

# Infrastructure Approval

## Moomba to Sydney Ethane 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 Moomba to Sydney Ethane 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 However, those provisions were repealed in September 2006 by the *Pipelines Amendment Act 2006* which included transitional provisions for existing pipelines, under which Pipeline Licence No. 18 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Part 3A of the EP&A Act was also repealed in October 2011, and under the provisions of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, the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 August 2023 and Pipeline Licence No. 15 comprises the Infrastructure Approval (SSI-73202481) 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:

Black type represents Modification 1 (February 2025)

# CONSOLIDATED APPROVAL

## SCHEDULE A

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# CONSOLIDATED APPROVAL

## DEFINITIONS

<b>Construction</b>	All physical works associated with the 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
<b>Decommissioning</b>	The demolition and/or removal of buildings, infrastructure and works installed for the construction of the development
<b>Department</b>	Department of Planning, Housing and Infrastructure
<b>Development EP&amp;A Act</b>	The development as described in the Modification Report <i>Environmental Planning and Assessment Act 1979</i>
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Incident</b>	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
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm to the environment that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>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)</li> </ul> <p>This definition excludes “harm” that is authorised under either this approval or any other statutory approval</p>
<b>Minimise</b>	Implement all reasonable and feasible measures to reduce the impacts of the development
<b>Minister</b>	Minister for Planning and Public Spaces, or delegate
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Modification Report</b>	The modification report titled <i>Modification Report: Moomba to Sydney Ethane Pipeline Repurposing</i> dated December 2024 and the response to submissions report titled <i>SSI-73202481 Mod 1 – MSEP Repurpose Response to Submissions</i> dated 12 February 2025
<b>Operation</b>	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
<b>Pipeline</b>	The Moomba to Sydney Ethane Pipeline
<b>Proponent</b>	Australian Pipeline Limited or any person who seeks to construct and operate the development
<b>Reasonable</b>	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
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a satisfactory condition, to ensure it is safe, stable and non-polluting
<b>Secretary</b>	Planning Secretary under the EP&A Act, or nominee

## 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 Development.

### TERMS OF APPROVAL

- A2. The 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; and
  - (c) generally in accordance with the Modification Report.
- 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.

## PART B ENVIRONMENTAL CONDITIONS

### HAZARDS AND RISKS

- B1. The Applicant must provide a notification to the Planning Secretary advising the timing for the insertion of natural gas into the pipeline, at least two weeks prior to the commencement of this activity.

**Note:**

- The Proponent is also required to obtain all necessary approvals and provide documents under the requirements of the *Pipelines Act 1967*.

FOR INFORMATION

## PART C ENVIRONMENTAL MANAGEMENT AND REPORTING

### COMPLIANCE

#### Incident Notification, Reporting and Response

- C1. 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 development (including the application number and the name of the 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

- C2. The Secretary must be notified in writing via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance.
- C3. A non-compliance notification must identify the development and the application number for it, set out the condition of approval that the 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.
- C4. 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

- C5. Prior to commencing the construction, operations, upgrading or decommissioning of the 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.
- C6. If any of these phases of the development are to be staged, then the Proponent must notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.

## APPENDIX 1: 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 C1 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 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 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;
  - (a) outcomes of an incident investigation, including identification of the cause of the incident;
  - (b) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (c) details of any communication with other stakeholders regarding the incident.