

Project Approval

Section 75J of the *Environmental Planning & Assessment Act 1979*

The Planning Assessment Commission of New South Wales (the Commission) approves the project application referred to in schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Member of the Commission



Member of the Commission

Member of the Commission

Sydney

10 March 2011

SCHEDULE 1

Application No.:

MP 09_0143

Proponent:

ERM Power Pty Ltd

Approval Authority:

Minister for Planning

Land:

The project is located within a 100 metre wide linear corridor along a 219 kilometre route on rural land zone within the Young, Cowra, Cabonne and Wellington local government areas.

Project:

Young to Wellington Gas Pipeline - involving the construction and operation of a 219 kilometre high-pressure buried gas pipeline between the Young gas hub on the Moomba Sydney Pipeline and the Wellington Gas-Fired Power Plant.

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DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Commissioning	Commencement of testing, and may include ongoing construction activities
Conditions of Approval	The Minister's conditions of approval for the project
Construction	All –pre-operation activities associated with the project other than pre-construction and commissioning
Corridor	The 100 metre wide linear corridor along the 219 kilometre pipeline route that incorporates the 30 metre wide construction corridor, as defined in the Environmental Assessment.
Councils	Young Shire Council, Cowra Shire Council, Cabonne Council and Wellington Council
DECCW	NSW Department of Environment, Climate Change and Water
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate)
Director-General's approval/agreement or satisfaction	A written approval from the Director-General (or delegate)
I&I NSW	Industry and Investment NSW
Dust	Any solid material that may become suspended in air or deposited
Environmental Assessment	<i>Young to Wellington Gas Pipeline Environmental Assessment</i> , dated May 2010, and prepared by LandPartners Limited
NOW	NSW Office of Water
Operation	Operation when gas commences to be transported via the pipeline, however does not include commissioning activities
Publicly Available	Available for inspection by a member of the general public (for example, available on an internet site or at a display centre)
Pre-construction	Activities including survey, acquisitions, fencing, investigative drilling, excavation, building/road dilapidation surveys or other activities determined by the Environmental Representative to have minimal environmental impact such as minor access roads, minor adjustments to services/utilities, or minor clearing (except where threatened species, populations or ecological communities would be affected)
Reasonable and Feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering consideration and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and nature and extent of potential improvements
RTA	NSW Roads and Traffic Authority
Site	Land required for the development of the project
Statement of Commitments	Statement of Commitments contained in the Submissions Report
Submissions Report	<i>Young to Wellington Gas Pipeline Submissions Report</i> , dated May 2010, and prepared by LandPartners Limited.

SCHEDULE 2
PART A – ADMINISTRATIVE CONDITIONS

TERMS OF APPROVAL

- A1. The Proponent shall carry out the project generally in accordance with the:
- (a) Major Project Application 09_0143;
 - (b) The *Young to Wellington Gas Pipeline Environmental Assessment* prepared by LandPartners Limited dated May 2010;
 - (c) The *Young to Wellington Gas Pipeline Submissions Report* prepared by LandPartners Limited dated September 2010; and
 - (d) conditions of this approval.
- A2. In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed from condition A1(a) to A1(c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (b) any document listed from condition A1(a) to A1(c) inclusive, and any other document listed from condition A1(a) to A1(c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- A3. The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- (a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans or correspondence.

LIMITS OF APPROVAL

- A4. This project approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval have been physically commenced on or before that time.

STATUTORY REQUIREMENTS

- A5. The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation of the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.

STAGING

- A6. The Proponent may elect to construct the project in discrete work packages or stages. Where that occurs, these conditions of approval need only be complied with to the extent that they are relevant to that discrete work package or stage.

PART B – PROJECT DESIGN REQUIREMENTS

ROUTE ALIGNMENT

- B1. The Proponent shall finalise the route alignment and final pipeline depth of the gas pipeline within the 100 metre assessment corridor identified in the Environmental Assessment referred to in condition A1(b), in consultation with affected landowners (including mineral title holders), with the aim of maximising the length of the route within existing disturbed areas (including existing infrastructure easements) and minimising conflict with private properties and land use. Where the route is proposed to traverse existing infrastructure easements, the Proponent shall ensure that the pipeline route is located in consultation with the owners of existing infrastructure within the easement with the aim of minimising conflict with the ongoing operation and future upgrade/maintenance requirements of that infrastructure.
- B2. Prior to the commencement of construction, the Proponent shall submit to the Department route alignment sheets for the project identifying the final Construction 30-metre Right of Way (and 50 metres in Horizontal Direct Drilling work areas) within the 100 metre assessment corridor.

PART C – SPECIFIC ENVIRONMENTAL CONDITIONS

WATERCOURSE CROSSINGS

- C1. All pipeline crossings of the Macquarie, Belubula, Bell and Lachlan Rivers shall be undertaken using horizontal directional drilling techniques.
- C2. Prior to the commencement of construction, a report(s) prepared by a geomorphologist on the proposed crossing method of each remaining waterway – as identified in Appendix D, Volume 1 of the Proponent's Environmental Assessment – shall be submitted for the approval of the Director-General. The report shall be undertaken in consultation with the NOW, I&I NSW (Fisheries) and the relevant Catchment Management Authorities. In selecting the proposed method to cross the waterway, the likely erosion and sedimentation controls and rehabilitation measures and their likelihood of long-term success are to be considered.

SOIL AND WATER QUALITY IMPACTS

- C3. Except as may be expressly provided by an Environmental Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environmental Operations Act 1997* which prohibits the pollution of waters.
- C4. Erosion and Sediment controls consistent with Landcom's *Managing Urban Stormwater: Soils and Construction* are to be installed prior to the commencement of soil disturbance and maintained until such time as the disturbed area has been rehabilitated in accordance with D5. In areas of agricultural land use local conditions and knowledge of the landholder should also be considered so soil and erosion, sediment control and soil settlement issues can be agreed upon.
- C5. The Proponent shall ensure that all water supplies for construction, hydro-testing and operation are sourced from an authorised and reliable supply.

TRAFFIC AND TRANSPORT IMPACTS

- C6. The Proponent shall ensure that all pipeline crossings of roads are constructed using the construction methods and depth of cover determined in consultation with, and to meet the reasonable requirements of, the relevant road authority.
- C7. Prior to the commencement of construction, the Proponent shall commission a suitably qualified expert to assess the condition of all public roads proposed to be crossed by the pipeline in consultation with the relevant road authorities and to detail measures to be implemented to rehabilitate the disturbed roads back to existing standards following construction (or as otherwise agreed by the road authority). The **Pre-Construction Road Dilapidation Report** shall be submitted to the Director-General prior to the commencement of construction clearly identifying recommendations made by the relevant road authority and how these would be addressed.
- C8. Prior to the commencement of operation, the Proponent shall commission a suitably qualified expert to undertake a **Pre-Operational Road Dilapidation Assessment** of all public roads crossed by the pipeline in consultation with the relevant road authority to assess the adequacy of road rehabilitation works undertaken following construction. The pre-operational road dilapidation report shall be submitted to the Director-General prior to the commencement of operation and shall clearly identify how recommendations made by the road authorities have been addressed.
- C9. The Proponent shall apply to the relevant authority for any proposed temporary road closures at least one month prior to the proposed closure. Any advertisement of the closure shall be funded by the Proponent and include newspapers circulated in that area.

ECOLOGICAL IMPACTS

- C10. All clearing of native vegetation during construction of the pipeline shall be limited to the minimum feasible extent. The pipeline easement width shall be reduced to the minimum feasible width in areas along the easement that are known to contain Endangered Ecological

Communities and/or threatened species habitat. Details regarding the procedures for clearing vegetation and minimising the extent of clearing and the extent and location of these reductions shall be clearly included in the Construction Environmental Management Plan referred to in condition G2(i)(ix)

- C11. Prior to the commencement of construction of the project, the Proponent shall clearly define work areas (including access trails) using a combination of posts, fencing or markers, and suitably marked up maps, as appropriate. All on-site construction movements shall be restricted to these areas, to prevent uncontrolled or inadvertent access by vehicles or construction personnel and to avoid abutting forest and woodland remnants.
- C12. Where possible, the removal of trees for the construction of the pipeline shall occur outside of the known breeding periods of native fauna that may utilise that vegetation. All hollow bearing trees shall be retained. Where this is not feasible, trees containing hollows shall be inspected by a suitably qualified ecologist, and where native fauna are located using the tree hollows, appropriate actions shall be developed and implemented under the guidance of the qualified ecologist to minimise impacts on the native fauna. Details of actions to be taken and measures to monitor their effectiveness shall be included in the Construction Environmental Management Plan referred to in condition G2(i)(ix).
- C13. The Proponent shall develop and implement a programme – consistent with the “maintains or improves biodiversity values” which is in accordance with the Principles for the Use of Biodiversity Offsets in NSW guidelines (DECC 2008) – to offset native vegetation losses or impacts, including impacts to the Whitebox Woodland Endangered Ecological Community, resulting from the project. The offset should be developed in consultation with DECCW, the relevant CMA and local landcare groups and should be comprised of, but not necessarily limited to:
- (a) measures for encouraging the natural regeneration of vegetation along the pipeline corridor, including weed management measures;
 - (b) replanting and rehabilitation measures including (but not necessarily limited to) the rehabilitation of disturbed riparian areas at watercourse crossings;
 - (c) measures for replacing specific habitat values impacted by the project (eg. provision of roost/nest boxes where significant habitat trees are impacted);
 - (d) measures to preserve the offset in perpetuity; and
 - (e) any additional measures that may be agreed to with DECCW.

The offset programme shall provide details of a timeline for the implementation of identified measures, ongoing monitoring and maintenance measures and demonstrate how the programme would achieve the outcome of maintaining or improving biodiversity values in the local area. The programme shall be submitted for the approval of the Director-General prior to the commencement of construction.

HERITAGE IMPACTS

- C14. Any Aboriginal items of heritage significance already identified in the Cultural Heritage Assessment – that forms part of the Proponent’s Environmental Assessment contained in condition A1(b) – located along or within the vicinity of the pipeline easement shall be avoided.

HAZARDS

- C15. The project shall be designed, constructed, operated and maintained in accordance with *Australian Standard AS 2885: Pipelines - Gas and Liquid Petroleum*.

Bunding and Spill Management

- C16. The Proponent shall store and handle all dangerous goods as defined by the Australian Dangerous Goods Code, and all fuels, oils chemicals or other environmentally hazardous materials strictly in accordance with:
- (a) All relevant Australian standards;
 - (b) Storing and Handling Liquids: Environmental Protection – Participants Manual (DECC May 2007);
 - (c) Environmental Compliance Report: Liquid Chemical Storage Handling and Spill Management – Part B Review of Best Practice (DEC November 2005)

Pre-Construction

C17. Prior to the commencement of construction, the Proponent shall prepare and submit the following for the approval of the Director-General:

- (a) a **Construction Safety Plan** consistent with either the *Australian Standard AS 2885.1 – 2007 Pipelines – Gas and Liquid Petroleum (Part 1: Design and Construction)* or the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 7, "Construction Safety Study Guidelines"*. The Construction Safety Plan detail should be consistent with the nature of the work undertaken.

The Construction Safety Plan shall address all the requirements under Section 2.7 – Construction and Commissioning of AS2885 Part 1 that includes Construction safety and Commissioning safety. The Construction Safety Plan shall also address all of the safety related measures including Fire protection/prevention for the pipeline.

- (b) a **Final Hazard Analysis** that takes account of the recommendations made in the Preliminary Hazard Analysis and should confirm that no residences are exposed to a risk of fatality greater than one in a million per year.

If there are no significant changes in the detailed design phase, an update of the Preliminary Hazard Analysis is acceptable.

Pre-Commissioning

C18. Prior to commissioning, the Proponent shall develop and implement the following plans and systems:

- (a) An **Emergency Plan** in accordance with Section 4 of A 2885.3 – 2001;
- (b) A **Safety and Operating Plan (SAOP)** that shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. The plan shall be in accordance with the requirements of AS 2885.3.

Note: Where an Emergency Plan and a SAOP are in place for existing assets and the Proponent intends to operate the project in association with those assets, the Proponent shall update the documentation to include the project.

NOISE IMPACTS

Construction Hours

C19. Subject to conditions C22 and C23, construction works that would generate audible noise at any sensitive receiver shall only be undertaken during the following hours:

- (a) 7.00 am to 6.00 pm, Mondays to Saturdays; and
- (b) 8.00 am to 6.00 pm, Sundays and public holidays

for a maximum period of 28 days at a time, separated by a minimum respite period of nine days.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

Where written agreement has been reached with affected receivers the Proponent may carry out construction activities outside of these hours.

C20. The hours of construction specified under condition C19 may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction shall be:

- (a) considered on a case-by-case basis;
- (b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours and any other information necessary to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site; and
- (c) require that affected residential receivers are informed of the timing and duration of any construction activities approved under this condition at least 48 hours before that work commences.

Construction Noise

- C21. The Proponent shall ensure that all reasonable and feasible measures are taken to minimise noise generation from the construction of the project consistent with the requirements of the *Interim Construction Noise Guidelines (DECC, July 2009)* including noise generated by heavy vehicle haulage and other construction traffic associated with the project.

Work Generating High Noise Impact

- C22. Any work generating high noise that has impulsive, intermittent, low frequency or tonal characteristics, including jack hammering, line drilling, pile driving, rock hammering, rock breaking, saw cutting, sheet piling, vibratory rolling but excluding blasting, must only be undertaken:

- (a) between the hours of 8.00 am and 6.00 pm Monday to Friday;
- (b) between the hours of 8.00 am and 1.00 pm Saturday; and
- (c) in continuous blocks of no more than three hours, with at least one hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers;

except as otherwise approved by the Director-General. For the purposes of this condition "continuous" includes any period during which there is less than a one hour respite between ceasing and recommencing any of the work the subject of this Condition.

Construction and Blasting Impacts

- C23. Blasting associated with the construction of the project is only permitted during the following hours:

- (a) 9.00 am to 5.00 pm, Mondays to Fridays, inclusive;;
- (b) 9.00 am to 1.00 pm on Saturdays; and
- (c) at no time on Sundays or public holidays.

Where compelling safety reasons exist, the Director-General may permit blasting outside of these hours on a case by case basis where any request is accompanied by details of the nature and need for blasting outside the approved hours and the measures to be implemented to minimise impacts.

- C24. The Proponent shall ensure that air blast overpressure generated by blasting associated with the project does not exceed the criteria specified in Table 1, when measured at the most affected residence or other sensitive receiver.

Table 1 – Airblast Overpressure Criteria

<i>Airblast Overpressure (dB(Lin Peak))</i>	<i>Allowable Exceedence</i>
115	5% of total number of blasts over a 12 month period
120	Never

- C25. The Proponent shall ensure that ground vibration generated by blasting associated with the project does not exceed the criteria specified in Table 2 when measured at the affected residence or other sensitive receiver.

Table 2 – Peak Particle Velocity Criteria

<i>Peak Particle Velocity (mms⁻¹)</i>	<i>Allowable Exceedence</i>
5	5% of total number of blasts over a 12 month period
20	Never

- C26. At least two weeks prior to each blasting event, the Proponent shall notify the relevant local Council and potentially affected landowners, including details of time and location of the blasting event and providing a contact point for inquiries and complaints.

Vibration Impacts

- C27. The Proponent shall ensure that the vibration resulting from construction of the project does not exceed the preferred values for vibration (for low probability of adverse comment) presented in

Assessing Vibration: A Technical Guideline (DECC, February 2006), at any surrounding sensitive receptor.

VISUAL AMENITY

- C28. The Proponent shall ensure that all external lighting associated with construction of the project is mounted, screened and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadway.

WASTE GENERATION AND MANAGEMENT

- C29. All waste materials must be removed from the pipeline corridor and shall only be directed to a waste management facility lawfully permitted to accept the materials.
- C30. The Proponent shall ensure that all liquid and/or non-liquid waste generated and/or stored on the pipeline corridor is assessed and classified in accordance with *Waste Classification Guidelines (DECCW 2009)* or any future guideline that may supersede that document.
- C31. The Proponent shall maximise the treatment reuse and/or recycling within the pipeline corridor of any excavated soils, slurries, dusts and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.
- C32. The Proponent shall not cause, permit or allow any waste generated outside the pipeline corridor to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.

AIR QUALITY IMPACTS

Dust

- C33. The Proponent shall construct and operate the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

Odour

- C34. The Proponent shall not cause or permit the emission of offensive odours from the site in accordance with the provisions of Section 129 of the *Protection of the Environment Operations Act 1997*.

TEMPORARY CONSTRUCTION FACILITIES

- C35. Prior to the commencement of construction of the Project, the Proponent shall prepare Temporary Construction Facilities Management Strategy in consultation with DECCW and relevant Councils to the satisfaction of the Director-General detailing:
- (a) the final location of all temporary construction facilities including construction camps, within the assessed footprint of the project; and to ensure that the facilities would not result in any increased impacts (including biodiversity, heritage items and noise) as assessed in the Environmental Assessment and Submissions Report;
 - (b) the scale and dimension of facilities including duration of establishment;
 - (c) utility and service requirements (such as sewage, water supply and electricity) required to operate the facilities for the duration of construction including demonstration that all relevant approvals for these services and connections have been obtained;
 - (d) management measures that would be implemented on site including behavioural protocols to ensure that the facilities do not pose a disturbance to surrounding receptors including noise, air quality, visual (and lighting), and traffic impacts;
 - (e) protocols that would be put in place to control or avoid any unintended social impacts (such as anti-social behaviour), particularly from the construction camps; and
 - (f) detailed decommissioning and rehabilitation requirements at the cessation of the construction period.

PART D – ENVIRONMENTAL MONITORING AND AUDITING

ENVIRONMENTAL MONITORING AND AUDITING

Hazard Compliance

- D1. One month prior to the commencement of operation of the project, the Applicant shall submit to the Director-General a report detailing compliance with Condition C17 and C18 including:
- (a) dates of study/plan/system completion, commencement of construction and commissioning; and
 - (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and
 - (c) responses to each requirement imposed by the Director-General in respect to the implementation of any measures arising from recommendations of the studies or reports described by conditions C17 and C18.
- D2. Three months after the commencement of operation of the project, the Applicant shall submit to the Director-General, a report verifying that:
- (d) the Emergency Plan under condition C18(a) is in place; and
 - (e) the Safety and Operating Plan required under C18(b) has been fully implemented and that records required by the system are being kept.
- D3. In accordance with AS 2885.3 the Proponent shall update the Safety Management Study at approved intervals not exceeding 5 years and provide the I&I NSW with certification that the SAOP meets all relevant quality management and safety standards, and the requirements of the Licence.
- D4. The Proponent shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures arising from the reports submitted in respect of conditions

Rehabilitation

- D5. The Proponent shall ensure that all surface areas of the proposed project footprint which are disturbed during the construction but which are not required for the ongoing operation of the project (including temporary construction facility sites, construction access roads, relevant areas of the pipeline construction corridor) are rehabilitated consistent with existing land use in consultation with affected landowners, to a standard better than or equal to existing. In relation to areas which were vegetated prior to disturbance, this shall comprise a programme of revegetation to a standard equal to or better than the existing condition (where this does not conflict with the ongoing operation of the gas pipeline).

Measures to facilitate the long-term rehabilitation of applicable surface areas (including land stabilisation and re-vegetation measures) shall be implemented **within three months** of the cessation of construction activities, at the relevant area unless an alternative timeframe is agreed to with the landowners. Unless otherwise agreed to by the Director-General, the Proponent shall monitor and maintain the condition of the rehabilitated areas until such time that the areas (including re-vegetated areas) have been verified by an independent and suitably well qualified expert (whose appointment has been agreed to by the Director-General) as being well established, in good health and self sustaining and rehabilitated to the standard required by this condition.

- D6. Unless otherwise agreed to by the Director-General, the Proponent shall ensure that any disturbance to watercourse and/or associated riparian vegetation is rehabilitated to a standard equal to or better than the existing condition in consultation with the NOW, relevant catchment management authority and I&I NSW (Fisheries). Measures to facilitate the long-term rehabilitation of the site (including land stabilisation and re-vegetation) shall be implemented **within two weeks** of the cessation of construction activities at the relevant areas.

Unless otherwise agreed to by the Director-General, the Proponent shall monitor and maintain the condition of the rehabilitated area until such time that the area (including re-vegetated areas) has been verified by an independent and suitably qualified expert (whose appointment has been agreed to by the Director-General) as being well established, in good health and self sustaining and rehabilitated to the standard required by this condition.

PART E – COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- E1. Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

PROVISION OF ELECTRONIC INFORMATION

- E2. Prior to the commencement of construction of the project, the Proponent shall establish a dedicated website or maintain dedicated pages within its existing website for the provision of electronic information associated with the project subject to confidentiality. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:
- (a) the current implementation status of the project;
 - (b) a copy of this approval and any future modification to this approval;
 - (c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the project;
 - (d) a copy of each plan, report, or required monitoring program under this approval; and
 - (e) details of the outcomes of compliance reviews and audits of the project.

COMPLAINTS PROCEDURE

- E3. Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
- (a) a 24 hour telephone number on which complaints about construction and operational activities at the site may be registered;
 - (b) a postal address to which written complaints may be sent; and
 - (c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the e-mail address shall be advertised in a newspaper circulating in the locality on at least one occasion prior to the commencement of construction and of operation of the project. These details shall also be provided on the Proponent's internet site.

- E4. The Proponent shall record details of all complaints received through the means listed under condition E3 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or email);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken by the Proponent in relation to the complaint, including timeframes for implementing the action; and
 - (f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

- E5. The Proponent shall provide an initial response to any complaints made in relation to the project during construction or operation within 48 hours of the complaint being made. The response and any subsequent action taken shall be recorded in accordance with condition E4.

MEDIATOR

- E6. In the event that the Proponent cannot reach agreement with any landowner or sensitive receiver affected by the project, the Proponent shall engage an independent mediator, whose appointment has been endorsed by the Director-General, to facilitate negotiations. Any mediator engaged shall be suitably qualified, experienced and independent.

PART F – COMPLIANCE TRACKING PROGRAM

- F1. Prior to the commencement of construction, the Proponent shall develop and implement a **Compliance Tracking Program** for the project, to track compliance with the requirements of this approval during the construction and operation of the project and shall include, but not necessarily be limited to:
- (a) provisions for periodic reporting of the compliance status to the Director-General including at least prior to the commencement of construction of the project, prior to the commencement of operation of the project and within two years of operational commencement;
 - (b) a program for independent environmental auditing in accordance with *AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
 - (c) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;
 - (d) mechanisms for recording environmental incidents and actions taken in response to those incidents;
 - (e) provisions for reporting environmental incidents to the Director-General during construction and operation; and
 - (f) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

PART G – ENVIRONMENTAL MANAGEMENT

ENVIRONMENTAL REPRESENTATIVE

- G1. Prior to the commencement of any construction or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) independent of the design and construction personnel. The Proponent shall engage the Environmental Representative(s) during any construction activities, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:
- (a) oversee the implementation of all environmental management plans and monitoring programs required under this approval, and advise the Proponent upon the achievement of these plans/programs;
 - (b) consider and advise the Proponent on its compliance obligations against all matters specified in the conditions of this approval and the Statement of Commitments as referred to under condition A1(c) of this approval, permits and licences; and
 - (c) have the authority and independence to recommend to the Proponent reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts, and, failing the effectiveness of such steps, to recommend to the Proponent that relevant activities are to be ceased as soon as reasonably practicable if there is a significant risk that an adverse impact on the environment will be likely to occur.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- G2. Prior to the commencement of construction, the Proponent shall prepare and implement a Construction Environmental Management Plan (CEMP) to outline environmental management practices and procedures to be followed during construction of the project. The CEMP shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004) and shall include, but not necessarily be limited to:
- (a) a description of all relevant activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;
 - (b) measures to coordinate the project development with existing farming practices in consultation with relevant land holders;
 - (c) identification of the location of temporary construction sites, details of construction material sourcing (including gravel and water requirements);
 - (d) details of any construction camp sites and the management of these sites;
 - (e) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (f) evidence of consultation with relevant public authorities including all applicable Councils, identifying how issues raised by these public authorities have been addressed in the plan;
 - (g) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
 - (h) complaints handling procedures during construction as described in Condition E4 and E5;
 - (i) an environmental risk analysis to identify the key environmental performance issues associated with the construction phase and details of how environmental performance would be monitored and managed to meet acceptable outcomes including what actions will be taken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - (i) measures to monitor and manage **dust emissions** including dust generated by traffic on unsealed public roads and unsealed internal access tracks;
 - (ii) **bushfire prevention** measures during construction and rehabilitation works;
 - (iii) measures to monitor and manage **watercourse crossings**, in consultation with I&I NSW (Fisheries) and the NOW, including design details of each waterway crossings, site specific mitigation measures to minimise disturbance during construction, and rehabilitation requirements to stabilise bank structure and rehabilitate affected riparian vegetation as referred to in condition C2;
 - (iv) measures to monitor and manage **soil and water quality**, in consultation with I&I NSW (Fisheries) and the NOW, including site specific erosion and sediment control plans, control measures in the case of groundwater interception (particularly

- shallow perched groundwater tables) during pipeline trenching or horizontal direct drilling, measures to minimise the extent and duration of soil disturbance;
- (v) measures to monitor and manage **noise, vibration and blasting** impacts, in consultation with DECCW, with consideration to cumulative impacts from surrounding development including: identification of nearest sensitive receptors and relevant construction noise and vibration goals applicable, identification of all reasonable and feasible measures proposed to be implemented to minimise construction noise and vibration impacts (including construction traffic noise impacts), measures for notifying surrounding receptors of noisy activities or works outside of standard hours, measures for monitoring compliance and responding to complaints and contingency strategy in the case that project relate vibration or blasting results in damage to buildings or structures;
 - (vi) measures to monitor **traffic** impacts in consultation with relevant road authorities including: identification of construction traffic routes and traffic volumes along each route with the aim to minimise traffic on local/residential streets, potential traffic disruptions considering road safety and level of service, specific measures;
 - (vii) measures to monitor and manage **Aboriginal heritage** impacts in consultation with registered stakeholders and DECCW including:
 - (i) details of measures to be carried out to avoid impacts to already recorded site and potential Aboriginal deposits;
 - (ii) procedures for dealing with previously unidentified Aboriginal objects excluding human remains (including halting of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence by a qualified archaeologist in consultation with registered Aboriginal stakeholders, assessment of the consistency of any new Aboriginal heritage impacts against the approved impacts of the project, and registering of the new site in the DECCW AHIMS register);
 - (iii) procedures for the determination of an appropriate keeping place in agreement with the local Aboriginal community representatives for any Aboriginal objects salvaged through the development process;
 - (iv) where it is determined that a “keeping place” will be established – include a requirement to obtain a Care Agreement in accordance with the requirements of section 85A of the *National Parks and Wildlife Act 1974*.
 - (v) procedures for dealing with human remains (including halting of works in the vicinity and notification of the NSW Police, DECCW and registered Aboriginal stakeholders and not re-commencing any works in the area unless authorised by DECCW and the NSW Police); and
 - (vi) Aboriginal cultural heritage induction processes for construction personnel and procedures for ongoing Aboriginal consultation and involvement;
 - (viii) If during the course of construction the Proponent becomes aware of any previously unidentified **non-Aboriginal heritage** object(s), all works likely to affect the object(s), shall cease immediately and the Heritage Council of New South Wales shall be notified immediately in accordance with section 146 of the *NSW Heritage Act 1977*. Relevant works shall not resume until written authorisation from the Director-General advising otherwise is received by the Proponent.
 - (ix) measures to monitor and manage **flora and fauna**, in consultation with DECCW, including details of all impacted and potentially affected threatened flora and fauna species and specific management procedures for each of these species, and general management procedures for the construction of the pipeline within vegetated corridors and weed management and the rehabilitation of any disturbed vegetation.
 - (j) Procedures for the update of the Construction Environmental Management Plan as necessary.

The Construction Environment Management Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.

PART H – ENVIRONMENTAL REPORTING

INCIDENT REPORTING

- H1. The Proponent shall notify the Director-General and any relevant Government authority of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the incident to the Director-General within seven days of the date on which the incident occurred.

- H2. The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition H1 of this approval, within such period as the Director-General may require.