authority, particularly in trying to link critical habitat and vegetation corridors. There has been no attempt since to develop "ongoing and long-term relationships" with landowners (page 6-8). Neighbours provided similar feedback on their experiences with the "consultation" process.

I understand that some level of "adaptive management" is required during the construction phase, but the lack of detail on the exact route, the conditions and mitigation effects is quite frightening. The mitigation of soil erosion should at least be to NSW Soil Conservation Service standards (Department of Lands) and under their supervision, similar to other critical infrastructure projects in NSW such as road construction and optical fibre cable laying projects. The use of "The Blue Book (managing urban stormwater) was developed for use in urban areas and not rural areas with its larger catchments and steeper slopes (page 15-7). Dealing with expansive soils that shrink and swell (page 17-15), as in the Upper Hunter where I am located, as well as major landslip areas requires special remediation measures and action to prevent pipeline failure. Again the CEMP for the construction phase should provide more detail and must be open to another public exhibition and assessment process.

The section on surface and groundwater issues and mitigation measures also contains a number of errors. Pollution of surface and groundwater can occur regardless of whether there is surface water flow (page 15-5) through leaching and percolation into the groundwater table, particularly in aquifers that occur close to the surface such as the Kingdon Ponds. The mitigation measures identified for stream and watercourse remediation, deal with bank erosion and stabilization, but make no mention at all of measures to prevent headcut movement upstream or bed stabilization, both of which would result when trenches are constructed through water channels or streams are diverted (page 15-7). In addition there is no mention of towns such as Murrurundi that rely on surface and groundwater supplies for their water supply and who have experienced critical issues during the last 7 years of drought (page 15-6). To suggest that landholders would make their scarce and very valuable dam water and bore water available for construction activities including wash down and hydrostatic testing is plainly not viable or sustainable, with local water supplies still having a long way to go before recovering from the drought (page 5-29). Alternative sources, possibly even town water supply sources, should be considered.

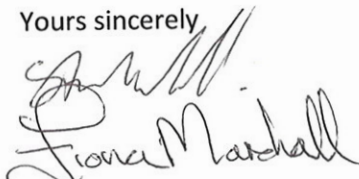
Weed management is touched on but it is not clear what length of time the "rehabilitation phase" is likely to last (page 5-23), (page 5-31) although table 5-8 refers to the use of ecologists for 18 months to

monitor re-growth (page 5-36) but this is in the context of vegetation re-growth not weed management. Disturbed country, despite the re-spreading of topsoil, would require at least 3 years of monitoring and at least 2 years of weed control measures, to ensure at least 80% groundcover is restored. The Travelling Stock Route adjacent to my property contains some scattered remnants but ironically is in the poorest condition compared with the surrounding so called "degraded" grazing and agricultural land. It is constantly grazed with no rest periods to allow vegetation recovery, a practice quite common across the TSRs in the Upper Hunter. It is infested with noxious weeds and has twice had Weeds Authority notices served on it for noxious weed control. The adjacent graziers' spray for several noxious weeds and would be extremely concerned about the nature of wash down facilities and prevention measures used during the construction phase to ensure that seed is not transported.

There is also no reference in the document to the proposed Bickham coal mine in the Upper Hunter. The preferred pipeline route will be directly affected by this proposal if it proceeds, as these proponents have stated in their publicly available display documents that although they will commence with open cut on the eastern side of the Highway, long term they would also consider underground resources on the western side. This would directly affect the proposed route, through infrastructure development and future subsidence issues. They are currently still undertaking their water studies. The NSW Government may have to seriously consider which "critical project" is their highest priority.

In conclusion, the level of detail is inadequate in the EA to allow proper assessment by those landholders and stakeholders affected by the proposal. The proposed CEMP should not only be developed in consultation with the three state agencies named (page 5-24) but also the Soil Conservation Service (Department of Lands) and Catchment Management Authorities and along with the detailed design should be put on public exhibition so that the impacts at the local level can be properly assessed. As affected "stakeholders" we will again seek legal advice through the next step of the process including the inadequacies of the EA.

Yours sincerely



Fiona & Stuart Marshall

