

Infrastructure Approval

Killingworth to Kooragang Island Gas Pipeline

Under the then provisions of the *Pipelines Act 1967*, Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) did not apply to the Killingworth to Kooragang Island Gas Pipeline (the project). However, those provisions were repealed in September 2006 by the *Pipelines Amendment Act 2006* which included transitional provisions for existing pipelines, under which Pipeline Licence No. 8 issued under the *Pipelines Act 1967* was deemed to be a planning approval granted under Part 3A of the EP&A Act.

Part 3A of the EP&A Act was also repealed in October 2011, and under the provisions of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, the project was transitioned to State Significant Infrastructure (SSI) in June 2022 and Pipeline Licence No. 8 comprises the Infrastructure Approval (SSI 46360740) for the project.

Further modifications to the Infrastructure Approval under the EP&A Act are attached as additional Schedules to the licence, as listed below.

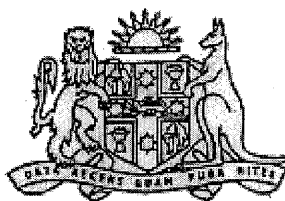
The Department has prepared a consolidated version of the approval which is intended to include all modifications to the original determination instrument.

The consolidated version of the approval has been prepared by the Department with all due care. This consolidated version is intended to aid the approval holder by combining all approvals relating to the original determination instrument but it does not relieve an approval holder of its obligation to be aware of and fully comply with all approval obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

Schedule A:

Green type represents Modification 1 (August 2023)

Red type represents Modification 2 (April 2024)



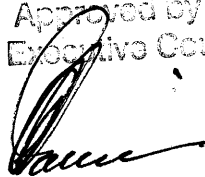
NEW SOUTH WALES GOVERNMENT

PIPELINES ACT 1967

LICENCE No. 8

RENEWAL

Approved by the
Executive Council



Clerk of the Council
Min. No.

12

23 MAR 2007

INSTRUMENT OF GRANT OF PIPELINE LICENCE RENEWAL

PIPELINES ACT 1967

LICENCE No. 8

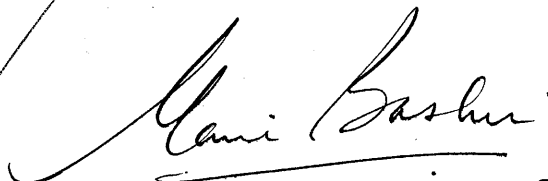
AGL Gas Networks Limited (ACN 003 004 322), (hereinafter called the "Licensee") having its registered office at 111 Pacific Highway, North Sydney in the State of New South Wales, has applied in accordance with the provisions of section 16 of the *Pipelines Act 1967* (hereinafter called the "Act") and the *Pipelines Regulation 2000* (hereinafter called the "Regulation") for the renewal of the Licence granted on the Nineteenth day of December 1979 (hereinafter called the "original Licence") to operate a pipeline to convey natural gas between Killingworth and Kooragang Island (hereinafter called "Licence No. 8") and has agreed at Annexure A to accept the Licence and the provisions and conditions set forth in Annexure B hereto.

The Licence Area of the pipeline is defined by the easements, vested in the Licensee and shown on the instrument attached to Deposited Plans 499013, 499020 and 499026 registered in the office of Land and Property Information New South Wales, Sydney.

The application for renewal complies with the provisions of the Act and Regulation and therefore I, THE HONOURABLE PROFESSOR MARIE BASHIR AO, GOVERNOR OF THE STATE OF NEW SOUTH WALES, acting with the advice of the Executive Council and in exercise of the powers conferred by sections 15, 16 and 17 of the Act, do hereby grant to the Licensee a renewal of Licence No. 8 for a period of twenty-one (21) years effective from the Nineteenth day of December 2000.

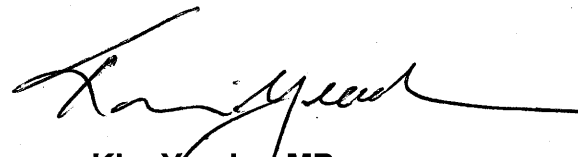
Signed at Sydney, New South Wales this 28th day of March 2001

Varied 16 December 2000



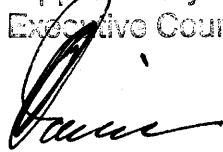
GOVERNOR

By Her Excellency's Command



Kim Yeadon MP
Minister for Energy

Approved by the
Executive Council



Clerk of the Council
Min. No.

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28 MAY 2001

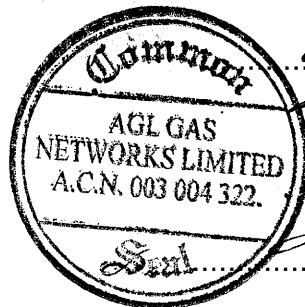
ANNEXURE A

PIPELINES ACT 1967

RENEWAL OF LICENCE NO. 8

AGL Gas Networks Limited (ACN 003 004 322) having registered offices at 111 Pacific Highway, North Sydney in the State of New South Wales, hereby agrees to be bound by Licence No. 8 and confirms any warranties given therein.

The Common Seal of AGL Gas Networks Limited (ACN 003 004 322), was affixed in the presence of



[Signature]

Director

[Signature]

Secretary

Registered in the Pipelines Register kept in the Ministry of Energy and Utilities at Sydney this *Eleventh* day of *May* 200*8*

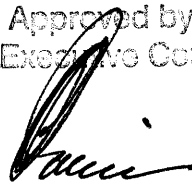
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ADA

[Signature]

for DIRECTOR-GENERAL
MINISTRY OF ENERGY AND UTILITIES

Approved by the
Executive Council

A handwritten signature in black ink, appearing to be 'Muri', is written over the text 'Approved by the Executive Council'.

Clerk of the Council
Min. No.

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28 MAR 2001

ANNEXURE B

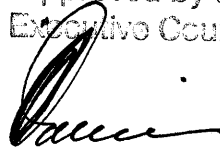
This and the succeeding pages are the conditions for the renewal of Licence No. 8 granted on 28 March 2000 1 MAA

1. DEFINITIONS

In this Licence, unless the contrary appears:

- (a) words in the singular include the plural and vice versa;
- (b) words denoting individuals include corporations and vice versa;
- (c) words denoting any gender include all genders;
- (d) headings are inserted for convenience of reference only and do not affect the interpretation or construction of this Licence;
- (e) annexures to this Licence form part of this Licence;
- (f) references to any party to this Licence or any other document or agreement include, where relevant, its successors, assigns, agents and representatives;
- (g) references to any agreement, document or legislation include a reference to such agreement, document or legislation as amended, varied, noted, supplemented or replaced from time to time;
- (h) if any condition of this Licence remains to be fulfilled on the expiry of this Licence, that condition shall survive the expiry;
- (i) "Act" means the *Pipelines Act 1967*;
- (j) "Application" means the application for renewal of the Licence made by the Licensee dated 3 July 1998.
- (k) "AS 2885" has the meaning specified in the Regulation.
- (l) "Business day" means a day on which trading banks are open for business in Sydney;
- (m) "Ministry" means the Ministry of Energy and Utilities and its successors;
- (n) "Director-General" means the person from time to time holding office (or equivalent office) as Director-General of the Ministry of Energy and Utilities;
- (o) "Licence No. 8" comprises this Licence and the Application;
- (p) "Licensee" refers to AGL Gas Networks Limited (ACN 003 004 322) and includes where relevant, its successors, assigns, agents and representatives;
- (q) "MAOP" means Maximum Allowable Operating Pressure;
- (r) "Minister" means the Minister for Energy;
- (s) "Pipeline" includes any apparatus or works appurtenant thereto unless otherwise stated;
- (t) "Regulation" means the *Pipelines Regulation 2000*;
- (u) "recognised" means, in relation to a standard or practice, recognised by Standards Association of Australia or by the Director-General reasonably based on good pipeline practice;

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- (v) "public authority" has the meaning specified in the Act.

2. PIPELINE

2.1 Description

The pipeline to which this Licence applies is described as follows.

(1) Construction

The pipeline was designed, constructed and tested in accordance with the requirements of Australian Standard AS1697-1975: SAA Gas Pipeline Code with the exception that a variation to that Code was permitted relative to the establishment of the MAOP specified below.

The variance was supplemented in accordance with the details in the Contract Documents and Material Specifications for the pipeline, apparatus and works in the application for the original Licence, in so far as the details were not inconsistent with the Act, Regulation and original Licence.

Pipeline Length:	33km
Design Capacity:	766,000 standard cubic metres per day
Outside Diameter	508mm/356mm/273mm
Pipe Specification:	API-5LX grade X60 (min. yield strength 413.7 MPa) API-5LX grade X52 (min. yield strength 352.3 MPa)

(2) Maximum Allowable Operating Pressure

The Maximum Allowable Operating Pressure of the pipeline is 6895 kPa.

(3) Detailed engineering specifications

As specified in the original Licence Application and the subsequent information submitted by the Licensee with the renewal application.

2.2 Warranty

The Licensee warrants that technical and other information supplied in support of the application for the renewal of this licence and otherwise as required by the Licence is true and correct to the best of the knowledge of the Licensee, the Licensee having made diligent inquiry to the fullest extent reasonably possible.

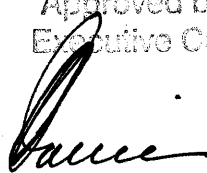
3. RESPONSIBILITY OF THE LICENSEE

Nothing in this Licence alters the Licensee's responsibility under any law for overall protection of its personnel, the public and property, and the environment from undue effects of any activities associated with the operation and maintenance of the pipeline.

4. COMPLIANCE WITH LAW AND STANDARDS

In carrying out its obligations under this Licence, the Licensee must ensure compliance with all requirements imposed by law and with recognised standards and practices to operate and maintain the pipeline and must obtain all the necessary consents and approvals.

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5. REQUIREMENTS OF STATUTORY AUTHORITIES

Where the pipeline passes through any lands vested in or under the care and management of any public authority, the Licensee must comply with the agreements relating to the pipeline, which it has with such public authorities now and hereafter, unless the public authority waives any compliance in writing.

6. CONTRACTORS

The Licensee must ensure that contractors engaged by it comply with the relevant safety and environmental requirements imposed by law, with the requirements of the Safety and Operating Plan, and with recognised safety and environmental standards and practices, when undertaking any works, operating activities, alterations, maintenance or repairs on the pipeline.

7. OPERATIONS AND MAINTENANCE

7.1 General

The Licensee must construct, operate and maintain the pipeline and its apparatus in such manner as is necessary to protect all persons, property and the environment from injury, loss, damage and other harm as the case may be. Except as otherwise required by this Licence, the Licensee must design, construct, operate and maintain the pipeline in accordance with the requirements of the Act and Regulation.

7.2 Safety

The Licensee must ensure the safe operation and maintenance of the pipeline. The Licensee must protect all persons, property and the environment from injury, loss, damage and other harm as the case may be.

7.3 Operation without Procedures

Nothing in this Licence may be taken to permit the Licensee to operate the pipeline without adequate or recognised safety and operating procedures or practices before the Safety and Operating Plan prepared in accordance with AS 2885 is submitted to the Director-General or subsequently.

7.4 Repairs and Maintenance of Works


The Licensee must, when undertaking any maintenance or repairs to the pipeline, comply with all relevant safety requirements imposed by law and with recognised safety standards, procedures and practices.

8. RECORDS AND RETURNS

8.1 Pipeline Records

The Licensee must maintain records of the pipeline as required by AS2885 and any other information necessary for the Licensee to assess and report to the Director-General on the condition of the pipeline at any time.

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8.2 Record Retention, Storage and Retrieval

All records detailed in the above condition shall be retained, filed and stored in a manner to prevent deterioration and permit ready retrieval, for a period of seven (7) years after cessation of the operation of the pipeline.

The records must be made available to the Director-General, in such form and at such times, as the Director-General may reasonably require.

8.3 Other Information Required by the Director-General

The Licensee must provide such other information in such form and at such times as the Director-General may reasonably require regarding the design, construction, operation and maintenance of the pipeline.

9. RESTORATION

The Licensee must restore areas disturbed by the maintenance of, or repairs to, the pipeline to as near as possible the condition existing prior to the commencement of such works. In carrying out such restorations, the Licensee must satisfy the reasonable requirements of any landowners affected by such works, having regard to any specific terms of easements created for the purposes of the pipeline.

10. EASEMENT MAINTENANCE

The Licensee must maintain vegetation in the vicinity of the pipeline that is in keeping with the vegetation native to the region or as otherwise considered appropriate by the Licensee in consultation with the relevant landowner (or occupiers of Crown Land). Such vegetation must not interfere with the safe operation of the pipeline or the assets of relevant landowners, occupiers or public authorities.

11. DAMAGE

The Licensee must make good and repair at its own expense, or where appropriate pay the costs of repair of any loss, harm or damage caused to any person, property or the environment, being loss, harm or damage arising out of or in any way connected with the actions or inactions of the Licensee or any of its agents, officers or employees or any contractor or subcontractor of the Licensee, concerning matters arising from the operation conducted pursuant to this Licence. Such reparation must meet the reasonable requirements of the affected party or parties.

12. INSURANCE AND INDEMNITY

12.1 Insurance

The Licensee must:

- (a) arrange and maintain with one or more reputable insurers, adequate contract works and public liability insurance in respect of the potential for any loss, harm or damage caused to any person or property arising out of or in any way connected with the action or inaction of the Licensee or any of its agents or employees, or any contractor or subcontractor of the Licensee, pursuant to the Licence.

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- (b) within 28 days after each anniversary of the grant of the licence, provide:
 - (i) satisfactory evidence that insurance is in force as required under clause (a); and
 - (ii) a certificate signed by a senior, responsible officer of the Licensee, stating that the Licensee has taken all reasonable steps to ensure that no circumstances exist under which the insurer has or may have the right to deny indemnity under, or avoid, any such policy.

12.2 Indemnification

The Licensee must indemnify and keep indemnified the Minister, the Director-General and the Ministry from and against all claims, demands, rights, actions, suits, proceedings, verdicts and judgements of whatsoever kind or nature and whether at law or in equity or arising under the provisions of any statute howsoever and whether for damages, costs, expenses or otherwise and whether for a liquidated or an unliquidated sum, which may be brought against these parties, arising out of any wilful, unlawful or negligent act or omission of the Licensee, or any of its agents, officers, employees or contractors, in connection with this Licence.

13. NOTICES

13.1 Addresses for notices

All notices, requests, requirements, demands, consents or other communications to be given under this Licence must be in writing and will be valid and sufficient if posted in a prepaid envelope addressed to the following:

- (a) if to the Director-General or the Minister for Energy to:

Ministry of Energy and Utilities
29 -57 Christie Street
St. Leonards NSW 2065

(GPO Box 536
St. Leonards NSW 1590)

- (b) if to the Licensee to:

Company Secretary
AGL Gas Networks Limited (ACN 003 004 322)
111 Pacific Highway
North Sydney NSW 2060

PO Box 944
North Sydney NSW 2059

Or to the Person-in-Charge appointed by the Licensee in accordance with clause 34 of the Regulation.

or to such address as the relevant party may specify by notice in writing.

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13.2 Service of Notices

All notices, requests, requirements, demands, consents or other communications will be deemed to have been served on the fifth business day after posting.

14. CONFLICT

14.1 Application of Act and Regulations

In the event of any inconsistency between the conditions of this Licence and the Act or Regulation, the Act or Regulation will prevail to the extent of such inconsistency.

14.2 Application of conditions

In the event of any inconsistency between the conditions of this Licence and any relevant codes and standards, the conditions of this Licence will prevail to the extent of such inconsistency.

14.3 Disputes

Where, in respect of any land or part of any land comprised in the Licence Area, which now is or later becomes comprised in another Licence Area, any difference or dispute arises between the Licensees of the respective Licence Areas, the Licensees of the respective Licence Areas or any one or more of them may refer the matter for determination by the Minister. The Minister's determination will be final.

15. GENERAL

15.1 Stamping of Licence

The Licensee is responsible and liable for the stamping of this Licence by the Office of State Revenue.

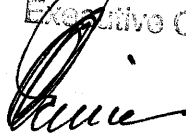
15.2 Delays and Waivers

- (1) No failure or delay on the part of any party in the execution of any right, power or remedy hereunder will operate as a waiver thereof nor will any exercise of such right, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy hereunder.
- (2) No waiver, whether express or implied, of any breach of any condition of this Licence may be construed as a waiver of any subsequent breach of that or any other condition whether of the same or of a different nature.

15.3 Invalid conditions

If any condition, or any part thereof (in this condition called the "offending condition") in this Licence is for any reason whatsoever declared to be or becomes unenforceable, invalid or illegal, including, but without derogating from the generality of the foregoing, by a decision of any court, an Act of Parliament or any statutory by-law or regulation or any other requirement having the force of law, the remaining conditions of this Licence will remain

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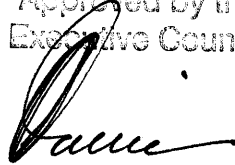
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in full force and effect as if this Licence had been granted without the offending condition appearing therein.

16. VARIATION OF CONDITIONS

The Minister may, in consultation with the Licensee, vary, suspend or remove any of the conditions to which this Licence is subject, or may include additional conditions.

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CONSOLIDATED APPROVAL

SCHEDULE A

MODIFICATION 1 – LENAGHAN LATERAL PIPELINE

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CONSOLIDATED APPROVAL

DEFINITIONS

Aboriginal object	Has the same meaning as the definition in section 5 of the <i>National Parks and Wildlife Act 1974</i>
ACHA	Lenaghan Lateral Pipeline Modification Application Aboriginal Cultural Heritage Assessment (April 2023)
BDAR	Lenaghan Lateral Pipeline Biodiversity Development Assessment Report (February 2023)
Construction	All physical works associated with the Lenaghan Lateral Pipeline Development, including but not limited to demolition and removal of buildings or works, erection or installation of buildings and infrastructure, road upgrades, and the carrying out of works permitted by this approval
Consultation	To provide information and actively engage with and obtain and consider feedback from stakeholders during development of post approval documents. How the feedback has been considered and whether any changes have been made in response to this feedback is then documented and communicated back to stakeholders. Consultation should not be limited to one-way notification about the project.
Council	City of Newcastle Council
Decommissioning	The demolition and/or removal of buildings, infrastructure and works installed for the construction of the Lenaghan Lateral Pipeline Development and rehabilitation of the Modification Area
Department	Department of Planning, Housing and Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Feasible	Means what is possible and practical in the circumstances
Heritage NSW	Heritage NSW, within the NSW Department of Climate Change, Energy, the Environment and Water
Hydrostatic testing	A pipeline testing process used to test welds and pipeline integrity. The process involves filling the newly constructed pipeline with pressurised water or other medium, enabling the detection of leaks.
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Lenaghan Lateral Pipeline Development	The development as described in the Modification Report and shown in Appendix 2
Material harm	Is harm to the environment that: <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) This definition excludes “harm” that is authorised under either this approval or any other statutory approval
Minimise	Implement all reasonable and feasible measures to reduce the impacts of the Lenaghan Lateral Pipeline Development
Minister	Minister for Planning and Public Spaces, or delegate
Mitigation	Activities associated with reducing the impacts of the Lenaghan Lateral Pipeline Development prior to or during those impacts occurring
Modification Area	The area of disturbance for construction activities as identified in the Modification Report and shown in Appendix 2.
Modification Report	The modification report titled <i>Lenaghan Lateral Pipeline – Modification 1 Modification Report</i> dated February 2023, the response to submissions report titled <i>Lenaghan Lateral Pipeline – Modification Report, Response to Submission Report</i> dated May 2023, and <i>Response to Request for Additional Information</i> dated June and July 2023; The modification report titled <i>SSI-46360740 Modification 2 Lenaghan Lateral Pipeline</i> dated 13 March 2024;
Operation	The operation of the Lenaghan Lateral Pipeline, but does not include commissioning, trials of equipment or the use of temporary facilities
POEO Act	<i>Protection of the Environment Operations Act 1997</i>

CONSOLIDATED APPROVAL

Proponent	Jemena Gas Networks (NSW) Ltd or any person who seeks to construct and operate the Lenaghan Lateral Pipeline
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Registered Aboriginal Party	Aboriginal stakeholders registered for cultural heritage consultation for the Lenaghan Lateral Pipeline Development
Rehabilitation	The restoration of land disturbed by the Lenaghan Lateral Pipeline Development to a satisfactory condition, to ensure it is safe, stable and non-polluting
Secretary	Planning Secretary under the EP&A Act, or nominee

CONSOLIDATED APPROVAL

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. The Proponent must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable or feasible, minimise any material harm to the environment that may result from the construction, operation, rehabilitation or decommissioning of the Lenaghan Lateral Pipeline Development.

TERMS OF APPROVAL

- A2. The Lenaghan Lateral Pipeline Development must be carried out:
- (a) in compliance the conditions contained in Schedule A of this approval;
 - (b) in accordance with all written directions of the Secretary;
 - (c) generally in accordance with the Modification Report; and
 - (d) generally in accordance with the development layout plan in Appendix 2.
- A3. If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this Schedule prevail to the extent of any inconsistency.
- A4. The Proponent must comply with any requirement/s of the Secretary arising from the Department's assessment of:
- (a) any strategies, plans or correspondence that are submitted in accordance with this approval;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in these documents.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A5. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the construction or operation of the Lenaghan Lateral Pipeline Development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the construction of the Lenaghan Lateral Pipeline Development.

OPERATION OF PLANT AND EQUIPMENT

- A6. All plant and equipment used on site, or in connection with the development, must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

NOTIFICATION OF CONSTRUCTION AND COMMISSIONING

- A7. At least two weeks prior to the commencement of the construction and commissioning of the Lenaghan Lateral Pipeline Development, the Proponent must notify the Department of the relevant date via the Major Projects Portal.

PART B ENVIRONMENTAL CONDITIONS

HAZARDS AND RISKS

- B1. Prior to the commencement of construction of the Lenaghan Lateral Pipeline Development, other than preliminary works that are outside the scope of the hazard studies, the Proponent must prepare and submit to the Secretary a Hazard and Operability Study, chaired by a suitably qualified and experienced person and independent of the project, that is consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 8*, 'HAZOP Guidelines' and *Australian Standard AS 2885 Pipelines – Gas and liquid petroleum* (AS 2885).

Note:

- The Proponent is also required to obtain all necessary approvals and provide documents under the requirements of the *Pipelines Act 1967*. This includes a Pipeline Management Plan that covers the construction, commissioning, operation and decommissioning of the pipeline.

TRAFFIC

Construction Traffic Management Requirements

- B2. The Proponent must:
- minimise traffic and pedestrian safety issues and disruption to local users of the transport route/s from the construction of the Lenaghan Lateral Pipeline Development; and
 - minimise the traffic noise impacts from the construction of the Lenaghan Lateral Pipeline Development.

AMENITY

Construction hours

- B3. The Proponent may only undertake construction activities for the Lenaghan Lateral Pipeline Development between:
- 7 am to 6 pm Monday to Friday;
 - 8 am to 1 pm Saturdays; and
 - at no time on Sundays and NSW public holidays.

Exceptions to Construction Hours

- B4. The following activities may be undertaken outside the hours defined by condition B3 without the approval of the Secretary:
- the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; and
 - emergency work to avoid the loss of life, property and/or material harm to the environment.

Variation of Construction Hours

- B5. The construction hours specified under condition B3 of this approval may be varied for hydrostatic testing with the prior written approval of the Secretary. Any request to alter the hours of construction must:
- be accompanied by details of the activities to be conducted during the varied construction hours and justification for these activities;
 - be accompanied by written evidence that consultation with potentially affected sensitive receivers has been and will be undertaken;
 - identify all reasonable and feasible noise mitigation measures to be implemented; and
 - be accompanied by an updated noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECCW, 2009), or latest version.

Noise

- B6. The Proponent must minimise the noise generated by any construction, upgrading or decommissioning activities generated by the Lenaghan Lateral Pipeline Development in accordance with the best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version.
- B7. The Proponent must undertake reasonable and feasible measures to minimise operational noise from the Lenaghan Lateral Pipeline Development.

Dust

- B8. The Proponent must minimise the dust generated during construction and operation of the Lenaghan Lateral Pipeline Development.

SOIL AND WATER

- B9. The Proponent must:

- (a) prior to the commencement of any construction or other surface disturbance for the Lenaghan Lateral Pipeline Development, install and maintain suitable erosion and sediment control measures on-site, generally in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004);
- (b) ensure that pipeline construction and installation is undertaken to minimise impacts on watercourses by applying management measures generally in accordance with the guidance series for *Controlled Activities on Waterfront Land* (DPIE Water 2012 or latest versions); and
- (c) ensure that any construction activities in identified areas of acid sulfate soil risk are carried out generally in accordance with *Acid Sulfate Soil Manual* (Acid Sulfate Soil Management Advisory Committee, 1998) or its latest version.

Notes:

- Under the *Water Management Act 2000*, the Proponent is required to obtain all necessary water licences if required for the Lenaghan Lateral Pipeline Development.
- The development must comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters except as expressly provided for in an EPL.

WASTE

- B10. The Proponent must:

- (a) minimise the waste generated by the construction of the Lenaghan Lateral Pipeline Development;
- (b) classify all waste generated in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
- (c) store and handle all waste in accordance with its classification;
- (d) not receive or dispose of any waste within the Modification Area; and
- (e) remove all waste from the Modification Area as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

HERITAGE

Protection of Heritage Items

- B11. The Proponent must ensure the construction of the Lenaghan Lateral Pipeline Development does not cause impacts on heritage items located outside the Modification Area.
- B12. If any suspected human remains are discovered and/or harmed within the Modification Area the Proponent must:
- (a) immediately cease all work at the location;
 - (b) secure the area to avoid further harm to the remains;
 - (c) notify the local police and Heritage Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
 - (d) not recommence any work at the location unless authorised in writing by the Secretary.
- B13. Prior to commencing construction, the Proponent must prepare and implement an Aboriginal Cultural Heritage Management Plan for the Lenaghan Lateral Pipeline Development. The plan must:
- (a) be prepared by suitably qualified and experienced persons and in consultation with Registered Aboriginal Parties and **Heritage NSW**;
 - (b) be consistent with recommendations listed in the ACHA; and
 - (c) be provided to the Secretary.
- B14. Following the completion of the archaeological excavations described in the ACHA, the Proponent must prepare an Aboriginal Cultural Heritage Excavation Report. The report must:

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- (a) be prepared in accordance with *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010);
- (b) be prepared in consultation with and provided to the Registered Aboriginal Parties;
- (c) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds); and
- (d) be provided to the Secretary, **Heritage NSW**, the relevant Local Aboriginal Land Council and Registered Aboriginal Parties within 12 months of the completion of the Aboriginal archaeological collections and excavations (both test and salvage).

BIODIVERSITY OFFSETS

B15. Prior to the commencement of construction for the Lenaghan Lateral Pipeline Development that would impact on biodiversity values, the number and classes of **biodiversity credits** in Table 1 and Table 2 must be retired to offset the residual biodiversity impacts in accordance with the *Biodiversity Offsets Scheme* of the BC Act, including the application of any ancillary rules published under clause 6.5 of the *Biodiversity Conservation Regulation 2017*. Written evidence of the retirement of these credits must be provided to the Department prior to commencing construction activities that would impact on biodiversity values.

Table 1 Ecosystem credit requirements

Impacted plan community type	Number of ecosystem credits
1736 Water Couch – Tall Spike Rush freshwater wetland of the Central Coast and lower Hunter	4

Table 2 Species credit requirements

Species	Number of species credits
Fauna	
Curlew sandpiper	5
Broad-billed sandpiper	4
Black-tailed godwit	4
Terek sandpiper	4
Flora	
Tall knotweed	4

REHABILITATION

B16. The Proponent must:

- (a) rehabilitate the Modification Area progressively, as soon as reasonably practicable following disturbance;
- (b) minimise the disturbance area at any time; and
- (c) employ interim rehabilitation strategies to minimise dust generation, soil erosion and weed incursion on parts of the Modification Area that cannot yet be permanently rehabilitated.

PART C ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT

- C1. The Proponent must prepare an Environmental Management Strategy for the Lenaghan Lateral Pipeline Development. This strategy must:
- (a) provide the strategic framework for environmental management of the Lenaghan Lateral Pipeline Development;
 - (b) identify the statutory approvals that apply to the Lenaghan Lateral Pipeline Development;
 - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Lenaghan Lateral Pipeline Development;
 - (d) detail how the performance outcomes, commitments and mitigation measures specified in the document(s) listed in condition A2(c) will be implemented and achieved;
 - (e) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the Lenaghan Lateral Pipeline Development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any incidents, non-compliances or exceedances of any impact assessment criterion or performance measures; and
 - (v) respond to emergencies; and
 - (f) include an environmental risk assessment and a description of the measures that would be implemented to manage the identified risks, including commitments in the document(s) listed in condition A2(c). The environmental risk assessment must:
 - (i) consider the environmental factors assessed in the Modification Report and any other environmental risks identified by the Proponent; and
 - (ii) include the mitigation measures identified in the Modification Report and any other mitigation measure required to manage the risks identified by the environmental risk assessment; and
 - (g) include a clear plan depicting monitoring to be carried out under the conditions of this approval.
- C2. The Proponent must submit the Environmental Management Strategy to the Secretary for approval.
- C3. The Proponent must not commence construction until the Environmental Management Strategy is approved by the Secretary.
- C4. The Proponent must implement the Environmental Management Strategy as approved by the Secretary.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C5. Within 3 months of:
- (a) the submission of an incident report under condition C6;
 - (b) the submission of a compliance report under conditions C7 to C9;
 - (c) the approval of any modification to the conditions of this approval; or
 - (d) the issue of a direction of the Secretary under condition A4 of Schedule A;

the Proponent must review and, if necessary, revise the studies, strategies or plans required under the conditions of approval.

Where this review leads to revisions in any such document, then within 4 weeks of the review, unless otherwise agreed with the Secretary, the revised document must be submitted to the Secretary for approval.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Lenaghan Lateral Pipeline Development.

COMPLIANCE

Incident Notification, Reporting and Response

- C6. The Secretary must be notified in writing via the Major Projects website immediately after the Proponent becomes aware of an incident. The notification must identify the Lenaghan Lateral Pipeline Development

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(including the application number and the name of the Lenaghan Lateral Pipeline Development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

- C7. The Secretary must be notified in writing via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance.
- C8. A non-compliance notification must identify the Lenaghan Lateral Pipeline Development and the application number for it, set out the condition of approval that the Lenaghan Lateral Pipeline Development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C9. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

NOTIFICATIONS

Notification of Department

- C10. Prior to commencing the construction, operations, upgrading or decommissioning of the Lenaghan Lateral Pipeline Development or the cessation of operations, the Proponent must notify the Department via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.
- C11. If any of these phases of the Lenaghan Lateral Pipeline Development are to be staged, then the Proponent must notify the Department in writing prior to commencing the relevant stage, and clearly identify the Lenaghan Lateral Pipeline Development that would be carried out during the relevant stage.

Final Layout Plans

- C12. Prior to commencing construction, the Proponent must submit detailed plans of the final layout of the Lenaghan Lateral Pipeline Development to the Department via the Major Projects website, including:
 - (a) details on ancillary infrastructure and / or ancillary facilities; and
 - (b) showing comparison to the approved layout.
- C13. The Proponent must ensure that the Lenaghan Lateral Pipeline Development is constructed in accordance with the Final Layout Plans.
- C14. Prior to commencing operations, the Proponent must submit plans that confirm the constructed layout of the Lenaghan Lateral Pipeline Development and showing comparison to the final layout plans to the Secretary, via the Major Projects website.

ACCESS TO INFORMATION

- C15. Before the commencement of construction until the completion of all rehabilitation required under this approval, the Proponent must:
 - (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this approval) publicly available on its website:
 - (i) the document(s) listed in condition A2(c);
 - (ii) all current statutory approvals for the Lenaghan Lateral Pipeline Development;
 - (iii) all approved strategies, plans and programs required under the conditions of this approval;
 - (iv) regular reporting on the environmental performance of the Lenaghan Lateral Pipeline Development in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval;
 - (v) a comprehensive summary of the monitoring results of the Lenaghan Lateral Pipeline Development, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the Lenaghan Lateral Pipeline Development;
 - (vii) contact details to enquire about the Lenaghan Lateral Pipeline Development or to make a complaint;
 - (viii) any other matter required by the Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Secretary.

APPENDIX 1: SCHEDULE OF LAND

Lenaghan Lateral Pipeline Development	
Lot	Plan
Part lot 453	DP807778

FOR INFORMATION

APPENDIX 2: GENERAL LAYOUT OF THE LENAGHAN LATERAL PIPELINE DEVELOPMENT

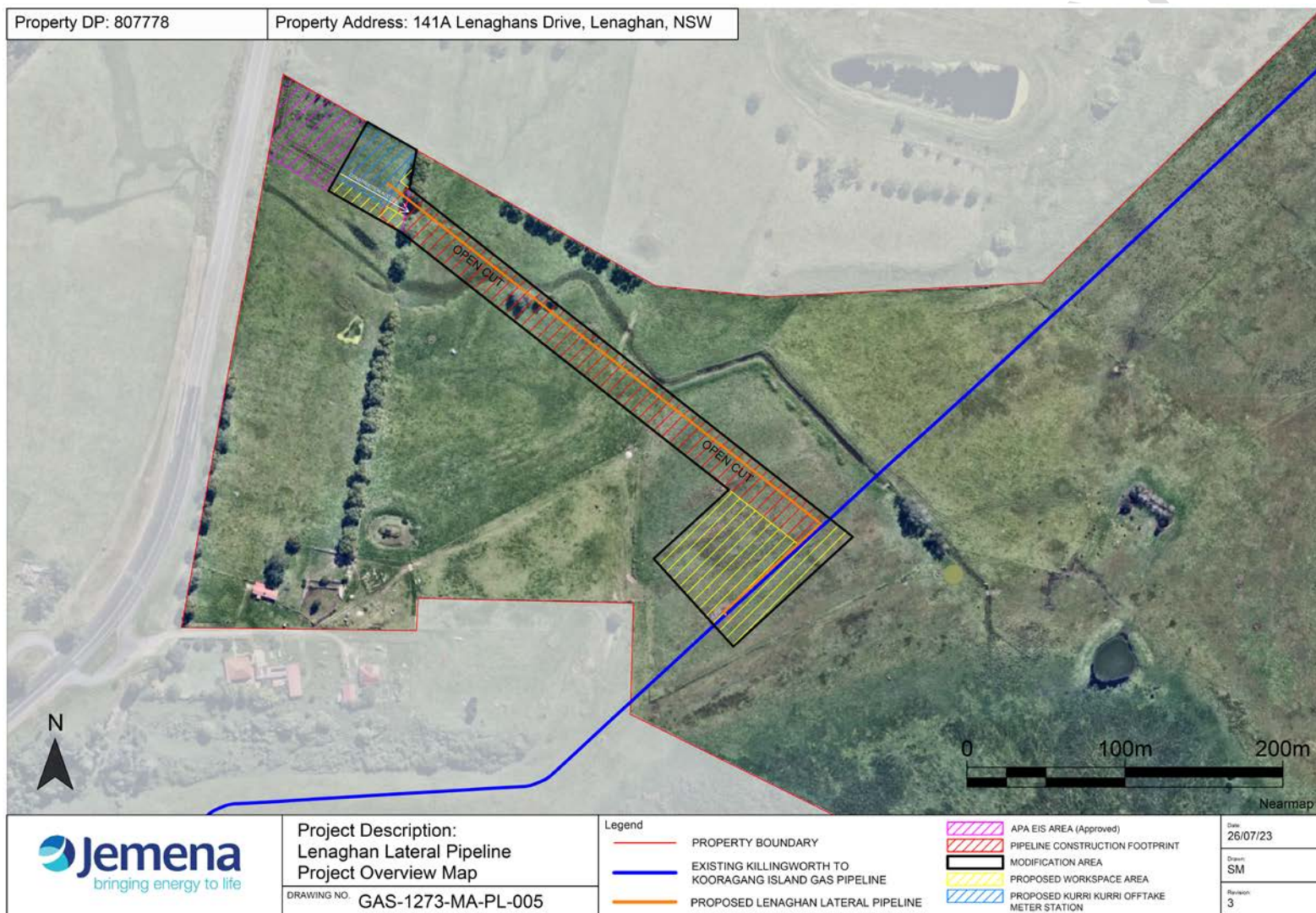


Figure 1 (Source: Jemena Gas Networks (NSW) Ltd - Additional Information, July 2023)

APPENDIX 3: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Secretary via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition C6 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (a) identify the Lenaghan Lateral Pipeline Development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a Lenaghan Lateral Pipeline Development contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Proponent must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.