

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant infrastructure modification
Application number and project name	SSI 9973 Mod-1 Eastern Gas Pipeline Mod 1 – Port Kembla Lateral Looping Pipeline
Applicant	Jemena Eastern Gas Pipeline (1) Pty Ltd
Approving authority	Director - Resources Assessments as delegate for the Minister for Planning and Public Spaces

Decision

The Director – Resource Assessments under delegation from the Minister for Planning and Public Spaces has, under s.5.25 of the *Environmental Planning and Assessment Act 1979* (**the Act**) approved the modification subject to the recommended conditions.

A copy of the instrument of modification and the Department's Assessment Report is available [here](#).

Date of decision

8 October 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the Department's Assessment Report on the infrastructure and the reports, advice and recommendations contained in the report;
- the objects of the EP&A Act;
- the considerations under 7.17(2) of the *Biodiversity Conservation Act 2016* (NSW);
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the modification are as follows:

- the modification would facilitate the operation of the Port Kembla Gas Terminal project at full capacity and realise the benefits associated with that project for the NSW gas market
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, subject to the conditions
- the issues raised during consultation and in submissions have been considered and adequately addressed in the Department's Assessment Report
- there were no objections from government agencies or from the general public to the modification application
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification request from 20 May 2020 until 2 June 2020 (14 days) and received six submissions, including one submission from a private company, one from Wollongong City Council and four from government agencies. The Department also wrote to all landowners within the proposed pipeline easement advising of the modification request and exhibition of the application.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include potential impacts to biodiversity and non-Aboriginal heritage. Other issues are addressed in detailed in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Biodiversity</i> <ul style="list-style-type: none"> vegetation clearance 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> 0.37 hectares of native vegetation consisting of the following threatened ecological communities would be impacted by the construction of the pipeline: <ul style="list-style-type: none"> 0.04 hectares of Coastal Freshwater Wetlands on coastal floodplains of the New South Wales North Coast, Sydney Basin and South East Corner 0.33 hectares of Illawarra Lowlands Grassy Woodland in the Sydney Basin bioregion. The proposed modification would also impact 0.9 hectares of planted native vegetation. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Retire appropriate species credits to offset biodiversity impacts Prepare a Biodiversity sub-plan as part of the recommended Construction Environmental Management Plan (CEMP).
<i>Non-Aboriginal heritage</i> <ul style="list-style-type: none"> potential impacts to the listed archaeological site for the former Berkeley House 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> There are no listed historic heritage items within 150 m of the proposed modification. The former Berkeley House is located 180 m from the proposed pipeline and would not be impacted by construction activities. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Prepare an Unexpected Heritage Finds and Human Remains Procedure and incorporate into the CEMP.