2.13 Roland Hill

Mr Hill's property is around KP142 in the Cabonne Shire.

Public Consultation

Mr Hill describes the public consultation for the project as tardy, contradictory and that it did not provide sufficient and relevant information. The main concerns expressed in Mr Hill's submissions are summarised as:

- Initial written documentation received did not provide enough information.
- Incorrect information was provided during discussions.
- Responses to questions were not provided in a timely manner.
- Responses received did not respond adequately to the questions asked.
- There is no register of interested parties.

ERM Power Response

The initial documentation provided to landowners was designed to be brief and introductory in nature, with detailed information to be provided in the EA. Additional information was provided to Mr Hill in response to his requests. This information was considered adequate for the questions asked.

A register of all landowners contacted and their responses to date is maintained by ERM Power for reference in the upcoming stages of the project. In addition, it is proposed to maintain a register of complaints during pipeline construction (refer Commitment HA16 in Section 3.1). No other register is considered necessary.

Generally response times and information provided was acceptable to the majority of landowners. ERM Power is committed to continuing to provide information in an accurate and timely manner and will endeavor to improve this aspect of the project into the future (refer Commitment CC1).

It is expected that further negotiations can be undertaken with Mr Hill to enable management of ongoing concerns. This Commitment (LU1-3) is included in the final Statement of Commitments in Section 3.1.

Alternative Routes

Mr Hill has proposed an alternative route for the pipeline, predominantly along road reserves, to the west of the preferred route proposed in the EA.

ERM Power Response

ERM Power will continue to work with Mr Hill to minimise impacts on his property. The route Mr Hill has proposed is designed to avoid his property but does not consider the best alignment for the entire route from Young to Wellington. Some sections of the road reserves along which Mr Hill proposes to relocate the pipeline contain significant areas of vegetation and therefore were avoided in the determination of the final preferred route. Construction of a pipeline along formed roads can have significant impacts on traffic, access and construction costs.

Garra Formation

Mr Hill has advised that 24km of the proposed pipeline route is located within a fossilerous limestone deposit known as the Garra Formation. Concerns raised by Mr Hill are increased corrosion of the pipe due to gas leaks reacting with surrounding limestone and an increased risk of subsidence or collapse due to the encountering of caves and voids. He also comments that the pipeline could damage the stratigraphy in the long term.

ERM Power Response

ERM Power notes that other pipelines have been approved in landscapes similar to the proposed pipeline corridor: Central Ranges, Central West, Young Orange Bathhurst. ERM Power has sought expert advice regarding this issue and it is attached (refer Appendix B).

The Statement of Commitments (refer Commitment HR2 in Section 3.1) includes a commitment by ERM Power to undertake a geotechnical assessment during the design phase of the pipeline. The assessment will take the Garra Formation into consideration and the issue will be discussed with the appropriate I&I NSW Officer prior to construction commencing. Current practice monitors subsidence throughout the operating life of the pipeline.

Hazard Assessment

Mr Hill has raised a number of issues of concern regarding the adequacy of the PHA submitted with the EA. Issues can be summarised as:

- No assessment of risk following decommissioning of the pipeline.
- Inadvertent or deliberate damage to the pipe has not been considered.
- Aging infrastructure and damage caused by pressure cycling of the bi-directional pipe have not been considered.
- Potential lack of funds to decommission the pipe not included.
- Increased risk of pipeline failure due to the reactive stratigraphy hosting some of the pipe.
- Potential for misinterpretation of maintenance data e.g. from pipeline "piging" which is where an object is inserted in the pipe and propelled along with the gas. "Intelligent pigs" have electronic measuring devises than allow assessment of the structural integrity of gas pipelines.

ERM Power Response

The PHA is designed to cover the normal issues associated with the proposed pipeline route. The Statement of Commitments includes ERM Power's commitment to consider issues relating to the decommissioning of the pipeline when preparing the FHA (refer Commitment HR1 in Section 3.1). ERM Power has also sought expert advice regarding this issue and it is attached (refer Appendix C).

Decommissioning and Rehabilitation

Mr Hill has raised a number of other concerns regarding decommissioning of the pipeline. His major concerns are summarized as:

- Landowner liability and economic responsibility for the pipe once decommissioned.
- Creation of a water conduit.
- Erosion and contamination of soils from the abandoned pipeline.
- Potential impacts on local hydrology.
- Land subsidence once the pipe corrodes.

ERM Power Response

As stated in the EA, the two main techniques for physical decommissioning of underground onshore pipelines in Australia are suspension (i.e. the pipe is capped and filled with inert gas with cathodic protection maintained) and abandonment (i.e. the pipe is disconnected, purged, plugged and left insitu). Removal is also an option but is less frequently employed due to the cost and environmental impacts.

Decommissioning, as for all the other aspects of pipeline design, construction and operation, is guided by the Australian Standard (AS2885 Pipelines - gas and liquid petroleum; in particular Section 8.10 of Part 3: Operation and maintenance) and other industry publications such as the Australian Pipeline Industry Association (APIA) Code of Environmental Practice.

Decommissioning of the Young to Wellington pipeline will be undertaken in accordance with these standards and management agency requirements and with consideration of technical feasibility, environmental impacts, public safety and cost. The Statement of Commitments includes ERM Power's commitment to consider issues relating to decommissioning the pipeline in the FHA in the pipeline design stage (refer Commitment HR1 in Section 3.1).

Other Issues

Mr Hill has raised a number of other issues summarized as:

1. No commitment to cathodic protection.
2. Quality Control (QC) checks are not documented.
3. Subdivision potential and loss not determined.
4. 15 dwellings are within the safe separation distance.
5. Landholder requirements to make a declaration of toxic material under SEPP 33.
6. Obligations of landholders storing SEPP 33 hazardous materials.

ERM Power Response

The following responses are given to each of the issues raised above:

1. Cathodic protection will be utilised for the proposed pipeline. The location, installation and maintenance of the cathodic protection installed will be as prescribed in AS2885 and finalized in the design stage prior to construction.
2. A quality management system will be implemented during pipeline construction and operation in accordance with AS2885 and ISO9001:2008 Quality Management Systems. This will incorporate a range of QC checks including of pipeline bending and welding operations. Typically a team of compliance officers manage implementation of a pipeline project's quality system and are responsible for tasks such as auditing, recording and reporting.
3. Information on existing and planned future subdivisions within the proposed pipeline corridor has been ascertained from discussions with landowners and Councils. Wherever possible these have been taken into account when selecting the preferred route. It is not possible to predict land use fifty years in advance. However most land use can continue unaffected outside (and to some extent inside) of the agreed easement. In addition, the proposed route follows lot and/ or property boundaries wherever possible to minimise impacts on future subdivisions. Loss of future subdivision potential can be taken into account during compensation negotiations.
4. There is no requirement for landowners to declare storage of toxic material under State Environmental Planning Policy No. 33-Hazardous and Offensive Development (SEPP 33).
5. There are no landowner liabilities or obligations under SEPP 33. The *NSW Contaminated Land Management Act 1997* requires landowners and others to report contamination. Advice from DECCW has confirmed that leakage of natural gas, if it occurred, would not fit the definition of a contaminant given under the Act therefore there is no requirement for notification under this Act.

Rosehill

Mr Hill has expressed several concerns regarding the route through his property – Rosehill; these are summarized as:

1. Pipeline is incompatible with existing and planned land use.
2. Philosophically opposed to gas industry.
3. Adverse impacts on lifestyle.
4. Area known to contain voids which could cause pipeline collapse/ land subsidence.
5. Route affects the rehabilitation and fauna route that has been established on the property.
6. Route crosses fault line.
7. May impact on threatened species habitat i.e. the Superb Parrot.
8. Property has minimal vehicle movement and no till policy.
9. Devaluation of property values.

ERM Power Response

ERM Power's response to each of the concerns listed above is as follows:

1. The proposed pipeline is compatible with existing and planned land use.
2. There are many economic, social and environmental drivers that seek a greater role of gas compared to coal in the local area, NSW and Australia.
3. The proposed pipeline will not have a significant adverse impact on the lifestyle of Mr Hill, surrounding landholders or members of the community in which the proposed pipeline shall be buried.
4. During the design phase the topological and geographical traits along the proposed pipeline route will be investigated to ascertain whether there are any known voids to be avoided so as to prevent pipeline collapse or land subsidence. This commitment is included in the final Statement in Section 3.1 (refer HR2). Additional advice on this matter has been sought and is attached in Appendix B.
5. The original proposed route has been revised to avoid the fauna route and other areas of re-vegetation and development on the property as per the Partial Fencing and Rehabilitation Plan supplied by Mr Hill. Figure 8 illustrates that all trees and other developments (e.g. dam) on Mr Hill's land have been avoided.
6. The geological impact of crossing a fault line will be taken in consideration during the design phase of the pipeline. This commitment is included in the final Statement in Section 3.1 (refer HR2). Additional advice on this matter has been sought and is attached in Appendix B.
7. The EA was prepared to assess any impact from the proposed pipeline on a number of issues including threatened species habitat e.g. that of the Superb Parrot. The EA found that the pipeline would not have a significant negative impact on the Superb Parrot.
8. ERM Power will take into consideration Mr Hill's concerns regarding vehicle movements and the no till policy in planning the final route through his property, in the easement compensation arrangements and during the short construction period.
9. During the easement negotiations Mr Hill will be invited to have a property valuation undertaken to assess the impact, if any, on his property value. This economic impact will be taken into consideration in the easement compensation.

General Project Considerations

Mr Hill has made the point that the Wellington power station proposal did not consider renewal energy alternatives and that the power station is now proposing to work at peak load (40% capacity) when the original approval was that the power station would operate at 4% capacity.

ERM Power Response

ERM Power is proposing a gas pipeline under this process. The power station application is a separate process undertaken previously.

NSW EPA Act 1979

Mr Hill feels that the EA inadequately addresses the *NSW Environmental Planning and Assessment Act 1979* (EPA Act).

ERM Power Response

Mr Hill can comment on the adequacy of the application's response to relevant legislation. It is the role of the NSW Minister for Planning to make the final assessment taking Mr Hill's comments (and other submissions) into account.

Ecologically Sustainable Development

Mr Hill feels that the proposal is not consistent with the definitions of ESD given in the EPA Act and the National Strategy for Ecologically Sustainable Development 1992 (NSED).

ERM Power Response

Mr Hill can comment on the adequacy of the application's response to relevant legislation and policy. It is the role of the NSW Minister for Planning to make that assessment taking Mr Hill's comments (and other submissions) into account.

Figure 8. Hill property.

2.14 Wayne McKay

Mr McKay's property is at KP79 to KP80 located within the Cabonne Shire.

Issues Not Covered as per Director-General's Requirements

General Requirement Point 2
Mr McKay feels that impacts on landowner's personal infrastructure, such as irrigation pipelines, erosion control works, power cables, Telstra lines etc., were not adequately addressed in the EA.

ERM Power Response

ERM Power will address the issue of potential impacts on private infrastructure with Mr McKay during easement negotiations (refer Commitment LU1-5). This commitment is included in the final Statement in Section 3.1. The general philosophy of pipeline construction is: 1) avoid any private infrastructure, 2) where avoidance is not possible, repair and reinstate and 3) if permanent impact results, compensation is awarded.

General Requirement Points 4 & 5
Mr McKay is concerned about gas leakage from the pipe being adequately monitored. He also states that ERM Power should justify the gas storage capacity of the pipeline (i.e. increased pipeline diameter).

ERM Power Response

Pipeline operation, as proposed in the application, will include a program of pipeline monitoring designed (in accordance with AS 2885) to detect a range of issues including gas leakage if it should occur. Regular pipeline maintenance will ensure that any leakage will be identified in a timely manner and impacts such as pipe fracture, pipeline corrosion and air pollution are avoided.

The impacts of constructing and operating a pipeline up to 508mm in diameter have been assessed in the exhibited EA.

General Requirement Point 6
Mr McKay suggests that selection of an alternative route to that proposed could avoid rectification of damage at a later stage. He gives the example of optic fibre cable constructed by Telstra in the mid 1980s that resulted in severe erosion in some areas. He also makes the point that he feels the current route impacts on agricultural use of the land by excising paddocks, preventing current agricultural practises such as deep ripping, introducing pest and disease, increasing management costs (due to paddock excisions, increased pests/ diseases etc.), preventing future lot reconfigurations/ consolidations etc.

ERM Power Response

Current erosion controls have evolved over the last 30 years. ERM Power accepts that there may be areas of high erosion risk along the proposed pipeline route. A geotechnical assessment will be undertaken prior to construction to identity these areas and appropriate erosion and sediment controls employed (refer Commitments HR2 and E12).

Properties where deep ripping and other specific agricultural practices that may be impacted occur will be identified during easement negotiations and design depth and construction techniques modified accordingly. This avoids the need to amend agricultural practices and increase landowner costs. If easement negotiations identify that changes to agricultural practices are unavoidable then compensation will be paid to the landowner accordingly. If future lot/ paddock sizes are affected, adequate compensation will also be negotiated (refer Commitments LU1-5 and SE2).

Growth in the scale of framing should be unaffected in the long term by the proposed pipeline. However current and known future land uses have only been considered in the EA as other future land uses cannot possibly be accurately predicted.

A Biosecuritiy Plan will be prepared to address pest, disease and other issues prior to construction. The Statement of Commitments (refer Commitment E16 in Section 3.1) includes this commitment.

Assessment Requirement Point 2

Mr McKay feels that the EA does not adequately address impacts on agricultural land given that the pipeline is proposed across "prime" and "high value" agricultural land. He states that required mapping was not provided and, due to the lack of information in the EA, public consultation was lacking. Sections missing from the EA, according to Mr McKay, include:

- A description of soils
- The extent of highly erodible soils
- Erosion and sediment control measures
- A rectification plan
- Impulse noise control measures
- Appropriate depth of pipeline
- Impacts on fungal and bacterial disease control.

ERM Power Response

Rural land capability mapping was not included in the exhibited EA; rather more recent data in the form of satellite imagery, geology, vegetation, land tenure and landscape maps were used to illustrate the biophysical, social and economic characteristics of the land (which were the criteria used to determine agricultural land classes in the 1980s). ERM Power accepts that areas of the proposed pipeline route are mapped as Class 1 and Class 2 agricultural land (NSW Agriculture rural land capability mapping), however the intent of the agricultural land classification system is to guide landscape scale strategic planning not to inform individual development approvals.

Further, one of the general principles of the classification scheme with respect to Class 1 and 2 land is to protect the land from competing and incompatible uses and to retain and protect the land for agricultural use. The proposed pipeline is not a competing or incompatible use and can coexist with the pre-existing agricultural use of the land.

Public consultation for the project was undertaken in various forms including focus meetings, individual landowner and stakeholder contact, public meetings and exhibition of the EA. Negotiation with landowners will continue during easement discussions. This commitment (LU1-3) is included in the final Statement in Section 3.1.

The adequacy of the EA in addressing the requirements of the DG was rigorously assessed during part of the process of lodging the application under Part 3A of the EP&A Act. The EA was deemed adequate by the DoP prior to public exhibition.

Much of the information Mr McKay has noted as missing from the EA is provided to some extent. Further detail on issues such as erodible soils, site specific soil characteristics and the appropriate depth of the pipeline will be determined following additional discussions with landowners and detailed geotechnical assessment of the route. Erosion and sediment control measures, noise management (including for impulse noise), rehabilitation (rectification) requirements, pest and disease control techniques etc. will be prescribed in the CEMP and OEMP.

In addition, if the pipeline is located in a crop rooting zone so that wilting is possible, compensation will be negotiated with affected landowners. The Statement of Commitments includes this commitment (refer Commitments LU1-3 and SE2 in Section 3.1).

Assessment Requirement Point 7

Mr McKay has expressed the opinion that the PHA did not adequately assess the fire hazard. He also stated that incident frequencies do not take into account local agricultural practises such as deep ripping, soil coring etc.

In addition, marker tape and marker signs do not provide adequate protection.

ERM Power Response

A response to issues raised regarding the PHA is given by Sherpa Consulting in Appendix C.

Detailed fire hazard calculations in the FHA prior to construction will address the specific risk associated with fire in more detail (refer Commitment HR1). While the probability of a gas leak and ignition is extremely low, a fire management plan (as part of the CEMP) will be prepared to take into account local site characteristics and the capability of the local fire fighting authority.

Easement negotiations will identify specific agricultural practises such as deep ripping and soil coring that will be addressed in the FHA. Increasing the burial depth of the pipeline at the locations where these activities are undertaken may be required or, if this is not possible, techniques such as increased pipe wall thickness or concrete lining implemented. This commitment (refer LU1-3 and HR1) is included in the final Statement in Section 3.1.

Pipeline marker tape is designed to alert individuals to the presence of the pipeline if the soil is disturbed; not for protection. Similarly marker signs are to notify individuals of the pipeline location only. Digital and hard copy maps of the pipeline location can be provided to landowners and will be provided to the local Council. GPS locations of the pipeline can also be provided to landowners for use in satellite controlled machinery where required. This commitment (HR7) is included in the final Statement of Commitments in Section 3.1.

Errors in the EIS

Mr McKay felt that the environmental risk analysis (refer Section 5.13 of the EA) did not adequately assess the cost to the landowner from the proposal and the risk of fire during construction. He also felt that the consultation report did not accurately reflect his feedback to the consultants.

ERM Power Response

The environmental risk analysis included in the EA addresses only, as stated in Section 5.13.1, the environmental impacts of construction, operation and decommissioning of the pipeline. Economic impacts are not considered in this section of the report.

The Consultation Report provides only a summary of the methodology employed and the major findings i.e. typically those raised by more than one landowner. The public exhibition phase is designed to allow landowners and the broader community the opportunity to provide additional detailed input.

Other Omissions and Design Errors

Mr McKay lists several issues that he feels have not been addressed in the EA, including:

1. Asbestos hazard
2. Dip sites
3. Sources and quantity of soil needed to backfill trenches
4. The depth of the pipeline is too shallow
5. The route has been selected without characterizing the soils.

ERM Power Response

ERM Power's response to each of these issues is as follows:

A request was made to all local Councils through which the pipeline passes for information on known contaminated (including asbestos) and dip sites. No information was provided. Contingency measures to manage sites that are uncovered during construction will be prepared as part of the CEMP. This commitment (refer WH2) is included in the final Statement of Commitments in Section 3.1.

In Australia, it is rare for additional soil to be required to backfill trenches. Trenches are filled with the spoil initially removed. Accordingly sourcing and use of fill is not anticipated.

Pipeline depth is governed (as for most other aspects of pipeline design, construction and operation) by AS2885. Local site constraints may dictate local variations to the typical burial depth. This will be determined through detailed geotechnical assessment prior to construction. This commitment (HR2) is included in the final Statement of Commitments in Section 3.1.

The proposed route was selected taking into account many factors including geological and landscape characteristics (refer to the map series in Appendix H and I of the EA). During construction appropriate erosion and sedimentation control will be implemented to reduce the risk of increasing sediment in waterways (refer Commitment E12). There is no evidence that the pipeline will reduce the capacity of farm water storage.

Best Practice Internationally

Mr McKay cites examples of pipeline projects in Canada and the United States where utilities have been installed in common trenches and routes follow field boundaries. He suggests this approach be implemented for the YWP project.

ERM Power Response

ERM Power will commit to approaching telecommunication providers and Councils to determine whether they would be interested in installing their infrastructure in the pipeline trenches. This commitment (refer SP3) is included in the revised Statement in Section 3.1. The proposed route through Mr McKay's property (refer Figure 9) and along the rest of its length attempts to follow field boundaries as far as is practicable while still enabling the route to move in a northerly direction in a relatively straight line.

Good Citizenship

Mr McKay suggests that ERM Power demonstrate good citizenship by rerouting the pipeline to maximize the number of towns and villages it comes in proximity to, providing gas supply infrastructure at each of the towns and villages it passes and improving the company understanding and appreciation of the agricultural industry and communities. Mr McKay has listed a number of issues that have hindered this understanding, namely:

1. Inadequate advertising and timing of public meetings
2. Poorly briefed land agents
3. No protocols for on farm surveys
4. EA inadequately addressed land use conflicts
5. EA depicted agriculture in a negative light.

ERM Power Response

1. The pipeline route has been specifically selected to avoid towns, villages and dwellings as far as is practicable so as to minimize the impact on communities. To reroute the pipeline to bring it into closer proximity with more individuals is not in keeping with planned project outcomes. The main purpose of the pipeline is to supply gas to the Wellington power station not to provide a reticulated supply to the community. In light of this it is not practical to install gas supply infrastructure at towns or villages at this time. However ERM Power has committed to have discussions with gas distributors and Councils to investigate the possibility for future domestic gas supply in the region (refer Commitment SP1 in Section 3.1).

2. The public meetings were advertised in local newspapers in each of the three localities at which the meetings were held. Meetings were held late afternoon and into the early evening to attempt to capture all workers. Land agents were briefed by CNC Project Management prior to the commencement of landowner discussions. Standard written information was provided to all landowners. ERM Power is committed to improving the outcomes of ongoing landowner negotiations (refer Commitment LU1-3 in Section 3.1).

3. All survey activities were governed by activity specific work method statements which addressed all relevant issues such as occupational health and safety and landowner access requirements. This will also be the case for future construction activities with requirements outlined in the CMP.

4. The proposed pipeline does not constitute a significant land use conflict with the pre-existing agricultural use of the land.

5. It is not the intent of the EA or ERM Power to depict agricultural land use and farming communities or individuals in a negative light.

Conditions of Approval

Mr McKay has listed 13 points that he recommends as conditions of approval, which are summarized as:

1. A new EA be prepared and further community consultation be undertaken.
2. The route be revised to avoid all Class 1 and 2 agricultural land.
3. The route be revised to pass in close proximity to towns and villages.
4. The route is sited to avoid excising paddocks.
5. The route does not cross erodible soils.
6. The pipeline burial depth is increased to 2 metres on all agricultural land (Class 1, 2 or 3)
7. Easement compensation is by way of an annual lease payment.
8. ERM Power investigates and reports on demand for provision of gas supply infrastructure.
9. Co-location of utilities be investigated.
10. Commercial arrangements be made for access to land where the pipeline is a storage facility.
11. An arbitration system be established.
12. Bond be posted to meet the costs of any damage from the pipeline.
13. Work programs be developed so as not to cause obstacles or delays to travel for agricultural businesses.

ERM Power Response

The NSW Minister for Planning will determine the application for the Young to Wellington gas pipeline taking Mr McKay's suggested conditions of approval into account.

Figure 9. McKay property.