Western Slopes Pipeline Community Consultative Committee (CCC) Meeting

Combined Meeting of Southern and Northern Groups

held at

Warren on Tuesday 19 June 2018

Open	10.35 am
Present	• Michael Silver OAM (Independent Chair) • Don McKenzie (Community Member) • Anne Kennedy (Community Member) • Louise Clemson (Community Member) • Tom Walker (Community Member) • Rohan Boehm (Community Member) • Hugh Palmer (Community Member) • Julie Wise (Cotton Australia & MCGA) • Cr Robert Kneale (Narrabri Shire Council) • Cr Ray Donald OAM (Mayor, Bogan Shire Council) • Cr Greg Martin (Cobar Shire Council) • Cr Katrina Walker (Warren Shire Council) • Jim Fjeldsoe (APA) • Tom Smith (APA) • Tom Hatfield (APA) • Steve O'Donoghue (NSW Dept Planning & Environment)
Apologies	Cameron Staines, Liz Tomlinson, Louise Tout, Cr Dave Carter, Cr Mark Beach, Cr Al Karanouh
Meeting Chair	Michael Silver OAM (Independent Chair)
Minute Taker	Robyn Lamont (Regional Development Australia Orana)
Welcome	The Chair welcomed all to the meeting and thanked the Committee for their attendance, recognising that many are affected by the drought.
Declaration of Pecuniary or other interests	▪ Michael Silver disclosed expenses of Independent Chair borne by APA. ▪ Hugh Palmer disclosed a share portfolio interest in APA and Santos. ▪ Cr Martin disclosed that a sibling is employed by APA
Email Contacts	It was noted that some emails from the Chair have not been received, including emails to Cr Al Karanouh and others. The Chair will follow this up.
Endorsements of Minutes of Previous meeting	***Minutes of Combined Meeting of Southern and Northern Groups held at Coonamble on 6 March 2018*** The minutes had been approved by the Chair and subsequently posted on the APA website. No matters were raised and the minutes were accepted as endorsed.

Business Arising from Previous Meeting	No matters were raised.
Address by NSW Department of Planning and Environment	Steve O'Donoghue, representative of NSW Department of Planning & Environment (DP&E), was invited to address the meeting regarding the Environmental Impact Statement (EIS) process. Jim Fjeldsoe, APA, updated the Committee on the status of the EIS, advising that the EIS has not yet been lodged but is currently being finalised and will be lodged as soon as possible. Mr O'Donoghue then advised: ▪ The proposal is State Significant Infrastructure (SSI). ▪ Once the EIS is lodged with the DP&E, it will take 2 to 3 weeks before it goes on exhibition. The advertisement notifying the exhibition of the EIS and associated information meetings will include local newspapers along the pipeline route as well as national newspapers. ▪ Letters will be sent to applicable landowners where possible and where contact details are available. ▪ Hardcopies of the EIS will be displayed in up to nine locations and USB copies will also be available, along with digital copies downloadable from the Department's website. Copies of the EIS documents can also be requested. The Chair will also be provided with information about the exhibition for distribution to the Committee. ▪ Notification of the exhibition will be requested of Council on their websites and in Council public buildings. ▪ The exhibition period is anticipated to be 60 days. ▪ Landowners and community groups are welcome to request to meet with DP&E representatives regarding the EIS process. ▪ DP&E will also be seeking input from other government agencies and special interest groups. ▪ The 60 days does not commence until the EIS is placed on exhibition, and the date will be notified in advance. Community and public information meetings will be held midway through the exhibition period, allowing some time for individuals/groups to undertake an initial review of the document. ▪ After the public exhibition and the submission period has closed, submissions will be collated and APA will have the opportunity to respond to the submissions. ▪ Public Hearing: The Minister may request a public hearing on the proposal. ▪ Determination: May be determined by the Minister or referred to the Independent Planning Commission. ▪ No merit appeal rights are available to the Applicant or Objectors against a SSI determination.

	▪ Anyone can appeal the legal validity of a decision if they consider that there has been a breach of the Environmental Planning and Assessment Act 1979 Act in making the decision. The appeal must be made within 3 months of the decision being notified. More information on the State Significant Infrastructure appeal process is available at: http://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Planning-Approval-Pathways/~/media/1EE3A34E51A74207AAA1B806F639D6B5.ashx
Response from Members to Department of Planning	▪ It was noted that the EIS will be a large, detailed document and the community will need time to consider this and seek advice. ▪ Concern was raised by several community members that the extension from 30 days to 60 days exhibition period is insufficient. Rohan Boehm said the exhibition period was totally inadequate given much of the documentation prepared by APA was based on desktop audits. He indicated the community requires sufficient time to scrutinize and review the EIS and have the findings and conclusions in the document assessed its technical experts for preparation of submissions. ▪ Don McKenzie noted that local papers are often weekly, with some rural communities not having access to a local newspaper. ▪ Don McKenzie, Louise Clemson, Tom Walker and Anne Kennedy all highlighted the exceptional circumstances of the drought and that landholders were extremely busy placing serious time constraints on their ability to review the EIS within 60 days. ▪ In response to a question from Rohan Boehm, it was advised by APA that the EIS in PDF format will be able to be annotated. ▪ The Committee concluded that the exhibition period should be extended to 90 days given the complexity of the EIS and the current impact of the drought on rural communities.
Motion:	That the Chair write to the Department of Planning & Environment, requesting that the 60 days exhibition period be extended to 90 days, due to the EIS being a complex document that will require detailed analysis by the community with many landholders being under considerable personal and time pressure by the added impact of the drought. **Moved:** Hugh Palmer **Seconded:** Cr Ray Donald **CARRIED**
Action	Circulate copy of this correspondence to DP&E to the Committee.
Correspondence	Correspondence as listed on the Agenda:

	• Community Members and Groups: Copies forwarded to WSPCCC of correspondence from various members of the community and community groups to the DP&E requesting an extension to the exhibition period of the EIS. • APA Group: Response to Option Agreement Content and Process Questions • Correspondence to DP&E requesting clarification of processes associated with the easement creation acquisition processes under the Pipelines Act, 1962. • DP&E: Regarding the easement creation and acquisition process. The Chair drew the Committee's attention to the compulsory acquisition process and suggested that members become familiar with the provisions of the Pipelines Act and consequentially the Land Acquisition (Just Terms) Compensation Act. Mr Silver indicated that if landholders are concerned about the process they should be advised to seek legal advice. **Chair's note:** Further information regarding this process is available on the Department's website at: https://www.energy.nsw.gov.au/energy-consumers/your-rights/information-for-nsw-landholders-on-land-access-for-pipeline-development • Warren Shire Council: Advising Cr Katrina Walker as Council's alternate delegate for today's meeting.
Break	Break for morning tea 11.15 am Resume 11.22 am
Proponent's Report	***Jim Fjeldsoe from APA gave the Proponent's Report – copy attached.*** **CKI offer for APA** ▪ The CKI offer for APA is non-binding and in the very early stages. The proposal is subject to a number of conditions including approvals from the Foreign Investment Review Board and the Australian Competition & Consumer Commission. APA indicated it is business as usual, notwithstanding the offer. ▪ There is more information available on the APA website at: https://www.apa.com.au/news/asx-releases/2018/apa-grants-due-diligence-in-response-to-receipt-of-an-indicative-non-binding-proposal-from-cki/ **EIS submission and overview** ▪ APA had hoped to submit the EIS by now, however it is a large complicated document and pending finalisation. APA will facilitate the distribution of copies/USB copies, and its website will include a link to the EIS on the DP&E website. It is recommended that Councils also provide a link to the document on the DP&E website. ▪ The EIS is almost 5,000 pages and is designed to identify and assess potential impacts and outline how APA proposes to mitigate and manage these potential impacts. The document is divided into sections to allow easy navigation by the reader and includes appendices of technical documents etc.
	Julie Wise left the meeting at 11.37 am

Proponent's Report (continued)	▪ Rohan Boehm questioned the potential of a 500mm pipe allowing for an increase in the capacity of the gas supply. APA advised that the EIS proposes a maximum 500mm pipe to allow for the highest likely impact. It was noted that the EIS relates only to seeking approval for transmission of gas from the Narrabri Gas Project. ▪ APA responded to a question from Don McKenzie who suggested some states have a 1200mm minimum cover. APA cited the relevant Australian Standard 2885 as this applies to all states in Australia and confirmed there would be a minimum of 900mm cover over the pipe. **Chair's note:** AS2885 provides for a minimum cover of 750mm. ▪ As previously advised, location of some infrastructure such as temporary construction camps are yet to be finalised and is subject to further negotiation. These sites will not be identified prior to the public exhibition. Louise Clemson expressed disappointment at this approach given potential impact and implications for neighbours. APA advised that landowners of potential camp sites had requested confidentiality. ▪ Tom Walker questioned the number of surface facilities sites. APA confirmed that there will be 5 or 6 sites and there will be no in-line compression station. ▪ APA confirmed that cathodic protection upstands would be placed every 2 to 4 kilometres generally on fence lines (not within cultivated paddocks) or next to pipeline marker posts. Additional anode beds may need to be added over the life of the pipeline to provide additional corrosion protection. Any such additions would be subject to additional separate approvals and land access agreements. **Chair's note:** A more detailed description of cathodic protection requirements is appended to the minutes for reference. Also refer to AS2832.1:2015 Cathodic protection of metals Part 1: Pipes and cables for detailed information. A preview of the standard may be found at: https://infostore.saiglobal.com/preview/as/as2000/2800/2832.1-2015.pdf?sku=1777072 ▪ Given the implications for local roads and local communities during the construction phase Cr Donald that APA staff should be available to attend Council meetings if requested. APA confirmed that staff would be available to attend these meetings. ▪ An overview of the purpose, design, size and impact of the four temporary construction camps was provided by APA. It was noted that camps will have a nominal footprint of 16 ha with seven investigation areas being assessed as potential sites. APA indicated that potential locations may include stock routes or crown land. **Chair's note:** Refer to Proponent's Presentation for detail on the notional construction camp layout. ▪ Discussion took place about the expectation of local employment. APA suggested that typically the contractor would employ workers that can commit for the duration of the project. APA indicated that approximately 20 percent of the workforce will be sourced from the local region. APA highlighted that this is a regional estimate, not per local community. The Committee felt this percentage over stated the local employment benefit and was potentially misleading. APA agreed to amend the wording to ensure clarity on the local employment opportunities from the proposal.

	▪ Don McKenzie commented on the impact on local roads and school bus runs during construction. It was noted that each Council will need to review the EIS and assess impacts on road maintenance and repair, traffic, safety etc. Cr Katrina Walker suggested that limitations may need to be placed on construction vehicle travel times. ▪ Cr Donald enquired about the use of rail to transport construction material. APA indicated that the rail network capacity and the need for specialized rolling stock is a constraint for transporting pipes on rail as such it can be problematic and uneconomical compared to road transport. It was noted the materials and infrastructure for the pipeline will generally be sourced through the port of Newcastle and transported by road to the construction sites. ▪ Tom Walker again indicated that flooding hasn't been well handled and not enough information has been passed on to communities and landholders given this issue has potential to impact the wider region not just individual landholders. APA advised that the EIS has investigated several issues to do with flooding, including modelling of the major river catchment, and outlines mitigation strategies such as Horizontal Directional Drilling (HDD) and trench breakers to minimize impacts on major rivers and other sensitive riparian locations. Mr Walker advised he was involved with the Macquarie Floodplain Management Committee for ten years and was aware of the limitations of the flood modelling. He questioned the location of the selected HDD sites, given the modelling suggests they are concentrated on the wrong side of the river. Mr Walker considered the locations were based on negotiation rather than addressing the risk of significant flood exposure. ▪ APA indicated it would be prepared to further consider the crossing methodology for the Macquarie River, associated inner northern floodplain and nearby 5 Mile Cowal with a view to minimizing potential impacts including the length and location of HDD crossings. Any additional commitments in this regard would depend on access to undertake geotechnical analysis. ▪ Don McKenzie sought information on the impact of the pipeline on shallow aquifers in the Pilliga area. APA advised that this can be managed through careful management of trench backfill to maintain permeability and potential installation of trench breakers to prevent lateral movement of water along the pipeline trench. Location of the pipeline above ground would not be considered as an impact mitigating measure. ▪ Hugh Palmer sought clarification of the progression of the pipeline proposal should the Narrabri Gas Project not gain approval. APA confirmed the pipeline would not be built should the Narrabri Gas Project not be approved. ▪ APA again confirmed that there is no specific weight restriction on the pipeline easement and that the pipeline will be designed to accommodate all reasonably foreseeable loads associated with farm machinery. ▪ The drought and other specific circumstances/seasonal issues will be considered in the lead up to construction, including the implications for stock management. ▪ APA will continue to build on their list of FAQs. ▪ Next steps after submissions – APA will prepare a response to submissions; a Preferred Infrastructure Report may be required if there are proposed changes to the project. Changes will published on the DP&E website.

	Julie Wise returned to the meeting at 12.40 pm
	Update on land access negotiations ▪ APA continue to meet with landholders and present easement and compensation offers. Landholders may choose not to meet or negotiate with APA. APA will not pressure landholders unwilling to communicate. ▪ It is not necessary for Easement Agreements to be completed prior to the exhibition of the EIS. ▪ APA will negotiate as far as possible, but at the stage of the licence lodgement, those agreements which have been reached will form the terms for those properties. Easements within properties where no agreement has been reached will then become subject to the acquisition processes set out in the Pipelines Act, 1967. ▪ APA advised it had received a detailed list of 141 questions from a group of landholders in relation to a range of issues. APA indicated it had responded to these questions. ▪ Anne Kennedy asked if the government will compulsorily acquire land for the easement. Mr O'Donoghue detailed the process under the legislation. ▪ Hugh Palmer advised that landholders seek legal advice regarding issues or concerns they may have with a proposed landholder easement agreement Deed. Mr Palmer suggested that it may be difficult to obtain appropriate advice due to it being a specialized field. He indicated that if landholders don't engage with the APA, then establishment of the easement can proceed to the compulsory acquisition process under the Pipelines Act 1967 by which the standard easement conditions will be applied and the landholder will have no negotiation rights. ▪ Tom Walker noted that many landholders are not conscious or aware of the implications of easements. ▪ Mr Palmer commented on the complexity of the compulsory acquisition process and the components that make up the valuation determination. He reiterated that landholders should seek specialized legal advice. ▪ Cr Greg Martin advised that Cobar Shire has 500 kilometres of gas pipeline and a crossing of the Darling River. He suggested that landholders could speak with members of the Cobar community to seek feedback on the implications of having a pipeline easement on their properties. ▪ Cr Katrina Walker questioned whether the EIS made commitments regarding insurance and land valuation. APA explained that compensation for establishment of an easement related to impacts on land value as a consequence of the establishment of the easement. In terms of insurance, APA advised it has adequate public liability insurance to cover incidents for which it is liable. APA indicated that it is not aware of a landholder on the 15,000 kilometres of pipeline it owns in Australia having issues with their own insurance due to having a pipeline easement on their property. ▪ In response to a question from Don McKenzie, APA noted that a proposed alternative pipeline through Cobar on a different alignment had been dismissed and was no longer being actively considered. ▪ Once the EIS submission date is known, APA will communicate this to the Chair.
General Business	No General Business.

Future Meetings	The next meeting is likely to be held during the EIS public exhibition period, in conjunction with one of the DP&E's public information meetings. The Chair will advise Committee members of the next meeting date following determination of the EIS exhibition timeframe by the DP&E.
Meeting Closed	1.24 pm. The Chair thanked all for their attendance.
Approved	Michael J. Silver OAM Independent Chair Date: 13.07.2018