



Shoalhaven Starches Gas Pipeline Modification 2

Extension of low pressure pipeline
State Significant Infrastructure Modification Assessment
(10_0108-Mod-2 & 10_0144-Mod-2)

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Glossary

Abbreviation	Definition
BDAR	Biodiversity Development Assessment Report
BCD	Biodiversity and Conservation Division, Department of Planning and Environment
Council	Shoalhaven City Council
Department	Department of Planning and Environment
EGP	Eastern Gas Pipeline
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EP&A (ST&OP) Regulation	Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
GPRF	Gas Pressure Reduction Facility
HIPAP	Hazardous Industry Planning and Advisory Paper
Minister	Minister for Planning
Modifications	Modification Requests (10_0108-Mod-2 & 10_0144-Mod-2)
PHA	Preliminary Hazard Analysis
Proponent	Shoalhaven Starches Pty Ltd
Planning Secretary	Secretary of the Department
SSEEP	Shoalhaven Starches Ethanol Expansion Project (06_0228, as modified)
SIA	Staged Infrastructure Application
SSI	State Significant Infrastructure

Executive Summary

In 2012, the Planning Assessment Commission granted two approvals for the Shoalhaven Starches Gas Pipeline Project under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. The approvals allow for the construction and operation of a 5.5 kilometre long private pipeline to connect Shoalhaven Starches' wheat product and ethanol production facility directly into the Eastern Gas Pipeline.

The above approvals consisted of the concept plan approval (10_0144) and the project approval (10_0108). In April 2021, the project and concept plan approvals were transitioned to State significant infrastructure approvals. In January 2022, the approvals were modified to amend the diameter of the pipeline, minor changes to the route, and remove the tie-in to the Shoalhaven Starches facility to allow for further route investigations.

Shoalhaven Starches Pty Ltd is seeking to modify both approvals under section 5.25 of the *Environmental Planning & Assessment Act 1979* to extend the pipeline approximately 209 metres from its current terminus at the gas pressure reduction facility, north of Bolong Road, to connect with the Shoalhaven Starches facility, south of Bolong Road.

The Department of Planning and Environment has assessed the modification requests in accordance with the EP&A Act. The Department did not exhibit the modification requests, however, they were made publicly available on the Department's website on 1 April 2022 and were referred to Shoalhaven City Council and several State government agencies. No objections were raised by Council or the State government agencies.

The Department considered hazard and risk, traffic and biodiversity impacts as assessment items. The Department considers these impacts to be of minor nature, in line with the existing approval and can be managed through existing or recommended conditions of approval.

The Department's assessment concludes the modification requests are approvable subject to conditions.

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1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant infrastructure (SSI) approvals (Staged infrastructure approval, 10_0144 and SSI approval, 10_0108) for the Shoalhaven Starches Gas Pipeline Project.

The modification requests (modifications) are being sought to extend the pipeline approximately 209 metres (m) from the approved gas pressure reduction facility (GPRF) to the Shoalhaven Starches facility (Starches facility), south of Bolong Road. The Proponent is seeking this change to ensure the pipeline ties into the correct part of the Starches facility.

The modifications were lodged on 1 April 2022 by Shoalhaven Starches Pty Ltd (the Proponent) pursuant to section 5.25 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Proponent operates a wheat product and ethanol production factory (Starches facility) at Bomaderry in the Shoalhaven local government (LGA). The facility receives wheat grain from mills in western NSW which is processed to produce flour, gluten, glucose, starch and ethanol for food, beverage, hand sanitiser, paper and fuel products.

The Starches facility uses a range of energy sources in its operations (including natural gas). As the Starches facility increases ethanol production in accordance with the Shoalhaven Starches Ethanol Expansion Project (SSEEP) (06_0228, as modified), there will be a significant increase in consumption of all energy sources.

At present, natural gas is supplied to the Starches facility by a private gas pipeline owned and operated by AGL Energy which is connected to the Eastern Gas Pipeline (EGP) at Meroo Meadow located to the north west of the Starches site (see **Figure 1**). The EGP is a 797 kilometre (km) long pipeline, owned and operated by Jemena which transports natural gas from the Gippsland Basin in Victoria to markets in Sydney and a number of regional centres including Bomaderry, Wollongong and Canberra. The private ownership of the AGL pipeline connecting to the EGP means AGL has a monopoly on the supply of gas to the Starches facility and surrounding industries in Bomaderry.

As such, the original approval sought to build a new 5.5 km underground pipeline between the Starches facility and Meroo Meadow to allow direct access to the EGP and to avoid monopolistic trading practices. The approval also allowed for associated infrastructure, including a meter station on the northern end of the pipeline and the GPRF at the southern terminus. While some survey and field works have occurred, construction work on the gas pipeline project has not yet commenced.

The approved pipeline would cross underneath four minor watercourses, four roads (including one major road being the Princes Highway) and Sydney Trains' Main South Coast Line. For the majority of its length, the approved pipeline would be located alongside rural road reserves owned by Shoalhaven City Council (Council) and adjacent to farmland. These constitute small rural roads with low volumes of traffic. The distance between the approved pipeline construction works and the nearest residences would vary along the route but would be within approximately 40 m to 50 m in some instances along Edwards Avenue. The approved pipeline's southern terminus is in the Starches facility, north of Bolong Road, within close proximity to Abernethys creek (see **Figure 2**).

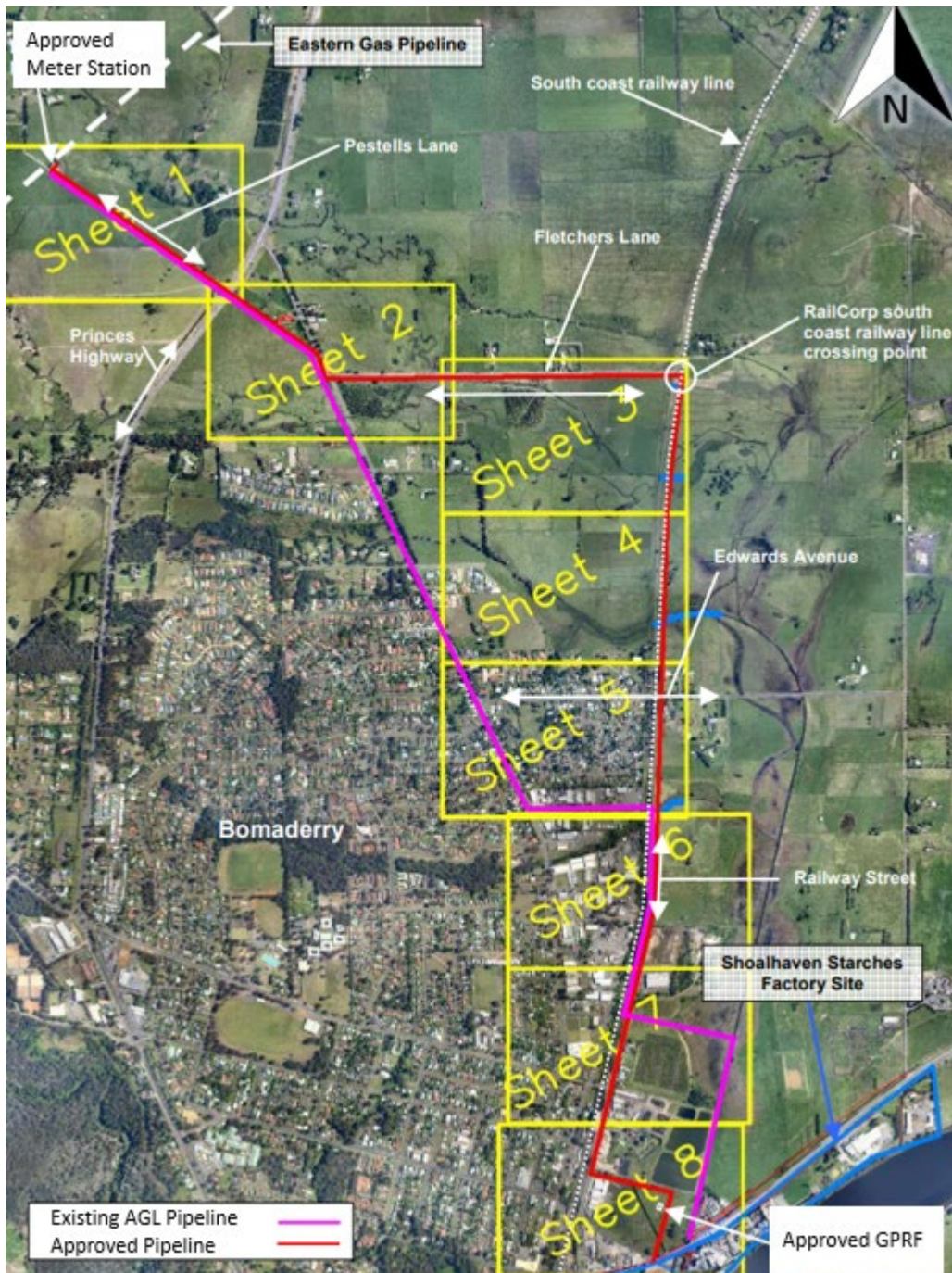


Figure 1 | Regional Context Map and Route of Approved Pipeline

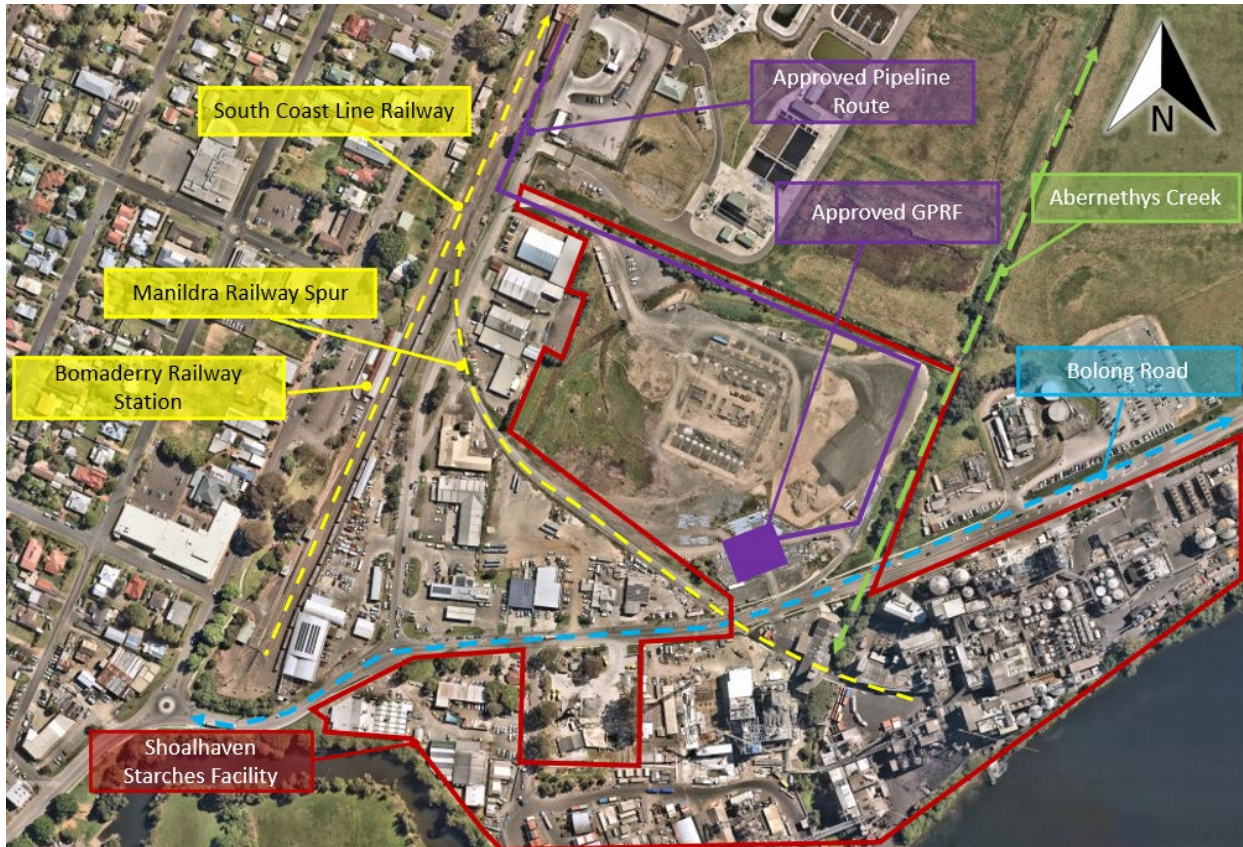


Figure 2 | Local Context Map

1.2 Approval history

On 30 October 2012, the then Planning Assessment Commission as delegate of the Minister for Planning granted two approvals for the development under the now repealed Part 3A of the EP&A Act. This consisted of the concept plan approval (10_0144) and the project approval (10_0108). The approvals permit the construction and operation of a 5.5 km long private pipeline to connect the Starches facility directly into the EGP.

On 30 April 2021, an order made by the then Minister for Planning and Public Spaces' delegate was published in the Gazette declaring 10_0108 to be an SSI approval and 10_0144 to be an approval for a staged infrastructure application (SIA).

The infrastructure approvals have been modified on one occasion (10_0108-Mod-1 and 10_0144-Mod-1) by the Acting Team Leader, Industry Assessments on 21 January 2022. These approvals saw a change to the pipeline's diameter, and a relocation of the GPRF and route through the Proponent's site. This modification also removed the link from the GPRF to the Starches' facility as the Proponent was investigating alternative tie in locations and ensuring existing infrastructure was avoided.

Other Approvals

In January 2009, the then Minister for Planning approved the SSEEPP (06_0228) under the now repealed Part 3A of the EP&A Act. The SSEEPP approval consolidated all previous planning approvals for the site with the aim of simplifying regulation and compliance. The SSEEPP involved:

- staged increases of ethanol production from 126 megalitres a year (ML/yr) to 200 ML/yr following successful implementation of mandatory odour controls
- implementation of mandatory odour controls including a wastewater treatment plant and biofilter
- installation of additional infrastructure at the dried distillers grain plant, ethanol and starch plants, a new packing plant, rail siding and product and wastewater pipelines.

By June 2012, the Applicant had installed the mandatory odour controls and the Department approved the increase in ethanol production (as prescribed in the conditions) to the maximum volume permitted being 300 ML/yr, subject to conditions. At the time of writing this report, this consent has been modified on 23 occasions.

2 Proposed Modification

The Proponent has lodged two modifications under section 5.25 of the EP&A Act to modify SSI approval 10_0108 and SIA approval 10_0144. The modifications are described in full in the Proponent's Modification Reports included in **Appendix A** and is illustrated in **Figure 3** and **Figure 4**.

SSI Approval 10_0108

The Proponent seeks to modify 10_0108 to change the location of the low pressure pipeline route from the GPRF to the Starches facility. While the original approval had the GPRF connect into the facility directly under Bolong Road, this was removed in Mod 1 as the Proponent was investigating alternative routes.

The low pressure pipeline is now proposed to travel from the GPRF, under Abernethys Creek and Bolong Road, tying into the Starches facility (see **Figure 3**), totalling a length of approximately 209 m.

The construction of the route will use a mixture of boring and trenching methods. Boring will be used to cross Bolong Road and Abernethys Creek, starting and ending 35 m either side of the bank (see **Figure 4**). The remainder of the pipeline extension will use an open cut trench burying method, with the trench being approximately 800 millimetres wide and 2 m deep. The only parts of the pipeline extension to be above ground will be at the tie in points to the Starches facility and GPRF.

SIA Approval 10_0144

The SIA approval 10_0144 was issued as part of the original project in order to address issues with permissibility. However, the SIA approval did not approve the construction and operation of the pipeline. As such, the conditions of approval of the SIA are limited to the requirement to carry out the development in line with the original environmental assessment, statement of commitments and approved plan.

To ensure consistency and reduce conflict, the Proponent seeks to modify the SIA approval to reflect the project details in the 10_0108-Mod-2 modification.

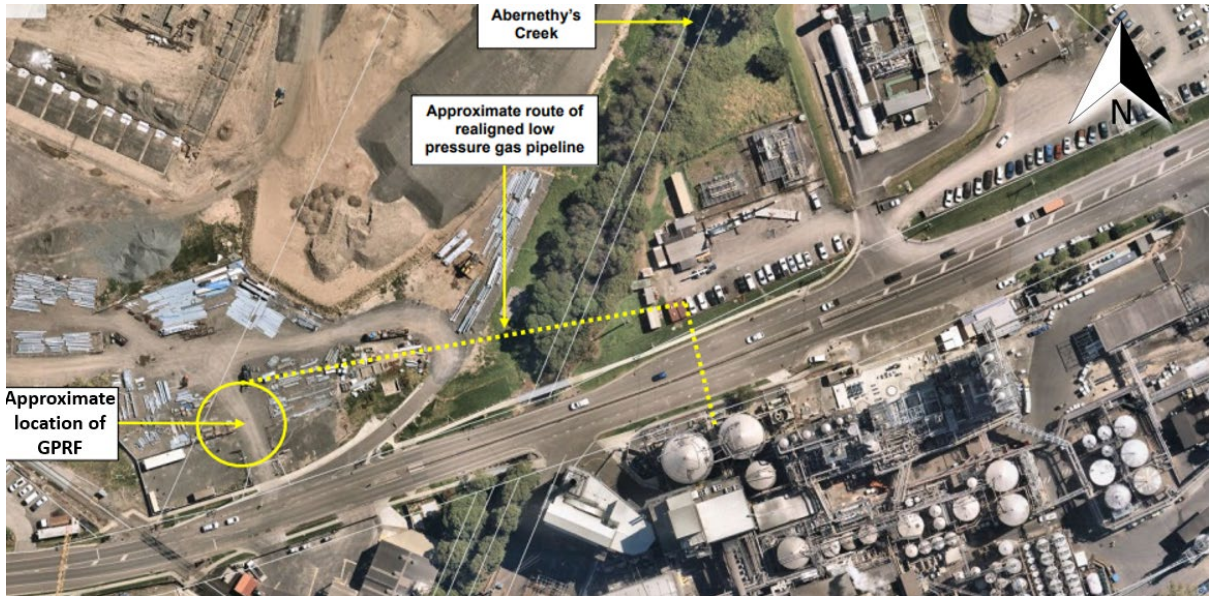


Figure 3 | Route of pipeline extension

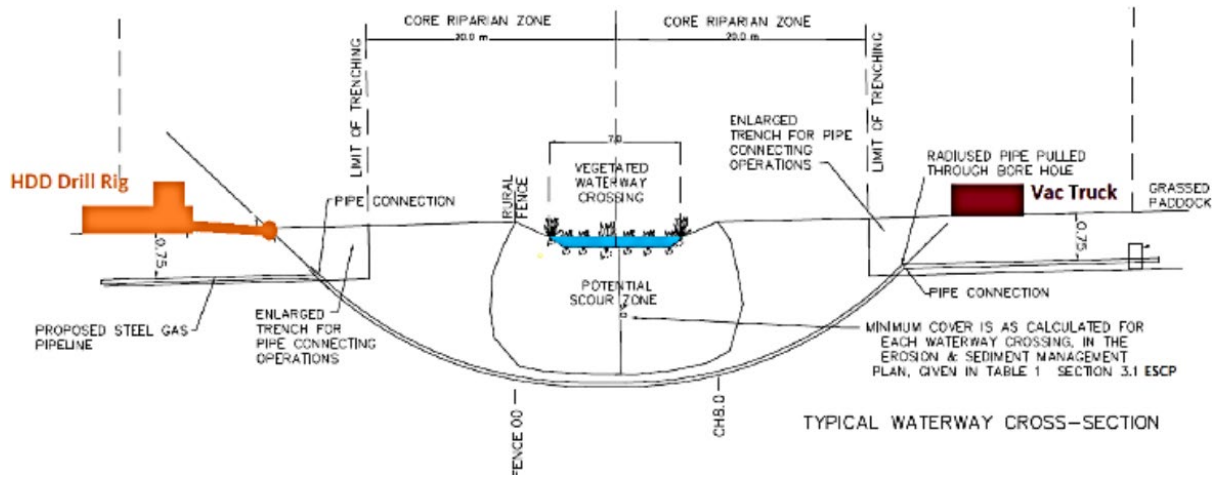


Figure 4 | Section of Abernethy Creek crossing

3 Statutory Context

3.1 Scope of Modifications

In accordance with section 5.25 of the EP&A Act, a Proponent may request the Minister to modify an approval for SSI. The Minister's approval for a modification is not required if the infrastructure as modified will be consistent with the existing approval. Modifications to extend the low pressure component of the pipeline are not considered consistent with the existing approval. Consequently, modification of the Minister's approval under section 5.25 of the EP&A Act is required.

3.2 Approval Authority

The Minister is the approval authority for the modifications under section 5.25 of the EP&A Act.

Under the Instrument of Delegation dated 9 March 2022, the functions and powers of the Minister under section 5.25 of the Act to determine a modification of the Minister's approval may be delegated to the Team Leader, Industry Assessments, where:

- the modification relates to a minor matter or involves minor environmental assessment
- the relevant local council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act
- a political disclosure statement has not been made, and
- there are no public submissions in the nature of objections.

The modifications meet the terms of this delegation.

3.3 Part 3A Transition to State Significant Infrastructure

This project was originally approved under the former section 75J of the EP&A Act and the concept plan approval under former section 75O and 75P of the EP&A Act. Both projects were transitional Part 3A projects under Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (EP&A (ST&OP) Regulation).

Following amendments to the EP&A Act and the commencement of the associated EP&A (ST&OP) Regulation on 1 March 2018, the power to modify Part 3A project approvals under former section 75W is no longer available for modifications submitted after 1 March 2018. In order to modify a transitional Part 3A project approval, the Minister can declare the development to be SSI by order under clause 5 of Schedule 2 of the EP&A (ST&OP) Regulation. If a declaration is made the project approval becomes an SSI approval and the concept plan approval becomes a staged infrastructure application approval which can be modified under section 5.25 the EP&A Act if it meets the relevant criteria.

On 26 April 2021, the then Acting Director, Industry Assessments (as delegate of the Minister), made an order under clause 5 of Schedule 2 to the EP&A (ST&OP) Regulation declaring the development the subject of approvals to be SSI. The order was published in the NSW Government Gazette on 30 April 2021 and took effect from that date.

The effect of this order is that:

- the project approval (10_0108) is taken to be an SSI approval under Division 5.2 of the EP&A Act for the carrying out of the development
- the concept plan approval (10_0144) is taken to be an approval (and the concept proposal) for an SIA under Subdivision 3 of Division 5.2 of the EP&A Act.

3.4 Biodiversity Conservation Act 2016

Clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The extended development footprint will predominately be in an existing cleared and developed area of the Starches facility. Where crossing Abernethys Creek, the Proponent will use a deep boring method, ensuring vegetation is avoided. It is noted the Department's Biodiversity and Conservation Division (BCD) did not raise any concerns regarding the modification requests.

For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the modifications.

4 Engagement

4.1 Department's Engagement

Section 5.28(1)(g) of the EP&A Act requires the Planning Secretary to make requests for modification of approvals determined by the Minister publicly available. Accordingly, the Department made the modifications publicly available on its website on 1 April 2022.

The Department also referred the modifications to Council, BCD and the Department's Water Group (DPE Water).

4.2 Government Advice

Advice was received from two government authorities and Council. A summary of this advice is provided below.

Council raised no concerns regarding the modification requests. It recommended conditions requiring the Proponent to gain relevant approvals for works in its road reserves, an erosion and sediment control plan, a Construction Traffic Management Plan, and construction and infrastructure protection requirements.

BCD raised no concerns regarding the modification requests.

DPE Water recommended a condition requiring the Proponent gain a Water Access Licence under the *Water Management Act 2000* if the development would take more than 3 megalitres of water per year.

5 Assessment

The Department has assessed the merits of the proposed modifications. During this assessment, the Department has considered the:

- modification reports provided to support the proposed modifications (see **Appendix A**)
- documentation and Department's assessment report for the original applications and subsequent modification requests (see **Appendix A**)
- advice from State government authorities and Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of issues is provided in **Table 2**.

Table 1 | Assessment of Other Issues

Findings	Recommendations
Hazard and Risk	
<ul style="list-style-type: none"> • The extension of the pipeline has potential to increase the risk of fire to the area and leakage risks. • To address this, the Proponent prepared a Preliminary Hazard Analysis (PHA) to assess the potential hazardous events and corresponding risks associated with the modifications. It is noted this PHA was carried out for SSEEP Mod 23, however, the PHA also covered the pipeline extension proposed under these modification requests. • The PHA was prepared in accordance with the Department's Hazardous Industry Planning and Advisory Paper (HIPAP) No.6 – Hazard Analysis. The PHA evaluated the level of risk to off-site land uses and compared this with the Department's land use safety risk criteria (detailed in HIPAP No. 4). • The PHA found that hazardous events would not exceed the criteria for the adjacent industrial land uses and demonstrated the modification would meet the risk criteria in HIPAP No. 4. • The modification would also include comprehensive safeguards and design requirements to ensure the risk to surrounding land uses is minimised, consistent with those in the original approval (such as complying with relevant Australian Standards). • The Department's hazards and risk specialist team reviewed the PHA and considered the risk analysis approach was appropriate based on the type and location of the pipeline extension and concurred that the modified developments would not exceed risk criteria. • The Department has reviewed existing conditions of approval and notes the Proponent is required to undertake a suite of hazard studies and plans (such as a Hazard and Operability Study, an Emergency Plan and a Safety and Operating Plan). The Proponent has yet to lodge these with the Department, however, once it does, will be required to cover all aspects of the development, including the changes proposed as part of this modification request. 	<p>No changes to conditions required.</p>

Findings	Recommendations
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- The Department's assessment concludes the modification would satisfy all relevant risk criteria, subject to proposed safeguards and existing conditions of approval.

Biodiversity

- The construction activities related to the pipeline through Abernethys Creek have potential to impact on biodiversity in the creek corridor.
- To address this, the Proponent proposes to use boring as the construction method underneath the creek, using horizontal directional drilling, meaning no trenching or construction works are proposed at ground level in the vegetated creek corridor.
- The construction boring entry and exit points will be set back 35 m from the banks of the creek, well clear of the vegetated area, and within cleared and already developed areas.
- Council, DPE Water and BCD reviewed the modification requests and did not raise concerns relating to biodiversity or creek impacts.
- The Department has reviewed the modification requests and notes it is consistent with construction methodology used at other waterbody crossings of the pipeline route. The proposed boring locations will be set back significantly from the creek and vegetation, ensuring no ground disturbance in the riparian zone occurs.
- Existing conditions of approval require the Proponent to prepare and implement detailed watercourse crossing construction method statements in consultation with DPE Water, ensuring crossings are stable and of appropriate depth to avoid impacts on water crossings and vegetation.
- The Department considers the existing conditions of approval to be appropriate in managing the construction of the pipeline extension. To ensure the water crossing construction method statements are updated to include works relating to this modification request, the Department recommends a condition requiring the review and (if necessary) amendment of the post approval matters by the Proponent.
- The Department's assessment concludes that the modification request can sufficiently avoid impacts to the waterway corridors, subject to existing and recommended conditions of approval.

Require the Proponent to:

- review (and if necessary, update) post approval plans and strategies in line with this modification request.

Traffic

- The extended pipeline would be installed in part in Council's road reserve on Bolong Road.
- In its modification report, the Proponent advised that the traffic movements and construction plans along transport corridors would remain in line with that considered under the original assessment.
- Council reviewed the modification requests and recommended conditions requiring the Proponent to:
 - prepare and implement a Construction Traffic Management Plan
 - prepare engineering plans demonstrating that works do not impact on Council's infrastructure,
 - maintain the construction areas appropriately, and
 - gain the relevant approvals for work in the corridor.

Require the Proponent to:

- review post approval plans and strategies in line with this modification request.

Findings

Recommendations

- The Department notes the original approval contained a crossing under Bolong Road, with a similar construction methodology to that proposed. Due to this, the Department considers the potential traffic impacts to remain in line with that originally considered.
- Existing conditions of approval require the Proponent to prepare and implement a Construction Traffic Management Plan, gain roadway approvals from Council and prepare an Infrastructure Management Plan (including detailed engineering drawings) in consultation with Council, ensuring any residual traffic and infrastructure impacts are managed.
- The Department considers the existing conditions of approval align with those conditions recommended by Council. To ensure these plans reflect the modification request, the Department has recommended a condition requiring the Proponent to review, and if necessary, update the management plans should this modification request be approved.
- The Department concludes that the modifications would not increase impacts on the efficiency of the road network over the original approval, subject to updates to recommended and existing conditions.

Soil and Groundwater

- Given the project includes excavation and boring, there is potential for erosion and groundwater impacts.
 - In its modification report, the Proponent provided an updated assessment on acid sulfate soils impacts. The assessment concluded that the pipeline may encounter acid sulfate soils under Abernethys Creek and recommended an Acid Sulfate Soils Management Plan be undertaken.
 - Council recommended two conditions relating to an erosion and sediment control plan. DPE Water advised should the development take more than 3 Megalitres of groundwater per year, the Proponent will be required to gain a water access licence.
 - The Department has reviewed existing conditions of approval and notes the Proponent is to manage erosion and sediment control and groundwater under its Soil and Water Management Plan. The Proponent is also required to prepare an Acid Sulfate Soils Management Plan and identify other required statutory approvals as part of its Construction Environmental Management Plan.
 - The Department considers the existing conditions of approval to adequately address Council's and DPE Water's comments and soil and groundwater matter can continue to be managed appropriately through theses.
 - To ensure these plans reflect the modification requests, the Department has recommended a condition requiring the Proponent to review, and if necessary, update the management plans should this modification request be approved.
 - The Department concludes the modification requests' impact on ground water and erosion to be in line with that considered under the original assessment and can be effectively managed through existing conditions of approval.
- Require the Proponent to:
- review post approval plans and strategies in line with this modification request.

6 Evaluation

The Department has assessed the modifications in accordance with the relevant requirements of the EP&A Act.

State government authorities and Council raised no significant concerns with the modifications as the modifications' impacts were considered to remain generally consistent with those in the original assessment.

The Department considers the modifications is appropriate on the basis that:

- it would result in minimal environmental impacts beyond the approved project
- the extension of the route would bore under vegetation and waterways, avoiding further disturbance outside of the already approved disturbance areas for the development
- the risk profile of the development would be in line with that originally approved.

The Department concludes the proposal is in the public interest and the modifications should be approved, subject to conditions

7 Recommendation

It is recommended that the Team Leader, Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the applications 10_0108-Mod-2 and 10_0144-Mod-2 fall within the scope of section 5.25 of the EP&A Act
- **forms the opinion** under clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 that a BDAR is not required to be submitted with the modifications as the modifications will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modifications
- **modifies** the approvals 10_0108-Mod-2 and 10_0144-Mod-2
- **signs** the attached approval of the modifications (**Appendix B**).

Recommended by:



18 May 2022

Thomas Bertwistle

Environmental Assessment Officer
Industry Assessments

8 Determination

The recommendation is **Adopted** by:

 20 May 2022

Joanna Bakopanos
Team Leader
Industry Assessments

as delegate of the Minister for Planning

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Modification Application

- 'Modification Report' prepared by Cowman Stoddart Pty Ltd dated 18 March 2022
 - 10_0108-Mod-2 - <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-realignment-low-pressure-gas-pipeline>
 - 10_0144-Mod-2 - <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-realignment-low-pressure-gas-pipeline-0>

Submissions and Advice

- 10_0108-Mod-2 - <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-realignment-low-pressure-gas-pipeline>
- 10_0144-Mod-2 - <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-realignment-low-pressure-gas-pipeline-0>

Department's Assessment Report for 10_0108-Mod-2 and 10_0144-Mod-2

- 10_0108-Mod-2 - <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-realignment-low-pressure-gas-pipeline>
- 10_0144-Mod-2 - <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-realignment-low-pressure-gas-pipeline-0>

Appendix C – Notice of Modification

The notice of modification can be found through the below links:

- 10_0108-Mod-2 - <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-realignment-low-pressure-gas-pipeline>
- 10_0144-Mod-2 - <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-realignment-low-pressure-gas-pipeline-0>

Appendix D – Consolidated Approval

The Consolidated Approvals can be found through the below links:

- 10_0108-Mod-2 - <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-realignment-low-pressure-gas-pipeline>
- 10_0144-Mod-2 - <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-realignment-low-pressure-gas-pipeline-0>