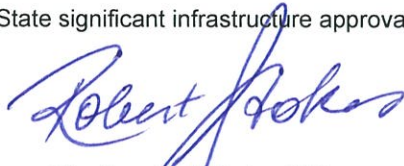


Notice of Modification

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

I approve the modification of the critical State significant infrastructure approval referred to in Schedule 1, subject to the conditions in Schedule 2.



The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Sydney 17th October, 2019

SCHEDULE 1

The Project Approval (MP 06_0286) for the Queensland Hunter Gas Pipeline Project, granted by the Minister for Planning on 11 February 2009.

SCHEDULE 2

1. In Schedule 1, delete "Construction and operation of an approximately 820 kilometre high pressure natural gas pipeline from the Wallumbilla area in Queensland to the Newcastle area in New South Wales", and replace with "Construction and operation of a high-pressure natural gas pipeline from Queensland to the Newcastle area in New South Wales".
2. In Schedule 1, delete the definition for "Major Project" and insert:
"On 20 July 2018, the project was made a Critical State Significant Infrastructure (SSI) project by order under Clause 5 of Schedule 2 to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017."
3. Delete "Department of Planning" in the footers and insert:
"Department of Planning, Industry & Environment"
4. In Schedule 2, delete the definition table, and replace with the following:

DEFINITIONS

Act	<i>Environmental Planning and Assessment Act 1979</i>
APGA	Australian Pipelines and Gas Association
BCA	Building Code of Australia
BCD	The Biodiversity and Conservation Division within the Department
Conditions of Approval	The Minister's conditions of approval for the project
Councils	The councils of the Moree Plains, Narrabri, Gunnedah, Liverpool Plains, Upper Hunter, Muswellbrook, Singleton, Maitland, Port Stephens, and Newcastle local government areas
Crown Lands	Crown Lands within the Department
Department	NSW Department of Planning, Industry and Environment
EA	The Environmental Assessment, titled <i>Queensland Hunter Gas Pipeline Environmental Assessment</i> by Manidis Roberts Pty Ltd, September 2008), as modified by the: <ul style="list-style-type: none">• <i>Submissions Report</i> for the <i>Queensland Hunter Gas Pipeline</i> dated November 2008; and• request to modify the approved project, dated 18 October 2018, including the associated <i>Response to Submissions</i> dated 27 December 2018 and <i>Additional Information</i> provided to the Department dated May 2019.
Endangered Ecological Community	Endangered Ecological Community under the <i>Threatened Species Conservation Act 1995</i> and the <i>Environment Protection Biodiversity Conservation Act 1999</i> .
EPA	NSW Environment Protection Authority

Feasible	Feasible relates to engineering considerations and what is practical to build or implement
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
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 ecosystems 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 mitigation measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces
Mitigation	Activities associated with reducing the impacts of the development
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval but is not an incident
NRAR	Natural Resources Access Regulator
Proponent	Hunter Gas Pipeline Pty Ltd
Reasonable	Reasonable relates to the application of 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
RMS	The Roads and Maritime Services within Transport NSW
Secretary	Secretary of the NSW Department of Planning, Industry and Environment, or nominee and/or delegate
Secretary's Approval	A written approval from the Secretary and/or delegate
Site	Land to which Major Project Application 06_0286 applies.

5. In Schedule 2, delete:

- (a) all references to "Director-General", and replace with "Secretary";
- (b) all references to "Applicant", and replace with "Proponent";
- (c) all references to "DWE", and replace with "NRAR";
- (d) all references to "APIA", and replace with "APGA";
- (e) all references to "Department of Lands", and replace with "Crown Lands";
- (f) all references to "Traffic Management Protocol" and replace with "Construction Traffic Management Plan"; and
- (g) all references to "the RTA", and replace with "RMS".

6. Delete condition 1.1 and replace with the following:

"1.1 The Proponent shall carry out the project:

- a) generally in accordance with the EA; and
- b) in accordance with the conditions of this approval."

7. Delete condition 1.2 and replace with the following.

"1.2 In the event of any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of approval shall prevail to the extent of any inconsistency."

8. In condition 1.3, delete "reports, plans or correspondence" and replace with "documents".

9. Delete "Limits of Approval" and condition 1.4, and replace with the following:

"Lapse of Approval

1.4 This approval will lapse if the Proponent does not physically commence the project by 15 October 2024."

10. In condition 1.5, delete "The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the gas pipeline sites during the project."

11. After condition 1.5, insert the following:

"Structural Adequacy & Standards

1.6 The Proponent shall ensure that:

- a) all new buildings and structures, any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA; and
- b) the pipeline is constructed in accordance with Australian Standard AS 2885.

Demolition

- 1.7 The Proponent shall ensure that all demolition work associated with the project is carried out in accordance with Australian Standard AS 2601 – 2001: The Demolition of Structures, or its latest version.

Operation of Plant and Equipment

- 1.8 The Proponent shall ensure that all plant and equipment used on the site, or to monitor the performance of the project, is:
- a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

12. In Schedule 2:

- (a) in conditions 2.1.2a), 3.15b), 3.18, 3.28, and 3.29, delete “DECC”, and replace with “BCD”;
- (b) in condition 2.1.2b), delete “3.20”, and replace with “3.18”; and
- (c) in condition 2.4, delete “document referred to under condition 1.1c) of this approval”, and replace with “documents referred to in condition 1.1”.

13. In condition 2.5,

- (a) after “Code of Environmental Practice – Onshore Pipelines”, insert “and the *Guidelines for Controlled Activities on Waterfront Land* (NRAR 2018), or their latest versions”;
- (b) after “These documents shall be submitted for the endorsement of”, and before “In preparing the documents required under this condition,”, insert the following:
- (c) “the NRAR prior to the submission of the Construction Environmental Management Plan required under condition 6.2. The Construction Environmental Management Plan shall include:
 - a) a copy of the NRAR’s endorsement(s) of the documents required under this condition;
 - b) details of the duration and timing of works associated with watercourse crossings;
 - c) details of the measures that would be implemented to avoid or minimise impacts of the project on riparian and aquatic habitats in and around the water crossings.”; and
- (d) delete “Catchment Management Authority”, and replace with “Local Land Services”.

14. In condition 2.6, delete “*State Environmental Planning Policy 14 (SEPP 14)*”, and replace with “*State Environmental Planning Policy (Coastal Management) 2018*”.

15. In condition 2.8, delete “DPI”, and replace with “NSW Fisheries”.

16. In condition 2.9, delete the following text:

“from the project at the following locations to service those specific areas where the off-take would be located:

- a) Narrabri and Boggabri;
- b) Port Stephens LGA and Gunnedah;
- c) Murrurundi, Scone and Aberdeen; and
- d) Quirindi.”

and replace with the following text:

“to enable the project to service the following areas:

- a) Narrabri and Boggabri;
- b) Gunnedah;
- c) Quirindi;
- d) Murrurundi, Scone and Aberdeen; and
- e) Port Stephens.”

17. In condition 3.8, delete all references to “a licence”, and replace with “consent”.

18. Delete conditions 3.19 and 3.20, and replace with the following:

“3.19 Prior to the commencement of the construction of the project, unless the Secretary agrees otherwise, the Proponent shall prepare a **Final Hazard Analysis** (FHA) of the project to the satisfaction of the Secretary.

3.20 Prior to the commencement of the operation of the project, the Proponent shall submit to the Department a copy of the Pipeline Management Plan required for the project under the Pipelines Regulation 2013.”

19. In condition 3.22, delete all words after "in accordance with", and insert "*Managing Urban Stormwater: Soils and construction* (DECC, 2008), or its latest version".
20. In condition 3.23, delete "the surface or groundwater sources of water", and replace with "surface or ground water".
21. In condition 3.26, delete "update", and replace with "its latest version".
22. Delete condition 3.31, and replace with the following:

"3.31 The Proponent shall ensure the provision of long term access management measures, such as fences, gates and barriers to be installed at all pipeline entry points on Crown Land to minimise the opportunity of utility easements being utilised for illegal rubbish dumping, illegal trail bike riding, damaging 4WD use and bushfire ignition points."
23. In condition 3.35, delete all words after "The Proponent shall ensure that all liquid and / or non-liquid waste generated and / or stored on the site is assessed and" and replace with the following text:

"managed in accordance with the relevant NSW Waste Classification Guidelines (EPA, 2014), or their latest versions".
24. Delete section "4. COMPLIANCE MONITORING AND TRACKING" and condition 4.1, and replace with:

"4. COMPLIANCE NOTIFICATIONS AND REPORTING"

Notification – Date of Commencement

- 4.1 The Proponent shall notify the Department in writing of the date of commencement of:
- a) any stage of construction of the project;
 - b) the commissioning of the pipeline; and
 - c) the operation of the pipeline.

Compliance Reporting

- 4.2 The Proponent shall provide regular compliance reporting on the project as required by the Department and in accordance with the relevant Compliance Reporting (DPE 2018) requirements.

Regular Reporting

- 4.3 The Proponent shall provide regular reporting on the environmental performance of the project on its website in accordance with the reporting requirements in any strategies or plans approved under the conditions of approval.

Incident Notification

- 4.4 The Department shall be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident. The notification must identify the project (including the application number and name of the project) and set out the location and nature of the incident.

Non-Compliance Notification

- 4.5 The Department shall be notified in writing to compliance@planning.nsw.gov.au within 7 days after the Proponent becomes aware of any non-compliance with the conditions of this approval. The notification must identify the project (including the application number and name of the project), set out the condition of approval that the project is non-compliant with, the way in which it does not comply, the reasons for the non-compliance (if known) and what actions have been taken, or will be, undertaken to address the non-compliance."

25. Under section "5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT", delete conditions 5.1, 5.2 and 5.3, and replace with the following:

"Environmental Management Strategy"

- 5.1 Prior to the commencement of the construction of the project, the Proponent shall prepare an Environmental Management Strategy for the project to the satisfaction of the Secretary. This strategy must:

- a) provide the strategic framework for the environmental management of the project;
- b) identify the statutory approvals that apply to the project;
- c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; and
- d) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the progress of the project;
 - receive, handle, respond to, record and report complaints;
 - resolve any disputes that may arise during the project;
 - respond to any non-compliance; and
 - respond to any incidents or emergencies.

Access to Information

- 5.2 From the commencement of the construction of the project, the Proponent shall:

- a) make copies of the following information publicly available on its website:
 - the EA;
 - current statutory approvals for the project;
 - approved studies, strategies and plans required for the project under the conditions of approval;
 - a comprehensive summary of the monitoring results on the project, reported in accordance with the requirements in the conditions of approval or any approved studies, strategies or plans for the project;
 - a summary of any complaints received, updated monthly;
 - any other matter required by the Secretary; and
- b) keep this information up to date."

26. Delete condition 6.1, under "Environmental Representative", and replace with the following:

"Updating & Staging of Studies, Strategies & Plans

- 6.1 To ensure the studies, strategies and plans for the project are updated on a regular basis and incorporate any required measures to improve the environmental performance of the project, the Proponent may submit revised studies, strategies or plans required for the project under the conditions of approval at any time. With the agreement of the Secretary, the Proponent may also submit any study, strategy or plan required under the conditions of this approval on a staged basis.

The Secretary may approve a revised strategy or plan required under the conditions of approval, or the stage submission of these documents, at any time. With the approval of the Secretary, the Proponent may prepare the revised or staged strategy or plan without undertaking consultation with all parties nominated under the applicable condition in this approval.

Notes:

- *While any study, strategy or plan may be submitted on a progressive basis, the Proponent will need to ensure that the existing operations on site are covered by suitable studies, strategies or plans at all times.*
- *If the submission of any study, strategy or plan is to be staged, then the relevant study, strategy or plan must clearly describe the specific stage to which the study, strategy or plan applies, the relationship of this stage to any future stages, and the trigger for updating the study, strategy or plan."*

27. In condition 6.2,

- (a) delete "The Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline", and replace with "Prior to the commencement of the construction of the project, the Proponent shall prepare a **Construction Environmental Management Plan** (CEMP) for the project to the satisfaction of the Secretary. This plan must outline the";
- (b) after "The CEMP shall be consistent with Guideline for the Preparation of Environmental Management Plans (DIPNR 2004)", insert ", or its latest version,";
- (c) in condition 6.2d), delete "reduce", and replace with "minimise";
- (d) in condition 6.2g), delete "mitigate and/or manage", and replace with "minimise";
- (e) in condition 6.2i), delete "address identified potential adverse", and replace with "minimise";
- (f) in condition 6.2i)i) and 6.2i)vi), delete "manage", and replace with "minimise";
- (g) in condition 6.2i)iii) and 6.2i)iv), delete "control" and replace with "minimise";
- (h) in condition 6.2i)v), delete "1.1b) and 1.1c)", and replace with "1.1a)"; and
- (i) delete all the words after "relevant Local Land Councils, Committees and Traditional Owner Groups;", and replace with the following:

"and

 - j) the additional plans listed under condition 6.3 of this approval.

The Proponent shall implement the approved CEMP for the project".

28. In condition 6.3,

- (a) delete "As part of the Construction Environmental Management Plan for the project, required under condition 6.2 of this approval, the Proponent shall prepare and implement the following:", and replace with "The Construction Environmental Management Plan required under condition 6.2 must include:";
- (b) in condition 6.3a), delete "manage", and replace with "minimise";
- (c) in condition 6.3a), delete "shall address the requirements of the DECC and shall include, but not necessarily limited to", and replace with "must include, but not necessarily be limited to";
- (d) delete condition 6.3a)i), and replace with "revised noise predictions for the final route of the pipeline, taking in consideration the proposed mitigation measures";

- (e) delete condition 6.3a)iii), and replace with "details of the measures that would be implemented to minimise the construction noise impacts of the project, having regard to the best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version; and";
- (f) in condition 6.3a)iv), delete "the construction noise criterion", and replace with "the relevant highly noise affected criterion in the *Interim Construction Noise Guideline*";
- (g) in condition 6.3b), delete "a **Traffic Management Protocol** to outline management of traffic conflicts that may be generated during construction of the project. The Plan shall address the requirements of Councils, the RTA, the Department of Lands," and replace with "a **Construction Traffic Management Plan** to minimise the construction traffic impacts of the project. The Plan must address the requirements of the relevant Councils, RMS, Crown Lands,";
- (h) delete condition 6.3b)ii), and replace with the following:
 "the measures that would be implemented to minimise the traffic impacts of the project on road users and the capacity and safety of the road network, including:
 - imposing restrictions on the use of heavy or over-dimensional vehicles;
 - a driver's code of conduct for workers associated with the project;
 - notifying the local community about project-related traffic impacts;
 - ensuring vehicles enter and leave the site in a forward direction and have their loads covered or contained;
 - minimising dirt being tracked onto the public road network from project-related traffic; and
 - providing sufficient parking on site for project-related traffic;"
- (i) delete condition 6.3b)iii), and replace with the following:
 "include a program to monitor and report on the effectiveness of these measures; and";
- (j) delete condition 6.3b)iv) and 6.3b)v), and replace with the following:
 "evidence to demonstrate that all statutory responsibilities with regard to road traffic impacts have been complied with.";
- (k) delete condition 6.3c), and replace with:
 "c) a **Water Management Plan** to minimise the water impacts of the project. The Plan shall:
 - i) identify all sources of water that would be used for the construction of the project (including water for hydro-testing), and the amount of water to be extracted from each source; and
 - ii) describe the measures that would be implemented to minimise the water impacts of the project, including:
 - the measures to avoid any off-site water pollution occurring;
 - the measures to minimise soil erosion and the discharge of sediments from the site;
 - the measures to ensure all chemical and hydrocarbon products are stored on site in bunded areas in accordance with the relevant Australian Standards; and
 - details on the proposed disposal sites for hydro-test water and the environmental protection measures to be used at any such disposal sites; and
 - iii) include a include a program to monitor and report on the effectiveness of these measures."

29. In condition 6.4,

- (a) delete "The Proponent shall prepare and implement an **Operation Environmental Management Plan** (OEMP) to detail an environmental management framework, practices and procedures to be followed during operation of the project.", and replace with "Prior to the commencement of the operation of the project, the Proponent shall prepare an **Operation Environmental Management Plan** (OEMP) to the satisfaction of the Secretary. This plan must outline the environmental management practices and procedures to be followed during the operation of the project.";
- (b) after "The OEMP shall be consistent with Guideline for the Preparation of Environmental Management Plans (DIPNR 2004)", insert ", or its latest version,";
- (c) condition 6.4d), delete "1.1b) and 1.1c)", and replace with "1.1a)";
- (d) delete condition 6.4j), and replace with "measures to minimise the operational noise impacts of the project and ensure it complies with the relevant noise criterion specified in the *Noise Policy for Industry* (EPA 2017), or its latest version; and"; and
- (e) delete all words after "weed control and landholder liaison.", and replace with the following:
 "The Proponent shall implement the approved OEMP for the project."

Revision of Strategies, Plans and Programs

6.5 Within 3 months, unless the Secretary agrees otherwise, of:

- a) the submission of an incident notification under condition 4.4 above;
- b) the approval of any modification to the conditions of approval; or
- c) a direction from the Secretary under condition

the Proponent shall review and, if necessary, revise the studies, strategies or plans required under the conditions of approval to the satisfaction of the Secretary.

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

30. The KEY TO CONDITIONS has been updated to reflect the above changes to conditions.