

## MAROOCHYDORE OFFICE HAS MOVED!

After many years of searching for permanent premises, we have finally found it.

As of **Monday, 14 March 2016**, you will find us at **Suite 4, 59 The Esplanade, Maroochydore Q 4558**.

Our postal address has changed also to **PO Box 841, Maroochydore Q 4558**.

If you come to town, please drop in and say hello...

## NEW UNDERGROUND WATER IMPACT REPORT TO BE RELEASED

It is expected that the revised Underground Water Impact Report (UWIR) for the Surat Cumulative Management Area (Surat CMA) will be released by the Office of Groundwater Impact Assessment (OGIA) for public comment on **21 March 2016**. It is critical that all landowners review the UWIR to determine whether their bores are predicted to be affected by coal seam gas (CSG) development.

This UWIR will contain a revised cumulative assessment of the impacts of CSG water extraction in the region. The report will include specific reference to bores which are likely to be affected by CSG development. For bore owners with affected bores, the relevant CSG company will be required to “make good” the bore in accordance with the provisions of the *Water Act 2000* which involves negotiating a make good agreement.

The UWIR was first released in 2012 and identified 85 bores that would be immediately affected by CSG activity. These bores were in areas predicted to suffer a significant decline in water quantity or quality within three years.

We strongly advise all landowners to confirm the status of their bore under the revised UWIR. If you have concerns that your bore is suffering or is likely to suffer an impact but is not included in the report, then you should make a submission to OGIA to have the bore included as an immediately affected bore under the revised UWIR. We are aware of landowners in the region who have bores that were not predicted to suffer an impact within three years that are now showing a decline in water quantity and quality for which make good agreements are being negotiated.

If your bore is identified in the revised report as being impact by continued CSG development, a make good agreement will need to be negotiated which sets out how the bore will be "made good".

This may include decommissioning the bore and drilling a new bore to a suitable aquifer which provides a reasonable quality and quantity of water consistent with the use of the impaired bore. It may also include the payment of compensation for the loss of the bore.

The coal seam gas company is required to meet your reasonable legal, valuation and accounting costs in negotiating a make good agreement.

If you have any concerns about the status of your bore under the soon to be released UWIR or general queries relating to make good agreements, please contact us for a free, no obligation consultation.



**SENATE SELECT COMMITTEE ON UNCONVENTIONAL GAS MINING**

p&e Law welcomed the Senate Select Committee on Unconventional Gas Mining and made a submission setting out a number of our concerns including:

1. Give landowners the right to refuse CSG mining on their land.
2. Impose statutory obligations on CSG companies to disclose relevant information to landowners negotiating CCAs including:
  - a. Noise modelling
  - b. Dust modelling
  - c. Development plans identifying proposed future infrastructure
  - d. Weed and water baseline studies
  - e. Surface and groundwater baseline studies
  - f. Management plans, including rehabilitation plans, soil management plans, weed management plans etc
3. Reverse the proposal to allow “opt out agreements” whereby CSG companies approach landowners to “Opt Out” of the statutory framework for CSG mining, avoiding many of the statutory protections in place;
4. Abandon the Queensland government’s proposed change to do away with the “600m rule” preventing exploration within 600m of a landowners residence without their consent.
5. Create a statutory obligation on CSG companies to recommend to landowners that they seek independent advice prior to entering agreements.
6. Expand a landowner’s right to compensation to include reasonably incurred fees for expert advice, including agronomist, noise experts and hydrogeologists comparable to landowner’s rights when their land is being compulsorily acquired.
7. CSG companies should maintain environmental liability insurance.
8. Provide a statutory right to terminate a CCA in the event of a material breach.
9. Commission further research into the long terms impacts on the Great Artesian Basin due to the dewatering of aquifers in Queensland and other parts of Australia.
10. Investigate and enforce compliance with environmental authority conditions.
11. Require real-time monitoring of noise levels at sensitive receptors while activities are being undertaken in case there is a breach.

For a copy of our submission to the Committee, please contact p&e Law by email on [reception@paelaw.com](mailto:reception@paelaw.com) or by Freecall 1300 303 866.

## APPROVAL REQUIREMENTS UNDER THE COMMONWEALTH EPBC ACT FOR VEGETATION CLEARING

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's primary environmental legislation and is designed to protect *Matters of National Environmental Significance* (MNES). This legislation applies in addition to any state or local government environmental assessment processes and approval.

Approval may be required by landholders under the EPBC Act to clear vegetation even if you currently hold a state approval such as a 'High Value Agricultural Clearing Permit.'

### Matters of National Environmental Significance (MNES)

MNES are listed in Part 3 of the EPBC Act and include:

- ♦ World and national heritage places;
- ♦ Internationally significant wetlands (declared RAMSAR wetland);
- ♦ Listed threatened species and ecological communities;
- ♦ Listed migratory species; and
- ♦ The Great Barrier Reef Marine Park.

The 'Protected Matters Search Tool' can be used to identify which MNES are recorded on or near your property. This can be found at <https://www.environment.gov.au/epbc/pmst/index.html>.

### Offence Provisions

It is an offence to take an action (for example, vegetation clearing) that will result in a significant impact on MNES unless you are acting under an EPBC Act approval. The penalties can include imprisonment up to seven years or a fine of up to 420 penalty units.

### Significant Impact

While 'significant impact' is not defined under the EPBC Act, the 'Significant Impact Guidelines' have been developed by the Commonwealth to assist in determining whether your action will have a significant impact on MNES. 'Significant Impact' is described on page 2 of the Guideline as:

*'an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which it impacts, and upon the intensity, duration, magnitude and geographic extent of the impacts.'*

If you have questions, please do not hesitate to contact  
**Adam Phillips, Matt Patterson or Renee Wallerstein on 1300 303 866.**

*Individual liability limited by a scheme approved under professional standards legislation*



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