

2.4 State Environmental Planning Policies

There are a number of State Environmental Planning Policies (SEPPs) that are relevant to the proposal. A selection of applicable SEPPs has been reviewed in the following Sections, with a list of all SEPPs considered provided in Appendix C.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

SEPP No. 33 seeks to reduce any potential impact of hazardous and offensive industries. The coal seam pipeline has the potential to be classified as a hazardous industry under SEPP No. 33 as, in the absence of measures to reduce or minimise its impact on the locality or existing or future likely development of other land, it will pose a significant risk in relation to the locality. However, the proposal could not be defined as an industry based on definitions in the Singleton LEP and as such SEPP No.33 does not apply.

Furthermore, a risk assessment was facilitated by Sleeman Consulting (Appendix D) and concluded that a preliminary hazard analysis (PHA) is not required. Further discussion on the risk assessment is presented in Section 4.13.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

SEPP No. 44 encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The SEPP also restricts granting development consent for proposals on land identified as core Koala habitat without preparation of a plan of management.

Singleton and Muswellbrook Shire Councils are identified in Schedule 1 of the SEPP as LGAs to which the environmental planning instrument applies. SEPP No. 44 relates to Council development consent, as the proposal is assessed under Part 3A of the EP&A Act the SEPP does not apply. Notwithstanding the foregoing, further discussion on the likelihood of potential impact on Koala habitat is presented in Section 4.3.

State Environmental Planning Policy (Major Projects)

SEPP (Major Projects) 2005 defines certain developments that are considered major projects under Part 3A of the EP&A Act, or as determined by the Minister for Planning. The DoP has confirmed that the proposal constitutes a Major Project and as such the proposed coal seam gas pipeline is to be assessed under Part 3A with the Planning Minister as the consent authority.

Developments defined in Schedule 1 of the SEPP include 'Development for the purpose of a pipeline in respect of which a licence is required under the *Pipelines Act 1967*'. The proposed pipeline will require a licence under the *Pipelines Act 1967* as Macquarie Generation is not listed as a public authority under the Act.

State Environmental Planning Policy (Infrastructure) 2007

The SEPP (Infrastructure) 2007 applies to certain infrastructure developments that include Electricity Generating Works and Gas Pipelines.

SEPP (Infrastructure) 2007 Part 3 Division 4 clause 34(3), states:

Development for the purpose of, or resulting in, a change of fuel source of an existing coal or gas fired generating works by a proportion of more than 5 per cent in any 12 month period may only be carried out with consent.

The proposed changes to the Liddell power station will displace less than 5% (by mass) fuel as a result of the pipeline, therefore development consent for use of the coal seam gas is not required, subject to amendment to existing operating licence arrangements.

According to Part 3 Division 9 Subdivision 1 development for the purpose of a gas pipeline may be carried out by or on behalf of a public authority without consent on any land, with the exception of land zoned National Parks and Nature Reserves,. However in the event of any inconsistency between the SEPP (Major Projects) 2005 and the SEPP (Infrastructure) 2007 the SEPP (Major Projects) 2005 applies which means that a Part 3A approval is required for the proposed Project (Part 1 clause 8).

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The SEPP provides for proper management and development of mineral, petroleum and extractive material resources. The SEPP provides for development that may be carried out with consent, without consent and is exempt or complying. Removal and transportation of coal seam gas is not affected by the SEPP and as such no further consideration of the SEPP is necessary.

2.5 Regional environmental planning

2.5.1 Lower Hunter Regional Strategy 2006

The strategy is an overall plan that has been prepared to ensure the region develops in a strong and sustainable way. The NSW Government's 25-year land use strategy for the region:

- Provides for 115,000 new homes to cater for a projected population growth of 160,000 people.
- Plans for up to 66,000 new jobs and ensures an adequate supply of employment land.
- Promotes growth in centres - a greater choice of housing and jobs in Newcastle's central business district (CBD) and specified major centres.
- Creates important green corridors of land with high environmental value, which will be managed for conservation purposes. These corridors align with existing public reserves, some of which will be expanded.
- Protects high quality agricultural land, and natural resources such as groundwater aquifers and extractive materials.

The strategy will be reviewed every five years (Department of Planning, 2006). The proposed pipeline allows for a reduction in greenhouse gas emissions with no disruption to the provision of electricity to the lower Hunter and wider community and accords with the objectives of the strategy.

2.5.2 Hunter Regional Environmental Plan 1989

The Hunter Regional Environmental Plan 1989 applies to all land within the cities of Cessnock, Greater Taree, Lake Macquarie, Maitland and Newcastle and the Shires of Dungog, Gloucester, Great Lakes, Merriwa, Murrurundi, Muswellbrook, Port Stephens, Scone and Singleton.

The objectives of the plan are:

- To promote the balanced development of the region, the improvement of its urban and rural environments and the orderly and economic development and optimum use of its land and other resources, consistent with conservation of natural and man made features and so as to meet the needs and aspirations of the community.
- To co-ordinate activities related to development in the region so there is optimum social and economic benefit to the community.
- To continue a regional planning process that will serve as a framework for identifying priorities for further investigations to be carried out by the Department and other agencies.

The plan identifies a range of mechanisms to implement its objectives which generally relate to policies for LEP preparation and development control. The proposed development is consistent with the objectives of the Hunter Regional Environmental Plan 1989.

3. Consultation

3.1 Director-General's Environmental Assessment Requirements

The Director-General's Environmental Assessment Requirements (refer to Appendix A), state that consultation must be undertaken and any identified issues raised through consultation must be addressed. The Requirements state that the following people must be consulted:

- NSW Department of Environment and Climate Change.
- NSW Department of Lands.
- NSW Department of Water and Energy.
- Commonwealth Department of Environment and Water Resources.
- Mine Subsidence Board.
- Singleton Shire Council.
- Local community.

This Section 3 outlines the consultation process, the issues raised by stakeholders and where the identified issues are addressed in this Report.

3.2 Government requirements

3.2.1 Department of Environment and Climate Change

A project briefing letter with an attached pipeline route map was sent to the NSW Department of Environment and Climate Change on 7 November 2007, informing the Department of the proposal and inviting comments. Table 3-1 outlines the comments received from DECC and where the comments are addressed in the report.

Table 3-1 Environmental Assessment Requirements from DECC

DECC Environmental Assessment Requirements	Where addressed in report
Threatened species, their habitat and ecological communities Survey of threatened species (including their habitat), populations and ecological communities in accordance with <i>Threatened Biodiversity Survey and Assessment: Guidelines for Development and Activities</i> . Survey to be undertaken during optimal climatic and seasonal conditions for all potentially occurring flora and fauna species and to consider issues such as migratory species, availability of shelter, breeding, pollination patterns and prerequisites and relative availability of food and resources.	4.3

DECC Environmental Assessment Requirements	Where addressed in report
Aboriginal cultural heritage values Detail measures to avoid and/or mitigate any impacts on any significant items of Aboriginal heritage identified and to assess the feasibility, effectiveness and reliability of proposed measures and any residual impacts after these measures have been implemented (refer to attached letter).	4.4.2
Other environmental considerations	Key environmental considerations are addressed throughout the report.

3.2.2 NSW Department of Water and Energy

Macquarie Generation met with DWE in late 2007 and briefed the Department on the Project. An action arising from the briefing was to have a meeting with IPART. A meeting with IPART occurred after the briefing with DWE where it was established that NGAC accreditation for gas delivered by the Project will be incorporated into existing Liddell Power Station accreditation. A licence and accreditation for gas delivered to Liddell Power Station was applied for with IPART on 21 September 2007 then withdrawn 6 February 2008 in favour of modifying the existing accreditation. Table 3-2 outlines the comments received from DNR and where the comments are addressed in the report.

Table 3-2 Environmental Assessment Requirements from DWE

DWE Environmental Assessment Requirements	Where addressed in Report
Relevant policies NSW State Rivers and Estuaries Policy NSW Wetlands Management Policy NSW Groundwater Policy Framework Document – General NSW Groundwater Quantity Management Policy NSW Groundwater Dependent Ecosystem Policy	4.2
Relevant guidelines Rehabilitation Manual for Australian Streams	4.2
Key Issues Likely groundwater transmission zones within creek crossings, so that groundwater interference is prevented. Protection of groundwater during excavation and operation for crossings of the Hunter River and Wollombi Brook. Adequate hydrological and geomorphological safeguards to ensure that Bayswater Creek and other watercourses will not become unstable or degrade as a result of excavations through their courses. The geomorphological assessment must include assessment of energy relationships and depths of activation for watercourses which require crossings, and justification for trench depths for each crossing. Protection and management of native vegetation with linkage to the geomorphological assessment.	4.2.2 4.2.2 4.2 4.3

DWE Environmental Assessment Requirements	Where addressed in Report
Secondary issues Mitigative and remedial measures for endangered ecological communities. Maintenance of the geomorphic and ecological functions of groundwater dependent ecosystems in accordance with the NSW Groundwater Dependent Ecosystem Policy.	4.3

3.2.3 Commonwealth Department of Environment and Water Resources

A letter was sent to the Commonwealth Department of Environment and Water Resources informing the Department of the project and inviting comments. No response was received.

3.2.4 NSW Roads and Traffic Authority

Preliminary pipeline route details were submitted for review and comment. The road crossings that are either under-bored or use an existing underpass are acceptable subject to the Authority's conditions and approval.

3.2.5 NSW Department of Primary Industries – Mineral Resources

A meeting was held with the Department on 5 October 2007, followed by several exchanges of emails, telephone calls and draws near the date of the meeting.

The outcome of the consultation was that the route should avoid potential conflict with any future open cut coal mining. The route in this application takes into account the guidelines proposed in these discussions.

3.2.6 Mine Subsidence Board

The route proposal was reviewed at a meeting of the parties on the 27 September 2007 to assist Macquarie Generation with pipeline route requirements and pipeline route planning. Various potential routes were examined and the location of past, current and future coal mining reviewed. The meeting resulted in the following conclusions:

- The main pipeline route almost exclusively uses established infrastructure corridors within Macquarie Generation owned land. Mining is excluded in these areas so they are not subject to mine subsidence.
- A short length of the pipeline at the south eastern end may be undermined in the future. Where necessary the detailed pipeline design will take into account the impact of subsidence and will, when available, be submitted to the Mine Subsidence Board for approval.

3.3 Singleton and Muswellbrook Councils

Macquarie Generation has conferred with Council officers and presented a Project outline at Council meetings during the preliminary Part 3A application stage. The meetings with Councils and Macquarie Generation took place as follows:

- Singleton Council – Briefing, 7 May 2007.

- Muswellbrook Shire Council – Briefing, 8 May 2007.
- Muswellbrook Shire Council – Briefing, 17 May 2007.
- Singleton Council – Meeting presentation, 12 May 2008.
- Singleton Council – Meeting presentation, 28 May 2007.

From the meetings technical question were asked by Councillors (e.g. pressure in pipeline, project life etc). No issues were raised.

3.4 Other agencies

A letter was sent to NSW Department of Lands on the 7 November 2007 informing the Department of the project and inviting comments. No response was received.

3.5 Community consultation

Two community information sessions were held to inform the community of the proposed project. The information sessions were advertised in the local papers and editorial coverage in local newspapers and on ABC radio (refer to Sections 3.5.1 and 3.5.2). Despite the media notices of the community information sessions, there were no attendees at either of the sessions.

It was assumed that many members of the community (Singleton and Muswellbrook) work in mining and mining-related activities and as such the proposed pipeline is a typical activity in the locality that is thought to be generally accepted by the community, provided adequate environmental and safety safeguards are incorporated into the design.

3.5.1 Singleton community consultation

Notice of a community information session on 29 May 2007, was advertised in the Singleton Argus. The information session was held between 2 pm and 4 pm. There were no attendees at the community information session.

3.5.2 Muswellbrook community consultation

Notice of a community information session on 29 May 2007, to be held at the John Hunter Motel, was advertised in the Muswellbrook Chronicle. There were no attendees at the community information session.

3.6 Mining operations

Extensive consultation has occurred with existing mining license holders along the proposed route. Where the pipeline crosses a mining lease or land owned by a mining company appropriate negotiations for access have occurred and easements will be established. The proposal should not impact on existing approvals or licences. As noted elsewhere in this document, the majority of the pipeline route traverses land owned by Macquarie Generation. The route was selected as it minimises disruptions to other land holders. The Project has been largely well received as it provides an opportunity for local coal mines to utilise the pipeline for coal seam gas management.