

Modification of Infrastructure Approval

Section 5.25 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under the Instrument of Delegation dated 11 October 2017, I approve the modification of the State significant infrastructure approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Stephen O'Donoghue
Director
Resource Assessments

Sydney 8 October 2020

SCHEDULE 1

Infrastructure Approval:	SSI 9973 transitioned by order on 3 May 2019
For the following:	Eastern Gas Pipeline
Modification:	Port Kembla lateral looping pipeline

SCHEDULE 2

1. Append the following after the last page of Infrastructure Approval SSI 9973:

SCHEDULE A
MODIFICATION 1 – PORT KEMBLA LATERAL LOOPING PIPELINE
TABLE OF CONTENTS

DEFINITIONS	4
PART A ADMINISTRATIVE CONDITIONS	5
Obligation to Minimise Harm to the Environment	5
Terms of Consent	5
Limits of Operations	5
Rehabilitation	5
Protection of Public Infrastructure	5
Notification of construction and commissioning	5
PART B ENVIRONMENTAL CONDITIONS	6
Hazards and Risks	6
Traffic	6
Amenity	6
Soil and Water	7
Contamination	7
Waste	7
Heritage	8
Biodiversity	8
Biodiversity Offsets	8
PART C ENVIRONMENTAL MANAGEMENT AND REPORTING	9
Construction Environmental Management Plan	9
Notification and Reporting	10
APPENDIX 1: SCHEDULE OF LAND	11
APPENDIX 2: GENERAL LAYOUT OF THE PORT KEMBLA LATERAL LOOPING PIPELINE	12

DEFINITIONS

BDAR	Port Kembla Lateral Looping Project Biodiversity Development Assessment Report (Biosis, 23 September 2020)
CEMP	Construction Environmental Management Plan
Construction	All physical works associated with the Port Kembla Looping Pipeline, 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 consent
Council	Wollongong City Council
Decommissioning	The demolition and/or removal of buildings, infrastructure and works installed for the construction of the Port Kembla Lateral Looping Pipeline and/or rehabilitation of the site corridor
Department	Department of Planning, Industry and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Feasible	Means what is possible and practical in the circumstances
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
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
Material harm	Is harm 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)
Minimise	Implement all reasonable and feasible measures to reduce the impacts of the Port Kembla Lateral Looping Pipeline
Minister	Minister for Planning and Public Spaces, or delegate
Mitigation	Activities associated with reducing the impacts of the Port Kembla Lateral Looping Pipeline prior to or during those impacts occurring
Modification Report	The modification report titled <i>Eastern Gas Pipeline – Port Kembla Lateral Looping Modification Report</i> dated May 2020, the response to submissions report titled <i>Port Kembla Looping Lateral Modification Report, Response to Submissions</i> dated August 2020, and additional information provided in Appendix
Operation	The operation of the Port Kembla Lateral Looping 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>
Proponent	Jemena Eastern Gas Pipeline (1) Pty Ltd and Jemena Eastern Gas Pipeline (2) Pty Ltd or any person who seeks to construct and operate the Port Kembla Lateral Looping Pipeline
Port Kembla Lateral Looping Pipeline	The pipeline described in the Modification Report and shown in Appendix 2
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
Rehabilitation	The restoration of land disturbed by the Port Kembla Lateral Loop to a satisfactory condition, to ensure it is safe, stable and non-polluting
Secretary	Planning Secretary under the EP&A Act, or nominee
Secretary – Authorising	Secretary with responsibility under the <i>Pipelines Act 1967</i>
Site corridor	The area of disturbance for construction activities as identified in the Modification Report
TfNSW	Transport for NSW

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 Port Kembla Lateral Looping Pipeline,

TERMS OF CONSENT

- A2. The Proponent must construct and operate the Port Kembla Lateral Looping Pipeline:
- (a) in accordance with the conditions contained in this Schedule;
 - (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 consent;
 - (b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and
 - (c) the implementation of any actions or measures contained in these documents.

LIMITS OF OPERATIONS

- A5. The Port Kembla Lateral Looping Pipeline must either be separated with adequate distance to prevent propagation risk with nearby pipelines or other measures must be implemented to prevent the propagation risk.

REHABILITATION

- A6. The Proponent must:
- (a) rehabilitate the site corridor 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 site corridor that cannot yet be permanently rehabilitated.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A7. 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 Port Kembla Lateral Looping Pipeline; 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 Port Kembla Lateral Looping Pipeline.

NOTIFICATION OF CONSTRUCTION AND COMMISSIONING

- A8. At least two weeks prior to the commencement of the construction and commissioning of the Port Kembla Lateral Looping Pipeline, the Proponent must notify the Department of the relevant date via the Major Projects Portal.

PART B ENVIRONMENTAL CONDITIONS

HAZARDS AND RISKS

Pre-construction

- B1. Prior to the commencement of construction of the Port Kembla Lateral Looping Pipeline, unless otherwise agreed by the Secretary, the Proponent must prepare and submit to the satisfaction of the Secretary a:
- Construction safety study that must be consistent with *Australian Standard AS 2885.1, Pipelines – Gas and liquid petroleum* (Part 1: Design and construction), and that specifically addresses all safety measures related to construction, testing and commissioning;
 - Hazard and operability study for the Port Kembla Lateral Looping Pipeline, that must be consistent with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'* and *Australian Standard AS 2885, Pipelines – Gas and liquid petroleum*, and must be prepared by a suitably qualified, experienced and independent expert; and
 - Final Hazard Analysis that must be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 6, *'Guidelines for Hazard Analysis'*, and must report on separation distances between the Port Kembla Lateral and the Port Kembla Lateral Looping Pipeline.
- B2. The Proponent must operate the Port Kembla Lateral Looping Pipeline in accordance with the approved Construction safety study, Hazard and operability study and Final Hazard Analysis.

Pre-commissioning

- B3. Prior to the commencement of commissioning of the Port Kembla Lateral Looping Pipeline, unless otherwise agreed by the Secretary – Authorising, the Proponent must prepare and submit to the satisfaction of the Secretary – Authorising:
- an Emergency Plan prepared in accordance with Section 4 of AS 2885.3; and
 - a Pipeline Management Plan prepared in accordance with AS 2885.3, which must clearly specify all safety related procedures, responsibilities and policies, along with detail of measures to ensure adherence to the procedures.
- B4. The Proponent must implement the approved Emergency Plan and Pipeline Management Plan.

Notes:

- The update of a relevant existing document may satisfy the condition where all the relevant requirements are addressed in the updated document.*

TRAFFIC

Construction Traffic Management Requirements

- B5. The Proponent must:
- minimise traffic and pedestrian safety issues and disruption to local users of the transport route/s during construction;
 - maintain all footpaths, roads and utility-related infrastructure in a safe and serviceable condition; and
 - minimise the traffic noise impacts from the construction of the Port Kembla Looping Pipeline.

AMENITY

Construction hours

- B6. Unless otherwise agreed by the Secretary, the Proponent may only undertake construction activities 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

The following activities may be undertaken outside these hours without the approval of the Secretary:

- (a) the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons;
- (b) emergency work to avoid the loss of life, property and/or material harm to the environment;
- (c) where a negotiated agreement has been reached with affected receivers; or
- (d) works as approved through the out-of-hours work protocol outlined in the CEMP required by condition C1.

Noise

- B7. The Proponent must minimise the noise generated by any construction, upgrading or decommissioning activities in accordance with the best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version.

Dust

- B8. The Proponent must minimise the dust generated during construction of the Port Kembla Lateral Looping Pipeline, including wind-blown and traffic generated dust.

SOIL AND WATER

- B9. The Proponent must:

- (a) ensure that construction, commissioning and operation of the Port Kembla Lateral Looping Pipeline does not cause any water pollution, as defined under Section 120 of the POEO Act, including the management of surface water runoff, groundwater inflow into construction areas, and use of water for testing and commissioning of the pipeline;
- (b) minimise any soil erosion associated with the construction of the Port Kembla Lateral Looping Pipeline in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version;
- (c) 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)
- (d) ensure that any construction activities in identified areas of acid sulfate soil risk are carried out in accordance with *Acid Sulfate Soil Manual* (Acid Sulfate Soil Management Advisory Committee, 1998) or its latest version.

Note: Under the *Water Management Act 2000*, the Applicant is required to obtain all necessary water licences if required for the Port Kembla Lateral Looping Pipeline.

CONTAMINATION

- B10. The Proponent must ensure the Port Kembla Lateral Looping Pipeline is constructed to minimise the potential for contaminant mobilisation.
- B11. An Unexpected Contaminated Land Finds Procedure must be prepared before the commencement of construction and must be followed should unexpected contaminated land (or suspected contaminated land) be excavated or otherwise discovered during construction. This Procedure must be included in the CEMP required by Condition C1.

WASTE

- B12. The Proponent must:

- (a) minimise the waste generated by the construction of the Port Kembla Lateral Looping Pipeline;
- (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 site corridor; and
- (e) remove all waste from the site corridor as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

HERITAGE

Protection of Heritage Items

- B13. The Proponent must ensure the construction of the Port Kembla Lateral Looping Pipeline does not cause any direct or indirect impacts on heritage items located outside the approved Port Kembla Lateral Looping Pipeline footprint.
- B14. An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds and human remains in accordance with guidelines and standards published by the Heritage Council of NSW or DPIE EES Group. This Procedure must be included in the CEMP required by Condition C1.

BIODIVERSITY

- B15. Construction impacts must be restricted to areas for which biodiversity impacts were assessed in the biodiversity development assessment report (BDAR) and must not encroach into other areas of retained native vegetation and habitat.

Biodiversity Offsets

- B16. Prior to the commencement of works for the Port Kembla Lateral Looping Pipeline that would impact on biodiversity values, unless otherwise agreed by the Secretary, the number and classes of ecosystem credits in Table 1 must be retired to offset the residual biodiversity impacts.
- B17. Evidence of the retirement of credits in satisfaction of B16 must be provided to the Secretary for approval prior to commencement of works for the Port Kembla Lateral Looping Pipeline that will impact on biodiversity values

Table 1 Ecosystem credits required to be retired – like-for-like

Impacted plan community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from the development	Requirement for hollow bearing trees
PCT 781 – Freshwater Coastal Wetlands	1	Illawarra	Any Plant Community Type with the below Threatened Ecological Community: <ul style="list-style-type: none">• <i>Coastal Freshwater wetland</i>	Credit is not required to represent hollow bearing trees
PCT 838 – Illawarra Lowlands Grassy Woodland	20	Illawarra	Any Plant Community Type with the below Threatened Ecological Community: <ul style="list-style-type: none">• <i>Illawarra Lowlands Grassy Woodland</i>	Credit is not required to represent hollow bearing trees
PCT 1232 – Swamp Oak Floodplain Forest	2	Illawarra	Any Plant Community Type with the below Threatened Ecological Community: <ul style="list-style-type: none">• <i>Swamp Oak Floodplain Forest</i>	Credit is not required to represent hollow bearing trees

Note: Credits can also be sourced from sub-regions within 100 kilometres of the Port Kembla Lateral Looping Pipeline

PART C ENVIRONMENTAL MANAGEMENT AND REPORTING

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C1. Prior to commencing construction, the Applicant must prepare a Construction Environmental Management Plan (CEMP) for the Port Kembla Lateral Looping Pipeline to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with Council, Sydney Trains and TfNSW;
 - (b) identify the statutory approvals that apply to the construction and commissioning of the Port Kembla Lateral Looping Pipeline;
 - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Port Kembla Lateral Looping Pipeline;
 - (d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the construction and commissioning of the Port Kembla Lateral Looping Pipeline;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise;
 - respond to any non-compliance; and
 - respond to emergencies; and
 - (e) include:
 - the following sub-plans:
 - noise, including an out-of-hours work protocol;
 - air quality;
 - biodiversity;
 - soil and water management;
 - traffic management; and
 - waste.
 - a clear plan depicting monitoring to be carried out in relation to the Port Kembla Lateral Looping Pipeline.
- C2. The CEMP sub-plans must state how:
- (a) the mitigation measures identified in the Modification Report will be implemented; and
 - (b) the relevant terms of this Schedule will be complied with.
- C3. The Biodiversity CEMP sub-plan must:
- (a) identify areas of land that are to be retained as outlined in the BDAR; and
 - (b) identify all measures in the BDAR to mitigate and manage impacts on biodiversity, including performance measures for each measure.
- C4. The Traffic Management CEMP sub-plan must:
- (a) describe the measures that would be implemented to comply with the transport management requirements in condition B5;
 - (b) include details of the transport route to be used for all construction and operational traffic;
 - (c) include details of the likely peak hour vehicle movements including detail of vehicle types and the distribution of the movements on the road network;
 - (d) include a swept path analysis of entry and exit at all construction access points;
 - (e) include sight distance plans for all construction access points;
 - (f) include details of any oversize and over-mass vehicles anticipated for the construction, operation and decommissioning of the Port Kembla Lateral Looping Pipeline; and
 - (g) include a Driver Code of Conduct
- C5. The Proponent must implement the approved CEMP.

NOTIFICATION AND REPORTING

Incident Notification

- C6. The Proponent must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must identify the development (including the development application number and name) and set out the location and nature of the incident.

Non-Compliance Notification

- C7. Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must set out the condition of this consent that the development is non-compliant with, why 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.

Note: *A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.*

APPENDIX 1: SCHEDULE OF LAND

Port Kembla Lateral Looping Pipeline Site Corridor		
Lot	Plan	Parcel type
2	DP792692	Lot parcel
104	DP617569	Lot parcel
	160058702	Road-road
	107980136	Road-road
	120158009	Rail
44	DP1189256	Lot parcel
2	DP609232	Lot parcel
	107979537	Road-road
114	DP28203	Lot parcel
100	DP713634	Lot parcel
	106735051	Road-road
34	DP217106	Lot parcel
9	DP258635	Lot parcel
	106757181	Road-road
48	DP261816	Lot parcel
	105313605	Road-road
	107201052	Road-road
	154370167	Road-road
	154370169	Road-road
127	DP817646	Lot parcel
	107201051	Road-road
	107999271	Road-road
	106710708	Road-intersection
22	DP1047513	Lot parcel
21	DP1047513	Lot parcel
1	DP1237278	Lot parcel
13	DP813368	Lot parcel
	170908958	Road-road
2	DP1237278	Lot parcel
210	DP811435	Lot parcel
13	DP1126042	Lot parcel
14	DP1126042	Lot parcel
	105653947	Road-road
123	DP837651	Lot parcel
122	DP837651	Lot parcel
	SP76828	Lot parcel
	107201267	Road-road
1	DP606430	Lot parcel
2	DP569201	Lot parcel
4	DP258635	Lot parcel

APPENDIX 2: GENERAL LAYOUT OF THE PORT KEMBLA LATERAL LOOPING PIPELINE

