

Frequently Asked Questions Introduction of Gateway Process & Gateway Panel

WHAT IS THE GATEWAY PROCESS FOR STRATEGIC AGRICULTURAL LAND?

- The Gateway process is an independent, scientific and upfront assessment of the impact of State significant mining and coal seam gas (CSG) proposals on strategic agricultural land and its associated water resources.
- The Gateway assessment occurs **before** a development application can be lodged.
- Strategic agricultural land comprises:
 - o Biophysical strategic agricultural land (BSAL) – land with unique soil, water and land characteristics which have high agricultural value to NSW.
 - o Critical Industry Cluster (CIC) land – significant agricultural industries potentially impacted by coal seam gas or mining development. Two CICs have been identified – the equine and viticulture industries in the Upper Hunter region.

WHY DO WE NEED A GATEWAY PROCESS?

- The role of the Gateway assessment is to identify potential impacts on the State's valuable agricultural land and water resources from mining and CSG proposals early in the process.
- Once identified, these impacts must be addressed in the development application (DA) which will then be subject to the established development assessment process.

WHO WILL OVERSEE THE GATEWAY PROCESS?

- The Mining and Petroleum Gateway Panel has been established, comprising independent scientific experts with expertise in the fields of agricultural science, hydrogeology and mining and petroleum development.
- The members of the Panel are:
 - o Terry Short (Chairperson) - Agricultural scientist
 - o Professor Garry Willgoose – Groundwater expert
 - o George Gates, PSM – Groundwater expert
 - o Dr Ian Laverling – Geologist
 - o Brett Whelan – Agricultural scientist
 - o Dr Russell Frith – Mining engineer

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- Biographies of members are available at: www.mpgp.nsw.gov.au
- Panel members have been appointed by the Minister for Planning & Infrastructure for a three-year term. The Panel will be constituted with three members each time it meets to consider each proposal.

WHERE WILL THE GATEWAY PROCESS APPLY?

- The Gateway process will apply immediately to strategic agricultural land in the Upper Hunter and New England North West Regions.
- The Government is currently inviting feedback on BSAL mapping for the remainder of the state and once this mapping is finalised the Gateway process will also apply to this land.
- In the meantime, a landholder, anywhere in the state, who has entered into an access agreement with a mining or CSG company, can have their site verified as BSAL.

WHY IS SITE VERIFICATION NECESSARY?

- BSAL is mapped at a broad regional scale and there may be circumstances when this mapping does not reflect what is happening on the ground.
- The site verification process enables mining and coal seam gas operators and landowners to confirm whether a specific site is BSAL and, therefore, whether it has to proceed through the Gateway process.
- A State significant mining or CSG proposal on land that is confirmed as BSAL will have to go through the Gateway process.
- A protocol for site verification has been developed and is available at: www.planning.nsw.gov.au/srlup

DOES THE GATEWAY PROCESS APPLY TO THE CRITICAL INDUSTRY CLUSTERS IN THE UPPER HUNTER?

- The Gateway process will apply to any new State significant mining or CSG proposals in the equine and viticulture clusters (as they were mapped in the 2012 *Upper Hunter Strategic Regional Land Use Plan*) until the draft revised maps are finalised.
- As the equine and viticulture clusters in the Upper Hunter region were mapped at a broad regional scale it was necessary to conduct a verification process. This work has now been completed and draft revised maps showing the clusters are currently on exhibition (see FAQ – Critical Industry Clusters Upper Hunter Exhibition).

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- Once the maps for the CICs are finalised:
 - o CSG exclusion zones will apply to the land within the clusters, preventing CSG activity.
 - o The Gateway process will continue to apply to new State significant mining proposals on land within the clusters.

WHAT PROJECTS WILL HAVE TO GO THROUGH THE GATEWAY PROCESS?

- The Gateway process applies to State significant mining or CSG exploration and development activity on strategic agricultural land that requires a new or extended lease.
- Gas pipelines that do not form part of the mining or petroleum production lease do not have to go through the Gateway process. Pipeline impacts will be comprehensively assessed through the requirement for an Agricultural Impact Statement at the development assessment stage.

HOW DOES THE GATEWAY PROCESS WORK?

- The Gateway Panel will assess the proposal against detailed scientific and technical criteria, contained in the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries)*, 2007 (Mining SEPP). The Panel has 90 days to conduct its assessment.
- When the project is located on BSAL, the project must also be referred to the Minister for Primary Industries for advice on the project's impacts under the Aquifer Interference Policy, and to the Commonwealth Independent Expert Scientific Committee for advice on potential impacts on water resources (see below).
- If the Gateway Panel considers that the proposal meets the relevant criteria in the Mining SEPP, it will issue an unconditional certificate to the applicant. If the Panel considers that it does not meet some or all of the relevant criteria it will issue a conditional certificate which may include recommendations such as further studies or modifications to the project.
- The applicant can proceed with a development application in either case but must address the recommendations of the Gateway Panel in the DA. The consent authority must also consider the Gateway Panel's recommendations.

WHAT ROLE DOES THE COMMONWEALTH PLAY IN THE GATEWAY PROCESS?

- The NSW and the Australian Governments have agreed on a referral protocol under the National Partnership Agreement on Coal Seam Gas and Large Coal Mining Development.
- This will ensure all project decisions in NSW that could have a significant impact on a water resource will be made considering the advice of the Commonwealth's Independent Expert Scientific Committee.

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- Under the Gateway process, projects located on BSAL must also be referred to the Commonwealth Independent Scientific Committee for advice on potential impacts on water resources.
- The Committee's advice will inform the Gateway Panel's assessment of the proposal.

WILL THERE BE CONSULTATION DURING THE GATEWAY PROCESS?

- The Gateway process is an upfront, strictly scientific assessment, rather than a public consultation process.
- The Gateway Panel's advice on the proposal, as well as any advice from the Minister for Primary Industries and the Commonwealth Independent Expert Scientific Committee on a particular project will be available for the public to view on the Mining and Petroleum Gateway Panel website.
- If a project proceeds to the development application stage, the application will be publicly exhibited for a minimum of 30 days.

WHAT HAPPENS TO MINING AND COAL SEAM GAS PROJECTS WHICH PRECEDED THE INTRODUCTION OF THE GATEWAY PROCESS?

- Proposals for which Director-General's Requirements were issued before the Government released its Strategic Regional Land Use Policy on 11 September 2012 do not have to go through the Gateway process. These proposals may be referred to the Gateway Panel for advice during the development application stage.

HOW HAS THE GATEWAY PROCESS BEEN INTRODUCED?

- The Gateway process has been introduced through an amendment to the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

FURTHER INFORMATION

Department of Planning & Infrastructure website:

www.planning.nsw.gov.au/srlup

Mining and Petroleum Gateway Panel website:

www.mpgp.nsw.gov.au

Coal Seam Gas website:

www.csg.nsw.gov.au