



MARYLOU POTTS PTY LTD  
ACN 074 096 203

Anthony Roberts,  
NSW Minister for Planning

Copy to Carolyn McNally, Secretary for Planning  
Copy to Michael Young, Department of Planning and Environment  
Copy to the Directors, Hunter Gas Pipeline Pty Ltd

Dear Minister,

**Hunter Gas Pipeline Pty Ltd (HGP) seeking modification to development consent Application no: 06\_0286 approved on 11/2/2009 expired on 10/2/2019 (Modification)**

Marylou Potts Pty Ltd is an incorporated legal practice engaged by the Great Artesian Basin Protection Group Inc. (GABPG).

We are instructed to object to the modification to extend the date of lapsing of Project Approval for a further period of 5 years. We apologise for the lateness of this objection, we received our instructions on 14 February 2019. We request your consideration of this objection despite its lateness.

We are instructed to object to the application for Modification on the following bases:

**1 Breach of condition 1.4 of the Project Approval**

On 11 February 2009, Christina Keneally, Minister for Planning, approved the concept plan for the Hunter Gas Pipeline, subject to conditions (**Project Approval**).

Pursuant to condition 1.4 of that Project Approval, the approval would lapse "*ten years after the date on which it was granted, unless the works the subject of this approval are physically commenced on or before that time.*" The proponent was to physically commence construction on or before 11 February 2019.

Hunter Gas Pipeline Pty Ltd has breached condition 1.4 by failure to physically commence work on or before "*ten years after the date on which the project approval was granted*". The HGP Managing Director, Garbis Simonian, admitted to the Press published on 14 January, 2019, that work has not started.

**2 Failure to give any explanation for breach**

HGP has failed to provide any reason for why it has failed to meet the terms of the development consent within the 10 year time frame. The obligation to ensure the works have physically commenced is not onerous, particularly where HGP has been given 10 years to commence the works.

**3 Failure to address the 2018 legislation, SEARs and guidelines**

We note the application of the recently amended Environmental, Planning and Assessment Act (**EP&A Act**) and pursuant to s4.55(3) EP&A Act, the consent authority must take into consideration the provisions of s4.15(1) of the EP&A Act, and,

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in particular, s4.15(1)(b), the social and economic impacts, and (e) the public interest. HGP has not demonstrated that it has taken these impacts into consideration in its request for a modification. The social, economic and legal circumstances have changed since 2009, as have the guidelines for assessing these impacts. In particular:

- (a) at least as far as the members of GABPG are concerned, my instructions are that HGP has not consulted with landholders along the route. This appears to be consistent with HGP's correspondence.
- (b) we believe that if HGP had undertaken more landholder consultation before seeking its modification in 2018, this modification would have received substantially more submissions in objection. We note that 98% of the 23,000 submissions (in response to the EIS) were objections to the Narrabri Gas Project. We also note the description of the Hunter Gas Pipeline project on the home page of HGP's website to be "*420kms in length running from Narrabri to Newcastle*".<sup>1</sup> This appears to be contrary to its response to submissions in December 2018<sup>2</sup>. We are instructed to suggest that the landholder opposition demonstrated in relation to the APA Western Slopes Pipeline is likely to be equally vehemently demonstrated in relation to the Hunter Gas Pipeline, particularly given the apparent intention expressed on its website to service the Narrabri Gas Project.
- (b) the communities through which this pipeline proposes to be routed in NSW, from north of Narrabri to south of the Liverpool Plains, have communicated their almost 100% opposition to CSG and CSG infrastructure, such as, gas pipelines. In this respect, on 6 December 2017, at a community meeting in Coonamble, the community along the proposed APA Western Slopes Pipeline<sup>3</sup> unanimously declared they "*rejected the Narrabri Gas Project, and would stand together to vehemently oppose the project and all associated infrastructure using all possible options available to protect water*". We are instructed this community opposition would extend to the Hunter Gas Pipeline.
- (d) Hunter Gas Pipeline Pty Ltd is a comparatively<sup>4</sup> insubstantial private company, with 7 shareholders and wholly inadequately capitalised to undertake a \$500m or \$1bn<sup>5</sup> pipeline project. We say particularly when there will be substantial community opposition.
- (e) We note that Santos has not aligned itself with HGP and continues to support APA's Western Slopes Pipeline. Further, 2 pipelines from Narrabri<sup>6</sup> appear to be more than is required to off take the gas from the 850 wells proposed by Santos in the Narrabri Gas Project. There appears to be no economic case for the Hunter Gas Pipeline. We query whether 2 gas pipelines from Narrabri would be in the public interest.
- (f) we query Hunter Gas Pipeline Pty Ltd's experience in constructing and operating high pressure gas pipelines. We note there is no information on its website about its high pressure gas pipeline construction or operation experience.
- (g) We are instructed that APA Group had difficulty accessing private land to undertake environmental assessment necessary to inform an EIS. We are instructed that it is likely landholders will respond similarly to Hunter Gas Pipeline Pty Ltd in any requests it makes for access to private land. To ensure that the Department and Hunter Gas Pipeline Pty Ltd are aware of the level of involvement and opposition to Narrabri Gas Project pipelines from the community, we attach the questions to APA drafted by landholders along the proposed APA Western Slopes Pipeline route. This gives some indication of the social and economic impact envisaged by landholders to gas pipelines running under their agricultural land.

We recommend that HGP's request for modification be refused.

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<sup>1</sup> <http://www.huntergaspipeline.com.au>

<sup>2</sup> Note row 33-34 of its table response to submissions

<sup>3</sup> The pipeline Santos proposes to service the Narrabri Gas Project

<sup>4</sup> When compared to Santos and APA

<sup>5</sup> Depending on whether you look at its website where it focuses on Narrabri to Newcastle or at its response to submissions which focuses on Wallumbilla to Newcastle. We also note references to conventional gas should be verified, as Wallumbilla, east of Roma, is part of SE Qld CSG gas fields.

<sup>6</sup> APA's Western Slopes Pipeline and the Hunter gas Pipeline

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21 February 2019

In the alternative, we recommend that HGP be required to respond to the new guidelines<sup>7</sup> to update its EIS and the community be given the opportunity to make submissions on that updated response.

Yours sincerely,

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

Marylou Potts

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<sup>7</sup> We note the updated "*Critical State Significant Infrastructure Projects Standard Secretary's Environmental Assessment Requirements (SEARs)*", and recommend that Hunter Gas Pipeline Pty Ltd respond to these updated SEARs, and the community be given the opportunity to make submissions in response.

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**QUESTIONS TO BE PUT TO APA BY MARYLOU POTTS REPRESENTING  
LANDHOLDERS AFFECTED BY WESTERN SLOPES PIPELINE**

- 1 Windrow of soil from trench stopping water flow into dams, what measures would you take to stop this from occurring?
- 2 Would APA organise water to be carted to dams where obstruction from windrow of soil from trench has prevented the dam from being replenished?
- 3 Windrow of soil from trench causing flooding of grazing and cropping land by redirecting the flow. How is APA going to prevent this?
- 4 Would APA cover the cost of crop lost eg 200 ha of chickpeas expected returns plus growing costs in \$ terms?
- 5 What will APA do to avoid erosion when water breaks through the windrow of soil?
- 6 What plan is in place to cope with a major flood event?
- 7 The subsidence of soil over pipeline causing water to flow along the trench. What will APA do to avoid this from happening?
- 8 Has APA an insurance policy to cover any damage costs on properties caused by the construction process? If yes does that damage include environmental damage and consequent loss of productive value of land?
- 9 What measures are taken to allow heavy vehicles, up to 100 tonne, and machinery to continue to operate when pipeline trench is open across access to properties?
- 10 What is the maximum load capacity over any crossings?
- 11 How long is the trench open for? What steps and or consideration will be taken by APA when there is disruption and access issues in running a business and everyday life eg access to town, access to house, access to stock/grain and to markets, school bus and education facilities?
- 12 What methods are you proposing to cross bore pipelines and keep stock water flowing? (cap and bore scheme)
- 13 What measures will be in place to prevent livestock falling into an open trench?
- 14 Are landholders required to destock while the pipeline is being constructed?
- 15 Will APA pay agistment if stock have to be relocated off properties?

Landholder questions re APA's proposed Western Slopes Pipeline

- 16 How long would a property owner/occupier be required to destock the paddocks where the pipeline is being constructed?
- 17 What provisions will be made for crossing open trench's for livestock during construction? Eg a portable bridge.
- 18 What steps are being taken to keep electric fences working without interference?
- 19 Clearing trees along proposed pipeline, what are the disposal methods? Will APA compensate for equivalent trees be planted/tended/maintained to equivalent age/health to allow for shelter belts and shade stands to be replaced?
- 20 When clearing vegetation, is this kept within the 30 metre alignment?
- 21 For farm security can temporary gates be locked? Will landholder/occupier also have keys
- 22 Is the infrastructure to be built on properties along pipeline, if so which ones?
- 23 Are powerlines to be built across land to service infrastructure?
- 24 How many kilometres can APA drill through the bedrock to prevent interruptions to ground water flow?
- 25 What construction methods will be used to withstand the shrinking and expanding of deep vertisol soils on the pipe?
- 26 Is APA seeking a subsurface easement or one which includes the surface?
- 27 What construction process will be used so not to effect soil structure or soil compaction?
- 28 Would APA compensate shire councils/landholders/occupiers for the damage to roads by heavy equipment trucked to work sites?
- 29 What measures will APA take to ensure private land roads are capable of safely handling construction vehicle road use and how will APA rehabilitate this land to pre-construction conditions eg for both new and existing roads? Will the compensation cover the compaction issues and reduction of productive capacity of land on the new roads?
- 30 What measures will APA take to prevent wildlife falling into trench?
- 31 How is APA going to prevent soil borne diseases being spread from property to property? Eg crop diseases and anthrax.
- 32 After the pipeline is decommissioned who is responsible for the subsidence, washout or any other damage?

- 33 If the infrastructure fails and there is an explosion, who is responsible?
- 34 If my insurance indemnity needs to be increased, who will cover costs?
- 35 Will landholders/occupiers be able to claim directly on APA's insurance? Will APA pay the deductible for such claims? Will APA provide a copy of the entire insurance policy to landholders/occupiers so they can see the exceptions and the full extent of the coverage?
- 36 Will all plant, equipment and vehicles be washed down before entering the property?
- 37 What measures are in place to dispose of wash down materials?
- 38 Will APA provide a wash-down certificate for all plant, equipment and vehicles?
- 39 Will the chemicals or other substances comply with MLA restrictions regarding stock access?
- 40 What measures will APA take to ensure no foreign material or objects are left on the property?
- 41 Can APA guarantee the minimum distance from houses, sheds and cattle yards is sufficient in an event of an explosion in a pipeline of this capacity?
- 42 Will APA staff and contractors comply with all landholders OH & S and Bio- Security requirements 100%?
- 43 Is a criminal and working with children check provided for all people entering a landholder's property?
- 44 Will APA have chemical storage for chemical and mineral oils to avoid environmental contamination?
- 45 Is the storage robust, fire resistant and has sealed floor, locked and well ventilated and is lit and independent of other materials?
- 46 Will APA employees have a chemical certificate?
- 47 Will APA have plans and facilities to prevent groundwater contamination to address spillage?
- 48 Will APA have a waste management and recycling plan (designated waste storage areas)?
- 49 Has APA a non-contaminating disposal method for surpluses, rinsates and flushing's followed.
- 50 Does APA have an OH&S plan to address identified risks?

Landholder questions re APA's proposed Western Slopes Pipeline

- 51 Do APA employees have training records showing adequate instruction in health and safety, hazardous substances and complex equipment they use on the pipeline construction?
- 52 Does APA have first aid kits at all permanent sites and are accessible in the field?
- 53 Do APA staff and contractors have approved clean personal protective clothing?
- 54 Does APA have records of employees and subcontractors full name, date of birth and date of entry/exit to properties? Will this information be provided to landholders? Will all APA employees/contractors be identifiable on properties with high vis clothing?
- 55 Has APA tested the soil and water along the pipeline route for sulphate reducing and iron reducing bacteria? If not, why not?
- 56 What method will be used to prevent sulphate reducing or iron reducing bacteria from being spread to adjoining properties by equipment, vehicles and personnel during construction and operation?
- 57 When the pipeline is flushed with water to clean it, where is the water sourced from and how is it managed on exit? How and where is the flushing water disposed of?

Additional questions added on 13 April 2018

- 58 In the CCC minutes, there is mention of "upstands" every 2-4 kms for monitoring the ICCP system. What is the physical construction of these upstands?
- 59 Where along the pipeline are the proposed ICCP systems going to be? How big an area will they take up? What is their external power source? Do they require 240V power, run from a mains line? How will they be protected from stray current interferences?
- 60 Where are the main line valves and scraper stations going to be?
- 61 Are Dispersion and Emerson Aggregate tests going to be done on the top soil and subsoil? If not, why not?
- 62 Will Soil Conservation Service be employed to rehabilitate earth works?
- 63 Is there an erosion and sediment control plan for pipeline earthworks?
- 64 Are gas pipelines designed to leak, rather than explode? If so, quantify the amount of leakage?
- 65 What fracture control requirements are implemented?



- 66 What protections are implemented against lightning strikes on the pipeline and associated infrastructure?
- 67 Given APA has stated it has completed its EIS, please confirm:
- a) the sites along the proposed pipeline where APA will use directional drilling to install the proposed pipe; and
  - b) the distance, at each site, where APA will use directional drilling to install the proposed pipe.
- 68 The threat of the imposition of the proposed pipeline, its associated forced easement and the stress on affected people within the communities affected, is starting to have clear mental health affects among a growing number of people. This is a very obvious consequence when an organisation refuses to heed the words of a community who fundamentally reject a project such as this. Can APA:
- a) state how it has and will provide mental health support to affected communities including, but not limited to, stress, anxiety and associated clinical effects such as insomnia, alcoholism, relationship breakdowns, reduced work capacity and self harm; and
  - b) state APA's position in relation to an acute critical incident which may be reasonably attributed to this project.
- 69 For landholders who have young children who will be on site during construction and any follow up maintenance etc, will APA employees and their agents all have full working with children checks and make these clearances available to the landholder (along with sufficient photo ID) prior to workers entry at each visit for the life of the pipeline? (this includes any and all workers entering the property).
- 70 Will APA guarantee that the National Vendor Declaration (NVD) for the sale of stock will not be compromised during construction, operation and maintenance of the pipeline or from the easement over the life of the pipeline in line with the land owners current stocking? The Livestock Production Assurance (LPA) NVD is the main document behind Australia's reputation as a reliable supplier of safe red meat to domestic and international markets. If APA cannot guarantee it can be completed by the land owner when and if sale of stock is appropriate to the land owner's business, will APA commit to compensating the land owner the livestock income loss for the life of the pipeline? How does APA plan to mitigate any loss of confidence in the Australian Meat Industry if there is an identified issue? Will APA have insurance cover and indemnity to cover APA (and its agents) for loss caused to the land owner and the wider industry if an issue arises, if there are market implications as a result of any breaches?
- 71 Will APA staff and their agents commit to undergoing the biosecurity induction of each property prior to entry at a time and place that suits the land owner?

Landholder questions re APA's proposed Western Slopes Pipeline

- 72 Will APA commit to completing updates to that biosecurity induction over the life of the pipeline at the land owner's request, where updates have been made or changes to the individual policy have been made?
- 73 How many high point vents and low point drains will there be along the length of the pipeline? What emissions will these vents and drains produce? What quantities of those emissions?
- 74 Will each compressor/scrapper station along the route have a flare?
- 75 What would APA do in an intensive sheep breeding area where the interference of traffic and noise causes distress and mis-mothering of lambs? This could be an animal welfare issue.
- 76 On numerous occasions APA has failed to provide information on the positioning of above ground infrastructure including, but not limited to, camps. These structures have a direct impact not only on landholders, but also on neighbouring landholders. Will APA finally disclose where these will be built?
- 77 How does APA set criteria for offering landholders Easement Option Agreements?
- 78 Will all landholders affected by the proposed pipeline be offered these early Easement Option Agreements?
- 79 How is the value of the Easement Option Agreement determined?
- 80 Is it true the fees offered to the landholder to enter into these Easement Option Agreements are non-refundable?
- 81 Are these Easement Option Agreements only offered to those landholders who have already entered into access agreements with APA?
- 82 How does APA plan to monitor natural springs and bores on properties directly and indirectly affected by the proposed pipeline?
- 83 How does APA plan to manage unfenced free-range paddocks with grazing stock?
- 84 Will APA and its agents request permission from landholders to enter their properties to check the pipeline and relevant infrastructure?
- 85 Given the fact that Western Division leaseholders now have an option to purchase land freehold, bringing legislation in line with other parts of NSW, what measures will APA be taking to ensure grazing properties are recognised and treated the same as cropping properties?
- 86 Will APA provide at the request of the landholder, the information and any collation and or summary of it, gleaned from their property?
- 87 On which properties has APA undertaken on-ground cultural heritage studies?

Landholder questions re APA's proposed Western Slopes Pipeline

- 88 Will ALL activities relating to the delivery and construction of the proposed pipeline be conducted only within the thirty metre easement?
- 89 What measures will APA take to define the boundary of the thirty metre easement? Will APA fence the boundary of the easement ? If not, will APA pay the costs of destocking and or agistment on other land?
- 90 If a breach of this easement occurs will landowners be given immediate notification?
- 91 How will landowners be compensated if this breach affects daily operation given that due to weather, farming activity often cannot be planned ahead or delayed.
- 92 Does the landowner have the right to terminate an easement/access agreement if any of APA employees or sub-contractors breach any of the conditions associated with the agreement?
- 93 In the event of wet weather will APA cease work on the pipeline immediately?
- 94 Will APA repair and or compensate for any damage caused by their activities in wet weather?
- 95 APA have admitted one of the reasons they are not proposing to put the pipeline on stock routes is because of disturbance to remnant vegetation. Where there is remnant vegetation along the thirty metre easement (including clumps and shelterbelts/windbreaks of trees) is it APA's intention to use directional drilling to go under these areas? If not, why not?
- 96 Where do APA propose to locate staff camps along the proposed pipeline route?
- How many people will be in each of these camps?
  - Will these camps need to be on an established power source?
  - Where will they source their water from?
  - Where will they dispose of the waste water?
  - What lighting requirements will they require and will this light impact the Siding Springs Observatory?
  - Where will they dispose of any refuse collected at these sites?
  - What plans do they have to rehabilitate the sites after use?
- 97 Will these camps be alcohol and drug free zones?
- 98 Will there be any restrictions over the thirty metre easement with burning crop stubble and or grass country during the lifetime of the pipeline?
- 99 Will APA guarantee that properties with European Union Accreditation for their cattle will not have this status compromised in any way?
- 100 Will landowners be compensated by APA for any loss of EU accreditation?
- 101 Will landowners be able to continue to sign their European Union Vendor Declaration forms with confidence knowing that APA have not introduced

Landholder questions re APA's proposed Western Slopes Pipeline

- any chemicals that would be unacceptable under the Export Control Act 1982?
- 102 In the event of an APA employer leaving a gate open or damaging a fence resulting in EU accredited cattle wandering on to another property that does not have the same EU status, will APA compensate for the loss of EU status to these livestock?
- 103 Will APA guarantee that no human excreta will be left on site?
- 104 What are APA's plans to decommission the pipeline and all surface infrastructure at the end of its life?
- 105 Will APA force access without landholder consent?
- 106 Will APA compulsorily acquire land if access consent cannot be obtained?
- 107 Will APA take landholders to court who refuse to sign access agreements?
- 108 How many pipelines are to be laid in the corridor? If more than one will they be laid at the same time?
- 109 Will all pipelines laid as part of the requested access agreement adhere to the above concerns regarding weight limits?
- 110 Will APA develop a specific biosecurity plan for my farm to address specific biosecurity requirements?
- 111 How long will APA monitor and control weeds on the easement and how often will this occur?
- 112 Does APA consent to payment for:
- a) devaluation of my land due to the existence of the pipeline and its potential liability?;
  - b) any cost, damage or loss arising from carrying out the pipe laying activities?;
  - c) my time spent monitoring
    - i) construction
    - ii) erosion
    - iii) weed introduction
    - iv) stock and farm security;
    - v) OH&S
  - d) my time spent meeting with APA representatives?
  - e) reimbursement of any other associated loss?
- 113 How does APA propose to cross Telstra infrastructure? Is APA going to tunnel under these lines?
- 114 Concerning health and safety issues, would APA have water tankers to dampen dusty roads when houses, workshops are close to the busy activities of pipeline construction?
- 115 Have APA employees and contractors been vaccinated against tetanus and Q fever?

- 116 Did APA decontaminate the hand auger after each soil sampling test between properties and road sites? What method was used to clean the hand auger?
- 117 How far from existing property bore sites does APA propose to build the pipeline?
- 118 How long does APA anticipate the welded joins along the pipeline will last?
- 119 Has APA considered the extra bushfire risks associated with the construction and life long processes of this type of infrastructure?
- 120 What type of local support will be available to our area during imminent local bush fire vents?
- 121 What type of training will be issued to local fire volunteers about this infrastructure? Who will cover these costs?
- 122 Are there any known environmental impacts to my livestock and or known impacts of exposure to the gaseous pipelines emissions? Will this infrastructure affect my LVPA submission/declarations?
- 123 Will APA pay the rates on the pipeline easement?
- 124 Will APA notify landholders before entering their properties and how much notice will be given? On what legal basis would APA be entering private property?
- 125 Where does APA intend the access easements to the pipeline to be and can it mark those out on a map?
- 126 Does APA have any minimum distances between dwelling houses, gardens, built improvements and the boundaries of the easement? If so, what are they?
- 127 Can APA advise what type of easement it will be seeking and where? That is, will there be areas along the route which will be subsurface easements and other areas which will be surface easements? Can APA provide a map of where the respective easements will be located.
- 128 Will there be areas along the route which APA will acquire the freehold, and if so, where will those areas be and what sizes?
- 129 Will the construction areas be inside or outside the easement? If they are outside the easement area, on what legal basis will APA gain access to, and use of, these construction areas? What terms and compensation is proposed for utilisation of these areas.
- 130 The compensation package referred to in APA's response to the CCC questions, fails to include "special value" and "loss attributable to severance", and, the Land Acquisition (Just Terms Compensation) Act

does not put caps or limits or require estimates to be given in relation to legal or valuation costs before these are payable. Why is APA imposing these conditions? Why is APA offering less than the legal entitlements of a landholder under the Land Acquisition (Just Terms Compensation) Act?

- 131 Will APA provide its proposed easement conditions? If there are to be both subsurface and surface easement, will APA provide the conditions it proposes for each of these easements.
- 132 Where in the Pipelines Regulations are the terms of an easement?
- 133 Will APA set out the steps it proposes to take in the acquisition process all the way to an objection being heard in the Land and Environment Court and refer to the respective Acts: Pipelines Act and Land Acquisition (Just Terms Compensation) Act. Will APA be complying with sections 10A, 11, 12, 13, 14, 15, 34, Part 3 Compensation for acquisition of Land of the Land Acquisition (Just Terms Compensation) Act?
- 134 Who is the valuation consultant used by APA for the purposes of compensation offered in the Easement Option Agreement?
- 135 APA answers to Tony Pickard Q7 on APA website "Compensation will be provided based on the loss incurred by the landowner.....with the indemnity provide under the proposed easement terms. MY question: What happens if the loss incurred is by a landowner not covered under the easement – as in a neighbour/s? As is highly possible with potential erosion, weed infestation, change to flood patterns, introduced disease.
- 136 The horizontal directional drilling used to cross rivers requires significant larger area site preparation, access road infrastructure & pads being built. In the case of the Macquarie river floodplain this has the potential to significantly alter flood flow & create channels over large areas. Does APA hold sufficient compensation funds for altering river flows that could impact much larger numbers of landholders away from the pipeline, irrigation water supply, irrigation infrastructure, & affect the flows into the RAMSAR wetland of the Macquarie Marshes.
- 137 These roads and pads etc will require earthworks – where does the soil come from? If within the property what happens to the borrow pits? There is **no** rock/gravel within any local vicinity of the Macquarie river crossing, the 5 mile cowl crossing & many others. Will the landowner have the capacity to deny the use of any introduced soil or any other substrate such as gravel etc due to concerns with contamination or due to it not being part of the natural landscape? (all of this infrastructure that is needed in order to get machinery in for pipeline construction **has** to be removed to pre-existing levels or it will precipitate changes to the massive flooding that occurs in this area).
- 138 As the proposed pipeline crosses the **ONLY** reliable access into our property, can APA guarantee an **ALL** Weather alternative access will be provided to the residence & stock yards during construction, that will have a zero impact on the normal operations of our business? If not or if it

proves to be inadequate due to any hold ups in construction or bad weather, what processes will be in place to cover human emergency (whose cost?) & the lost opportunity to the business? With rain & a big trench across road there is no way in or out, it gets covered in floodwater & we have spent major amounts of money on our road infrastructure to allow our business to operate. Not only do we have an issue with wet weather, but the presumed increased traffic from APA to get to other parts of their alignment means the road can go to bull dust & blow away.

- 139 The proposed pipeline route diagonally crosses an area of our land that is under contract with the federal government for environmental stewardship purposes, with restrictions on the management of this land – these restrictions preclude any road building, disturbance of the surface etc. Therefor the pipeline construction breaks our contracted obligations. Will APA compensate for the stewardship for the whole parcel of land, not just the easement & for the life of the contract, not just the year of pipeline construction? Maintenance of the pipeline route for weed control etc impacts the whole -it's not restricted to the easement.
- 140 Can APA guarantee the hydrology of the flood systems they are crossing will not be altered in any way by the pipeline over its lifetime & post decommissioning? What compensation funds are held by the company & their underwriters to protect the communities & landowners that are reliant on the rivers for their livelihoods?
- 141 Is APA aware of the Coonamble community meeting voting unanimously to protect the Great Artesian Basin, block the APA Western Slopes Pipeline and boycott one-on-one meetings with APA and or Santos? Three unanimous declarations were made at the meeting of over 420 landholders on 6 December 2017, referred to as the Coonamble declarations which are:

**Motion 1**

The rural communities including the towns, villages and farming communities totally reject the Santos CSG Pilliga Project and all associated industries and will stand together to vehemently oppose this using all possible options to protect the water.

**Motion 2**

There will be no individual meetings with affected landholders or the aboriginal community. We will only hold meetings in the presence of the community.

**Motion 3**

The Coonamble and wider community after holding a meeting on 6 December 2017 have unanimously shown support that the Great Artesian Basin is too important to be put at risk and the APA pipeline will be blocked at any cost.

Additional questions added 19 June 2018 (Page references are to pages of APA's response to questions dated 15 June 2018)

- 142 APA has failed to answer question 140, limiting its response to its horizontal drilling. Please respond to the question asked in 140.
- 143 The shallow ground water flow from approximately 2kms on the eastern side of the Etoo Creek through to and including .5kms from the western side of the Friday creek will be impacted by a pipeline running perpendicular to the ground water flow which is placed within 2m of the surface. If APA is not undertaking directional drilling for the pipe in the bedrock in this area, explain how APA intends to ensure there is no impact by a pipe running perpendicular to the shallow ground water flow in this area.
- 144 Where there is a dam on the line of construction of the APA pipeline, how would APA deal with this, as a main water source would be lost. Would APA replace the dam? How would APA replace it?
- 145 The APA pipeline is proposed to go through existing soil conservation channels. How would APA address water flow, heavy rains and floods in these channels? What do APA have in place to address sediment control, and for how long a period will APA restore ground erosion on and around easement area?
- 146 As landowner, who seeks approvals for clearing land? Who pays for this?
- 147 How are landowners affected by APA clearing under Native Vegetation Act or any other government legislation?
- 148 Will APA follow landowners' biosecurity requests at all times? For example will APA provide a written notification of time of entry, guarantee clean vehicles, clean clothes and boots, sign in, sign out, name, date, time and purpose of entry, each and every time and give to landowner?
- 149 How will APA address weed spread and for how long after construction of pipeline?
- 150 What noise levels would be expected during construction and what procedures are in place for safety and control of livestock impacted by excessive and or non-natural noises?
- 151 Why does APA not notify adjoining neighbours where pipeline is on a boundary? As the pipe will directly affect the neighbour as well.
- 152 Soil samples were taken from my property, do I get a copy of the results and reasons for samples?
- 153 If an APA employee or representative leaves a gate open or a fence down and stock get in or out, will APA compensate the farmer and what measures will APA take on that person for breaching access agreement?



- 154 APA has admitted that land values will decrease as a result of this pipeline. Will APA be approaching each and every Shire to have all rates reflect this property devaluation?
- 155 What standards and erosion control measures are in place to be able to cross a fragile creek bed?
- 156 The Meat and Livestock Association (MLA) states producers are responsible and can be audited on: "controlling people, equipment and vehicles entering the property " for biosecurity purposes; and accredited producers need to have a Farm Biosecurity Plan in place and implement this on their farm<sup>1</sup>. Will APA guarantee it will adhere to the individual Biosecurity Plan for every property it seeks to gain an easement on and fulfil the requirements of that plan regardless of whether APA believes it necessary or not?
- 157 APA states on pg 3 of its response "*easement terms provide indemnification of the landowner*". Please provide us with the language of this indemnity. Does this indemnity cover environmental damage that may be long lasting or irreversible due to pipeline damage, leaking etc.
- 158 How will APA design the pipeline to prevent movement or buoyancy? We have heard that APA has had buoyancy issues with its pipelines in QLD.
- 159 APA states on pg 3 of its response that compensation will be payable for the 12 months of construction "*with an allowance for partial losses for a subsequent 12 months*". This does not cover landholders' losses of production benefits, such as, hay and grain stored in a good crop year for future years. For eg. our 2016 crops are still benefiting our business 2 years later (through drought) and will continue to do so for at least another 12 months. This is modest compared to other properties with greater scale than ours. Will APA compensate landowners for this loss of several years worth of production benefit?
- 160 Environmental damage and contamination events, particularly slow release events, are generally not covered under a public liability insurance policy. Does APA hold environmental risk insurance<sup>2</sup>, environmental liability insurance, pollution liability insurance or environmental impairment liability insurance? Who will ensure that APA has appropriate insurance cover to cover its risks, and, in an event of insolvency, ensure that landholders are not left with contaminated land, as has occurred with the Linc Energy Ltd (in Liq)?
- 161 Will stockpiling of vegetation for re spreading be contained within the 30m easement? If not, will APA compensate the landowner for the use of land

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<sup>1</sup> [https://www.mla.com.au/meat-safety-and-traceability/red-meat-integrity-system/red-meat-integrity-systems-newsletter/animal-welfare-and-biosecurity-now-in-lpa-audits/?utm\\_source=TractionNext&utm\\_medium=Email&utm\\_campaign=Batch+5+Integrity+Matters+June-+external](https://www.mla.com.au/meat-safety-and-traceability/red-meat-integrity-system/red-meat-integrity-systems-newsletter/animal-welfare-and-biosecurity-now-in-lpa-audits/?utm_source=TractionNext&utm_medium=Email&utm_campaign=Batch+5+Integrity+Matters+June-+external)

<sup>2</sup> <https://www.epa.nsw.gov.au/reporting-and-incidents/report-pollution/environmental-pollution-insurance>

- outside the easement? What will APA do, re stockpiling of vegetation, if the landowner refuses to allow access to land outside the 30m easement?
- 162 What does APA propose to do in relation to aboriginal artifacts and cultural sites which are littered among vegetation, trees and shrubs along the easement?
- 163 Does APA plan to provide sufficient notice to relevant aboriginal land councils and communities of the aboriginal cultural heritage sites it plans to destroy, so that they can retrieve these artifacts, before commencing earthworks such as bulldozing and grading the easement?
- 164 Will the landholder have final say in where imported fill is sourced?
- 165 Will APA certify the source of import fill?
- 166 Will all the activities in relation to the establishment of the pads required for HDD be contained within the 30m easement? If not, will APA compensate the landowner for the use of land outside the easement? What will APA do if the landowner refuses to allow access to land outside the 30m easement for the construction of the HDD pads?
- 167 On page 14 of APA's response APA notes "*APA seeks to agree protocols for entering all properties*". Does this mean APA will not access properties without agreeing protocols with landowners?
- 168 If a landholder is unable to sell livestock due to chemical residue withhold periods or other issues associated with compliance to make a National Vendor Declaration, will APA compensate the landholder for that loss? Will that compensation be paid simply by a landholder supplying APA with an invoice? Or will the landholder have to litigate for compensation?
- 169 Will APA compensate landholders for market access restrictions due to APA's chemical use on the easement?
- 170 On page 18 of APA's response APA notes "surface infrastructure will be removed". Is APA removing the pipeline? If not, why not?
- 171 Is APA leaving the responsibility for the decommissioned pipeline with the landholder?
- 172 Following decommissioning, will APA compensate landholders for post operational issues, such as erosion, subsidence, wash out?
- 173 Will APA take a baseline of, for example, water quality, water flow, turbidity within the shallow aquifers and underground rivers along the entire length of the pipeline? If not, why not?
- 174 During the construction and working life of the pipeline, will APA monitor shallow aquifers, underground rivers etc insofar as the impacts of the underground pipeline on these water sources? These shallow underground water sources are critical to landholders. Without monitoring and

Landholder questions re APA's proposed Western Slopes Pipeline

rectification of impacts, the diversion of water flow could potentially lead to illness/death in stock or people and destruction of landholders' businesses.

- 175 Does APA have these shallow aquifers and groundwater rivers mapped out along the length of the pipeline?
- 176 Will APA use horizontal drilling under shallow aquifers and underground rivers to ensure there is no impact on the water flow in these water sources?
- 177 Will APA provide their proposed plan to mitigate leaks and possible contamination?
- 178 On page 21 of APA's response APA states "Waste materials ... will be reused or recycled where practicable". Can landholders refuse to allow APA to "reuse or recycle" waste water on their property?
- 179 Can landholders refuse to allow disposal of waste water from pipe flushing/water discharge on their property?
- 180 What is APA's waste management plan?
- 181 Will APA's "discharge", "reuse or recycle" occur within the 30 metre easement? If not, will APA compensate the landowner for the use of land outside the easement? What will APA do if the landowner refuses to allow access to land outside the 30m easement?
- 182 APA propose to install Cathodic Protection Systems along the length of the pipeline. Will these lie within the 30 metre easement? If not, will APA compensate the landowner for the use of land outside the easement? What will APA do if the landowner refuses to allow access to land outside the 30m easement?
- 183 As Cathodic Protection Systems are surface infrastructure and APA confirmed these will be removed during decommissioning of the pipeline (page 18) - how will landholders mitigate pipeline corrosion after APA decommissions the pipeline and "walks away"?
- 184 Will APA commit now to removing the pipe at decommissioning? If not, will APA indefinitely monitor and rectify the impacts of the pipe? If not, will APA compensate the landowner for any impacts arising post decommissioning, for example, with contamination from corrosion or any other issue attributable to leaving the pipe in the ground post decommissioning?
- 185 If landholders are to be compensated for post decommissioning impacts, whether that be for the pipe in the ground or the pipe being removed from the ground, when will they be compensated?
- 186 Will APA retain the easement after the pipeline has been decommissioned and it has surrendered its pipeline licence? If not, will landholders have to pay for the extinguishing of the easement on their property?

Landholder questions re APA's proposed Western Slopes Pipeline

- 187 On page 22 of APA's response, APA states anode beds cannot lie within the 30 metre easement. As such, will APA compensate the landowner for the use of land outside the easement? What will APA do if the landowner refuses to allow access to land outside the 30m easement for anode beds?
- 188 How will APA ensure safety of its personnel during routine landholder land management, such as, burning stubble/grasses, particularly with respect to unknown gas leaks?
- 189 APA notes on page 24 of its response, that burn-off of crop stubble and grasses as part of land management practises will not be prohibited on the easement. Does APA's insurance indemnify the landholder and the environment for the damage caused by a gas pipe explosion caused by these land management practices?
- 190 Despite APA's response to landholder questions, APA, on several occasions has displayed behaviour that shows contempt for landholders and communities impacted by its actions. For example, APA's behaviour on the Lefebvre's property Coonamble, and on Muttama, Coonamble. APA's lying to a room full of landholders at APA's Tottenham meeting on February 7<sup>th</sup>, 2018 concerning financial incentives offered to landholders. APA has gone to great lengths in this document to outline the ways in which it has plans to manage its duty of care in relation to: land access, environmental damage, compensations and production impacts. However, APA has refused to acknowledge the mental health impacts on individuals and communities. Will APA develop a management plan in relation to the monitoring, managing and treating of mental health impacts of its pipeline. If not, why not?
- 191 If landholders require APA to erect stock proof fences along the pipeline easement, for various reasons: to ensure APA does not operate outside the easement, to ensure cattle don't stray into the easement, to ensure construction activities are safe work places, etc, will APA erect those stock proof fences?
- 192 Will APA be seeking separate access easements from public roads to the pipeline easement? If yes, where or how many of these access easements does it anticipate? Will payments for "disturbance" cover disturbance, presumably for loss of amenity, loss of privacy, dust and noise nuisance from vehicles passing and repassing to the easement, over the life of the pipeline? When will these payments be made?
- 193 Will the "measures to divert overland [water] flows" be confined to the 30m easement? Will the "measures to divert overland water" be removed after construction of the pipeline? Will baseline soil moisture and compaction data be taken and given to the landholder to ensure no disputes about APA "making good" lost production due to reduced soil moisture caused by diversion of overland water flow?
- 194 On page 1 APA states it will "make good the loss". What does this mean? Will APA's obligation to "make good" attach to the land and run with the land on a sale? Will APA cart water to a property in perpetuity?

Landholder questions re APA's proposed Western Slopes Pipeline

- 195 On page 1, APA states it will consult with landholders and develop a "Primary and progressive Erosion and Sediment Control Plan". Please confirm that this consultation will occur after APA has its Pipeline easement.
- 196 On page 3, APA refers to "temporary construction areas". Are these "temporary construction areas" inside or outside the 30m easement?
- 197 Will APA be able to construct the pipeline if landholders refuse to allow APA use of areas outside the 30m easement?
- 198 On page 3, APA state it will pay for "time taken to deal with APA". Will APA be paying landholders an hourly rate for this general disturbance? If so, how will a landholder be able to determine what is reasonable, before the disturbance occurs? Will this hourly rate be in line with the hourly rate paid to landholders in Queensland of \$100/hour? Will APA provide landholders with enough information to know what the nature of the disturbance will be, loss of privacy, loss of amenity, noise nuisance, light nuisance, dust nuisance, lost time, loss of full use of property, increased petrol use to get around easement, increased stock mustering to get around easement etc, and for how long?
- 199 When does APA intend to undertake further sampling of soils along the proposed easement?
- 200 If landholders refuse access prior to the compulsory acquisition of the easement, will APA seek to force access under its ATS?
- 201 If landholders demand the removal of the pipe on decommissioning, will they be compensated for the disturbance and loss associated with that removal?
- 202 In relation to landholder questions 1, 2, 3 and 5, please provide a more detailed explanation so landholders can consider their position on the easement.
- 203 On page 4, APA's response to landholder question 6 states "the flood risk will be monitored". Landholders' experience has been that, with no warning from forecasters, 100mm can fall overnight. How does APA intend to monitor such a flood event when sundown is dry and sunrise is an instant and un-forecast flood?
- 204 On page 4, in relation to APA's response to landholder question 7, what is a "trench breaker"? What material is used to construct a trench breaker?
- 205 On page 4, in relation to APA's response to landholder questions 8, 34, 35, 135, what are the proposed easement terms and the terms of the indemnity?
- 206 APA states it will address claims directly with landholders. Does this mean landholders have to argue over issues in order to obtain just compensation?
- 207 On page 5, in relation to APA's response to landholder questions 9, 10, 11 and 38, will APA ensure the design of the pipeline for crossing weighs

Landholder questions re APA's proposed Western Slopes Pipeline

accord with the requirements of landholders, as opposed to what APA considers reasonably foreseeable land use under AS2885?

- 208 On page 6, in relation to APA's response to landholder questions 12, 18, 21, 113 and 117, will APA employees comply with landholder requests to have all temporary gates locked at all times?
- 209 On page 7, in relation to APA's response to landholder questions 13, 14, 15, 16, 17, 75, 83, 89, landholders state that it is incorrect to state that animals will not climb a row of soil. Cattle will stampede up mounds of soil in full gallop. Being large animals, the possibility of the cattle falling/sliding into the trench is a real possibility. Will APA reconsider its position to ensure animal welfare along the trench lines?
- 210 On page 11, in relation to APA's response to landholder question 61, landholders state that APA has not undertaken soil sampling of vertisol soils on all properties. Does APA intend to do more soil sampling? If yes, where does it intend to undertake that sampling, and when?
- 211 On page 17, APA fails to answer landholder question 116. Please answer landholder question 116 in detail.
- 212 On page 16, APA fails to answer landholder questions 31, 36, 37, 38. Please answer these questions in detail.
- 213 On page 18, in relation to APA's response to landholder question 104, what is APA's legal responsibility once the proposed pipeline has been decommissioned and the pipeline licence has been surrendered?
- 214 On page 20, in relation to APA's response to landholder question 69, will APA provide to landholders employee details, if requested by landholders?
- 215 Is APA stating that it is not its policy to undertake police checks of its employees or the employees of its contractors? Landholders have some concern if this is the case, as there are women and children, in isolated areas along the pipeline route who would be easy targets for predatory construction workers within close distances to isolated farm dwellings.
- 216 On page 21, in relation to APA's response to landholder question 57, will APA provide the exact locations where it will source water and the actual volumes of water which it will require?
- 217 Please provide more specific detail on what is intended in relation to water disposal.
- 218 If APA cannot get onto landholder's properties before the compulsory acquisition takes place, how will APA be able to properly assess the amount of disturbance, ie whether APA needs to use horizontal drilling, the extent of overland water flows, re erosion and water use of the landholder, the depths of soils to be able to anchor the pipe on flood plains, the types of soils, re vertisols re the type of strength of the pipe and design to anchor the pipe, the

Landholder questions re APA's proposed Western Slopes Pipeline

infrastructure and improvements on the property impacted, ie wind breaks, shelter belts, the special nature of the property, etc and thereby properly assess the amount of compensation payable under the *Land Acquisition (Just Terms Compensation) Act (Just Terms Act)*?

- 219 Can APA provide us with the document which has been approved by the Minister for the Compensation Notice (s.43 Just Terms Act) and, if relevant, the "claim for compensation notice" (s39 Just Terms Act)?

Aboriginal Land Council questions

- 1 Condobolin Local Aboriginal Land Council has not been consulted in relation to this project. What steps did APA follow to ensure that the Local Aboriginal Land Councils impacted by the Western Slopes Pipeline were consulted?
- 2 In the Biosis Report on Aboriginal Cultural Heritage, the Condobolin LALC does not recognise any of the registered aboriginals who did the surveying for this area of the pipeline route. The Condobolin LALC asks what authority those registered aboriginals have to represent aboriginal cultural heritage in the Condobolin area?
- 3 The Condobolin LALC asks who is Rebecca Sheppard/McKelvie [former Condobolin LALC CEO who is listed in the Biosis Report] representing? Who is Peter Harris from Lake Cargelligo representing?
- 4 What authority does Rebecca Sheppard/McKelvie in relation to the Wiradjuri country?
- 5 What actions will APA take to ensure the Western Slopes Pipeline does not destroy Aboriginal cultural heritage along its route?

Please confirm your consent to Marylou Potts Pty Ltd, an incorporated legal practice, acting on your behalf in relation to the seeking from APA Western Slopes Pipeline Pty Ltd, of answers to the above questions, by providing your name[s], address and email address below.

Name

Address

Email

Signed