

# 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 26 April 2021, 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 5<sup>th</sup> October 2021

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### SCHEDULE 1

<b>Infrastructure Approval:</b>	SSI-15548591 transitioned by order on 7 December 2020
<b>For the following:</b>	Moomba to Wilton Gas Pipeline
<b>Modification:</b>	East Coast Grid Expansion – Stages 1 and 2

## **SCHEDULE 2**

1. Append the following after the last page of the Infrastructure Approval SSI- 15548591.

**SCHEDULE A**  
**MODIFICATION 1 – MOOMBA TO WILTON PIPELINE**  
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## DEFINITIONS

<b>BDAR</b>	APA East Coast Grid Expansion, Moomba to Wilton Pipeline - Modification 1 Biodiversity Development Assessment Report (EMM, July 2021)
<b>Blow down event</b>	The controlled expulsion of gas from the compressor station system
<b>CEMP</b>	Construction Environmental Management Plan
<b>Construction</b>	All physical works associated with the East Coast Grid Expansion - Stages 1 and 2, 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>Council</b>	Lachlan Shire Council and/or Central Darling Shire Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Decommissioning</b>	The demolition and/or removal of buildings, infrastructure and works installed for the East Coast Grid Expansion - Stages 1 and 2 and/or rehabilitation of the sites
<b>Department</b>	Department of Planning, Industry and Environment
<b>Development</b>	East Coast Grid Expansion – Stages 1 and 2 The construction and operation of two compressor stations on the MWP as described in the Modification Report and shown in Appendix 2
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage item</b>	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>
<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 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>
<b>Minimise</b>	Implement all reasonable and feasible measures to reduce the impacts of the East Coast Grid Expansion – Stages 1 and 2
<b>Minister</b>	Minister for Planning and Public Spaces, or delegate
<b>Mitigation</b>	Activities associated with reducing the impacts of the East Coast Grid Expansion – Stages 1 and 2 prior to or during those impacts occurring
<b>Modification Report</b>	The modification report titled <i>APA East Coast Grid Expansion - Moomba to Wilton Pipeline – Modification 1 Report</i> , the response to submissions report titled <i>East Coast Grid Expansion – Moomba to Wilton Pipeline Modification 1 - Submissions Report</i> dated September 2021
<b>MWP</b>	Moomba to Wilton Pipeline
<b>Operation</b>	The operation of the East Coast Grid Expansion – Stages 1 and 2, but does not include commissioning, trials of equipment or the use of temporary facilities
<b>Pipelines Act</b>	<i>Pipelines Act 1967</i>
<b>Planning Secretary</b>	Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Proponent</b>	Australian Pipeline Limited or any person who seeks to construct and operate the East Coast Grid Expansion – Stages 1 and 2
<b>Public infrastructure</b>	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

<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 East Coast Grid Expansion – Stages 1 and 2 to a satisfactory condition, to ensure it is safe, stable and non-polluting
<b>Secretary – Authorising Sites</b>	Secretary with responsibility under the <i>Pipelines Act 1967</i> The areas of disturbance for the East Coast Grid Expansion – Stages 1 and 2 as identified in the Modification Report
<b>Stage 1</b>	The compressor station site identified as MW880 in the Modification Report and depicted in Appendix 2
<b>Stage 2</b>	The compressor station site identified as MW433 in the Modification Report and depicted in Appendix 2
<b>TfNSW</b>	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 development.

### **TERMS OF APPROVAL**

- A2. The Proponent must construct and operate the development:
- (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 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.

### **REHABILITATION**

- A5. The Proponent must:
- (a) rehabilitate the sites 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 sites that cannot yet be permanently rehabilitated.

### **PROTECTION OF PUBLIC INFRASTRUCTURE**

- A6. 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 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 development.

### **NOTIFICATION OF CONSTRUCTION AND COMMISSIONING**

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

### **STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS**

- A1. With the approval of the Planning Secretary, the Proponent may:
- (a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
  - (b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);
  - (c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and

- (d) combine any strategy, plan or program required by this approval with any similar strategy, plan or program required by an approval for any adjoining infrastructure subject to common, shared or related ownership or management.
- A2. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this approval if those requirements are not applicable to the particular stage.
- A3. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.

## PART B ENVIRONMENTAL CONDITIONS

### HAZARDS AND RISKS

#### Pre-construction

- B1. Prior to the commencement of construction of the development, unless otherwise agreed by the Secretary, the Proponent must prepare and submit to the satisfaction of the Secretary a:
- (a) Hazard and operability study for the development, 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
  - (b) Final Hazard Analysis that must be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 6, '*Guidelines for Hazard Analysis*'.
- Note:** An Updated Preliminary Hazards Analysis based on the final design and adopted control measures will satisfy this condition.
- B2. The Proponent must operate the development in accordance with the approved Hazard and operability study and Final Hazard Analysis.

#### Pre-commissioning

- B3. Prior to the commencement of commissioning of the development, unless otherwise agreed by the Secretary – Authorising, the Proponent meet its obligations under the Pipelines Act, including to review, and if required, amend and resubmit to the Energy Operations team administering the Pipelines Act:
- (a) an Emergency Plan prepared in accordance with AS 2885.3; and
  - (b) 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.

### TRAFFIC

#### Construction Traffic Management Requirements

- B5. The Proponent must:
- (a) minimise traffic and pedestrian safety issues and disruption to local users of the transport route/s during construction; and
  - (b) maintain all roads and utility-related infrastructure in a safe and serviceable condition.
- B6. The Proponent must undertake road maintenance and grading works on various sections of Crown Camp Road identified in the Modification Report, to the satisfaction of Lachlan Shire Council.
- If an agreement of the appropriate road maintenance works cannot be reached, then either party may refer the matter to the Planning Secretary for resolution.

### AMENITY

#### Construction hours

- B7. Unless otherwise agreed by the Secretary, the Proponent may only undertake construction activities between:
- (a) 7 am to 6 pm Monday to Friday;
  - (b) 8 am to 1 pm Saturdays; and
  - (c) 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 works protocol as approved through the CEMP required by condition C1.

## Noise

B8. The Proponent must:

- a) 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.
- b) ensure any blow down events occur during the day;
- c) notify affected landholders at least 24 hours prior to any blow down events; and
- d) minimise traffic noise impacts on receivers along the transport routes for the sites.

## Air Quality and Greenhouse gas

B9. The Proponent must minimise the dust and greenhouse gas emissions generated by the development, including wind-blown and traffic generated dust.

## Visual

B10. The Proponent must:

- a) minimise the visual and off-site lighting impacts of the development;
- b) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of Australian Standard AS4282 (INT) 2019 – Control of Obtrusive Effects of Outdoor Lighting; and
- c) consult with affected landowners after construction regarding potential vegetation screening options.

## SOIL AND WATER

B11. The Proponent must ensure it has sufficient water supply for all stages of the development.

B12. Prior to the commencement of construction of Stage 1, the Proponent must provide confirmation to the Department of the water suppliers to provide the necessary water volumes for the construction and operation of the site.

B13. The Proponent must not commence construction of Stage 2 until:

- a) it has received the relevant approvals to construct and extract from a groundwater bore on the site; or
- b) it has provided the Department confirmation of the water suppliers to provide the necessary water volumes for the construction and operation of the site.

**Note:** Under the *Water Management Act 2000*, the Proponent is required to obtain all necessary water licences if required for the development.

B14. The Proponent must:

- (a) ensure that construction, commissioning and operation of the development does not cause any water pollution, as defined under Section 120 of the POEO Act, including the management of surface water runoff and spray irrigation of treated effluent;
- (b) minimise any soil erosion associated with the construction of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version; and
- (c) ensure that construction 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).

## Soil and Water Management Plan

B15. The Proponent must prepare a Soil and Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:

- a) be prepared by a suitably qualified and experienced person/s approved by the Planning Secretary;

- b) be prepared in consultation with Council and DPIE Water;
- c) be submitted to the Planning Secretary for approval prior to carrying out construction under this approval;
- d) includes:
  - i) details of the sources and security of water supplies for the construction and life of the development (including authorised entitlements and licences);
  - ii) details of water use and management on the sites;
  - iii) an Erosion and Sediment Control Plan, consistent with the requirements of the guideline *Managing Urban Stormwater: Soils and Construction (Landcom 2004)* and the *Guidelines for Controlled Activities on Waterfront Land (NRAR 2018)*; and
  - iv) details the wastewater treatment and spray irrigation system, including measures to mitigate downstream and offsite impacts.

## **CONTAMINATION**

B16. The Proponent must ensure the development is constructed to minimise the potential for contaminant mobilisation.

## **WASTE**

B17. The Proponent must:

- (a) minimise the waste generated by the construction and operation of the development;
- (b) manage onsite wastewater to the satisfaction of the relevant Council;
- (c) store and handle all waste in accordance with its classification; and
- (d) remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal.

## **HERITAGE**

### **Protection of Heritage Items**

B18. The Proponent must ensure the development does not cause any direct or indirect impacts on heritage items located outside the approved disturbance area.

A4. The Proponent must ensure that all known Aboriginal objects or Aboriginal places on the sites are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.

### **Aboriginal Cultural Heritage Management Plan**

B19. The Proponent must prepare an Aboriginal Cultural Heritage Management Plan to the satisfaction of the Planning Secretary. This plan must:

- a) be prepared by a suitably qualified and experienced person/s;
- b) be prepared in consultation with Heritage NSW and Registered Aboriginal Parties;
- c) be submitted to the Planning Secretary for approval prior to carrying out construction under this approval;
- d) describe the measures to be implemented to:
  - (i) protect, monitor and/or manage identified Aboriginal objects and Aboriginal places (including proposed archaeological investigations and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition A2(c);
  - (ii) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, over the life of the development;
  - (iii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the sites; and

B20. The Proponent must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.

## BIODIVERSITY

- B21. Construction impacts must be restricted to areas for which biodiversity impacts were assessed in the BDAR and must not encroach into other areas of retained native vegetation and habitat.

### Biodiversity Offsets

- B22. Prior to the commencement of each stage, for works that would impact on biodiversity values, unless otherwise agreed by the Planning Secretary, the number and classes of species credits in Tables 1 and 2 must be retired to offset the residual biodiversity impacts.

Table 1: Stage 1 species credits required to be retired

Species	Credits Required
A spear-grass ( <i>Austrostipa metatoris</i> )	5
Pine Donkey Orchid ( <i>Diuris tricolor</i> )	4
Superb Parrot ( <i>Polytelis swainsonii</i> )	1
Silky Swainson-pea ( <i>Swainsona sericea</i> )	5

Table 2: Stage 2 species credits required to be retired

Species	Credits Required
Stimson's Python ( <i>Antaresia stimsoni</i> )	14
Australian Bustard ( <i>Ardeotis australis</i> )	14
A saltbush ( <i>Atriplex infrequens</i> )	14
Crowned Gecko ( <i>Lucasium stenodactylum</i> )	14

- B23. Evidence of the retirement of credits in satisfaction of B21 must be provided to the Planning Secretary prior to commencement of works for the development that will impact on biodiversity values

## **PART C ENVIRONMENTAL MANAGEMENT AND REPORTING**

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

C1. Prior to commencing construction, the Proponent must prepare a Construction Environmental Management Plan (CEMP) for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared in consultation with the relevant Council, Heritage NSW and BCS;
- (b) identify the statutory approvals that apply to the construction and commissioning of the development;
- (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
- (d) describe the procedures that would be implemented to:
  - keep the local community and relevant agencies informed about the construction, commissioning and operations of the development;
  - 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 works protocol;
    - air quality and greenhouse gas;
    - biodiversity;
    - traffic management, including detail of measures to minimise impacts on regional towns; and
    - waste.
  - a clear plan depicting monitoring to be carried out in relation to the development.

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 Proponent must implement the approved CEMP.

### **NOTIFICATION AND REPORTING**

#### **Incident Notification, Reporting and Response**

- A1. The Planning 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 development 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 1.

#### **Non-Compliance Notification**

- A2. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance.
- A3. 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.
- A4. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

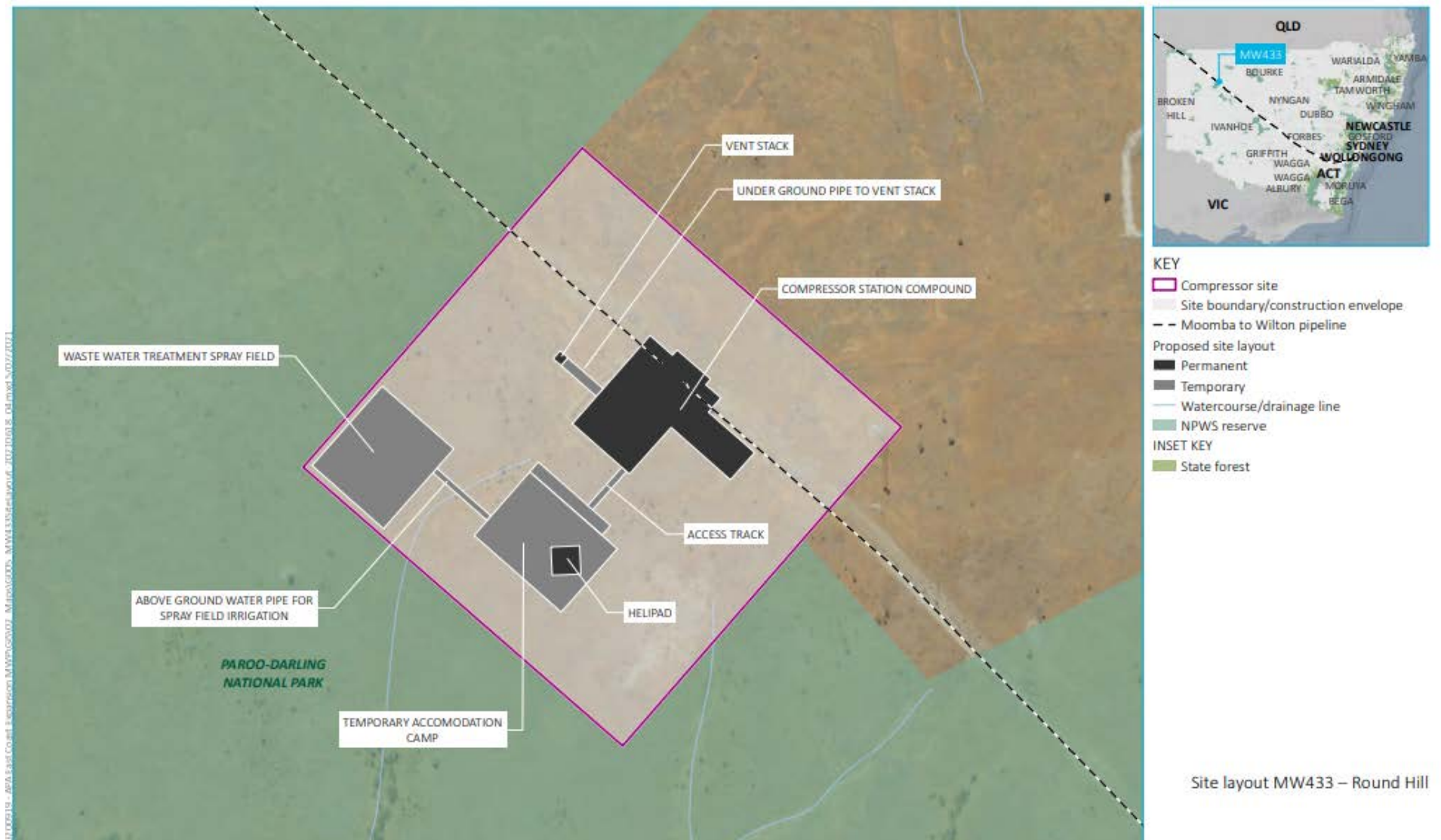
#### APPENDIX 1: SCHEDULE OF LAND

Stage	Lot	Plan
1 (MW880)	1	DP580284
2 (MW433)	3	DP593787

## APPENDIX 2: GENERAL LAYOUT OF THE DEVELOPMENT



Figure 1 – Stage 1 (MW880)



Site layout MW433 – Round Hill

Figure 2 – Stage 2 (MW433)