



MARYLOU POTTS PTY LTD  
ACN 074 696 263

---

# APA Western Slopes Gas Pipeline

Presentation by Marylou Potts, Solicitor  
Chaired by Mr Chadwick  
at the Coonamble Golf Club 9 May 2017  
Hosted by the GABPG Inc

## Disclaimer:

This presentation has been prepared for the invitees of the GABPG. It is of a general nature and not to be construed as legal advice, as each case depends on its own facts. It will be posted on the [www.mlppl.com.au](http://www.mlppl.com.au)

# Agenda

## APA Western Slopes Pipeline in perspective

- broad route and Australian pipeline network
- Narrabri Gas Project dependent
- Santos' other Petroleum Exploration Licences (PELs) potential for significant CSG expansion over strategic agricultural land

## Events so far re APA pipeline

- APA entered into a number of Entry Agreements
- Several of those have subsequently been terminated with APA's agreement or rescinded for misrepresentation
- Further detail demanded of government – maps, properties affected, terms of ATS

## Authority to Survey (ATS)

- Procedural fairness
- Government offered to accept submissions
- Closing date 15 May 2017
- Important to make position clear to Government otherwise they do not know

## Who is impacted

- 344 Lots and Dp's, approximately 124 along the proposed route listed on the Govt "Have your say" website
- Many others within the 20 km corridor with 10 km buffer zone

## Pipelines Act obligations

- Without a licence or ATS - none
- With an ATS – depends on terms of ATS
- With a licence – minimum disturbance

## Questions



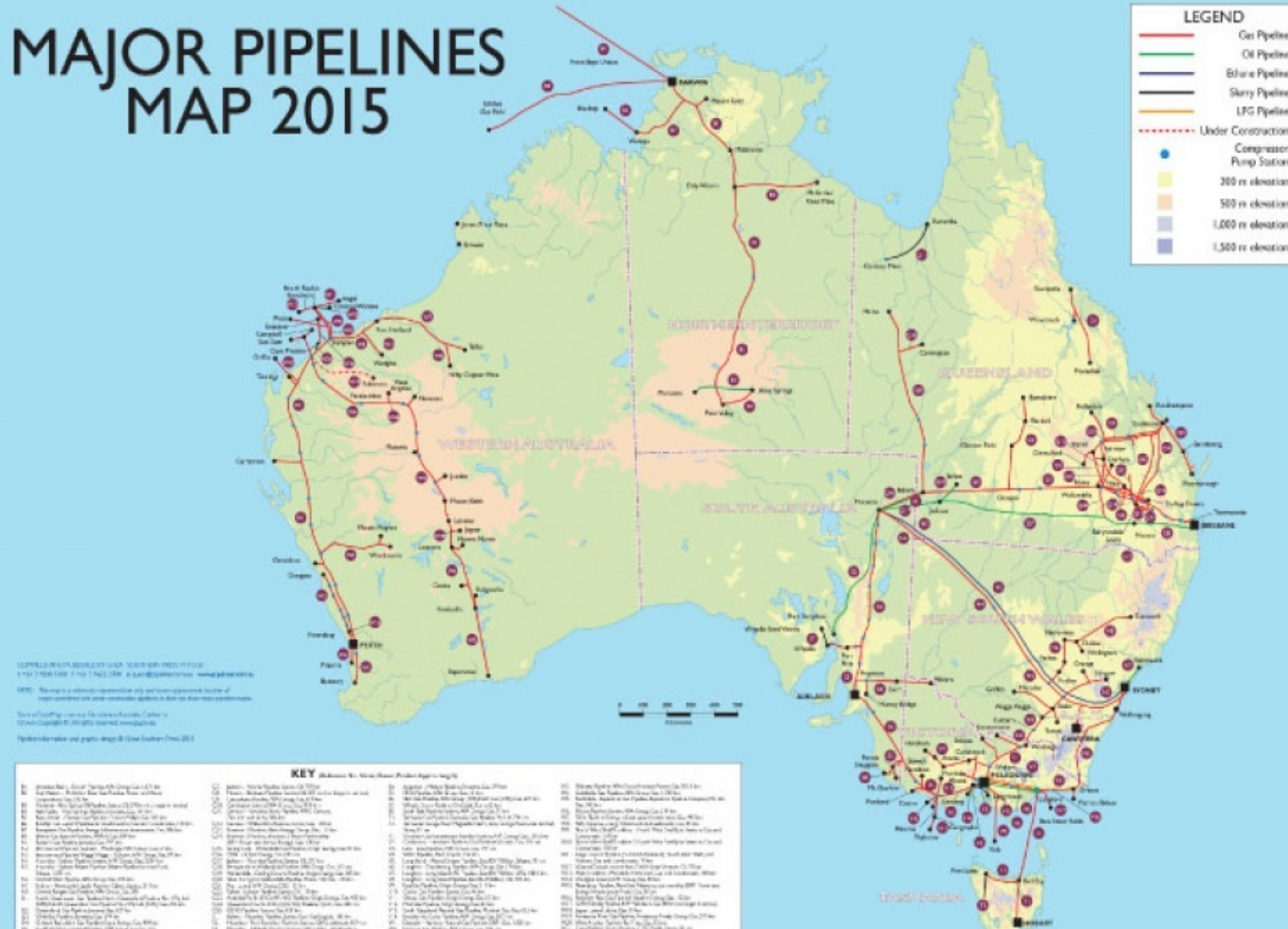


- 450 km pipeline proposed within a 20km corridor with 10km buffer from Narrabri Gas Project to join the Moomba to Sydney Gas pipeline
- Pipeline travels through 6 LGA's of Bogan, Cobar, Coonamble, Lachlan, Narrabri, Walgett and Warren
- 400-450mm diameter buried high pressure gas pipeline in a 30m easement
- Proposed minimum depth underground .75m max 1.2m

<b>LEGEND:</b>		<b>PROJECT:</b> WESTERN SLOPES PIPELINE
● Populated Place	<b>Conservation Estate</b>	<b>TITLE:</b> Preliminary Pipeline Alignment and
● KP point	■ State Forests	<b>SUBTITLE:</b> Figure 1-1
● MSP Mainline Valve	■ Miscellaneous	<b>DATE:</b> 14/02/2017
▬ WSP Preliminary Alignment	■ Nature Reserve	<b>DATA SOURCE:</b>
▬ Moomba Sydney Pipeline	■ National Park	Service Layer Credits: Source: Esri, DigitalGlobe,
▬ Central West Pipeline	■ State Conservation Area	Geographics, CNES/Airbus DS, USDA, USGS, Aero
▬ Central Ranges Pipeline	■ Ramsar Site	GIS User Community
▬ Principal Road		
▬ Secondary Road		
		<b>DOCUMENT NUMBER:</b> 560-MAP-P-013

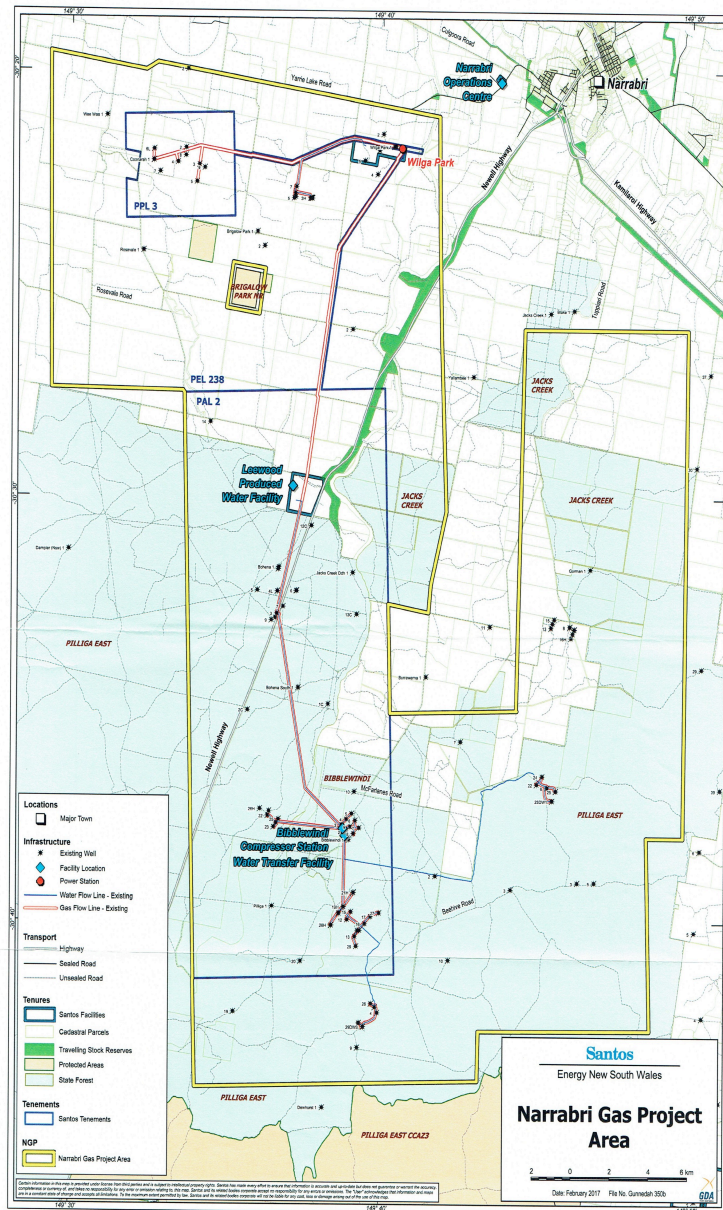
# Australian Pipelines

## MAJOR PIPELINES MAP 2015



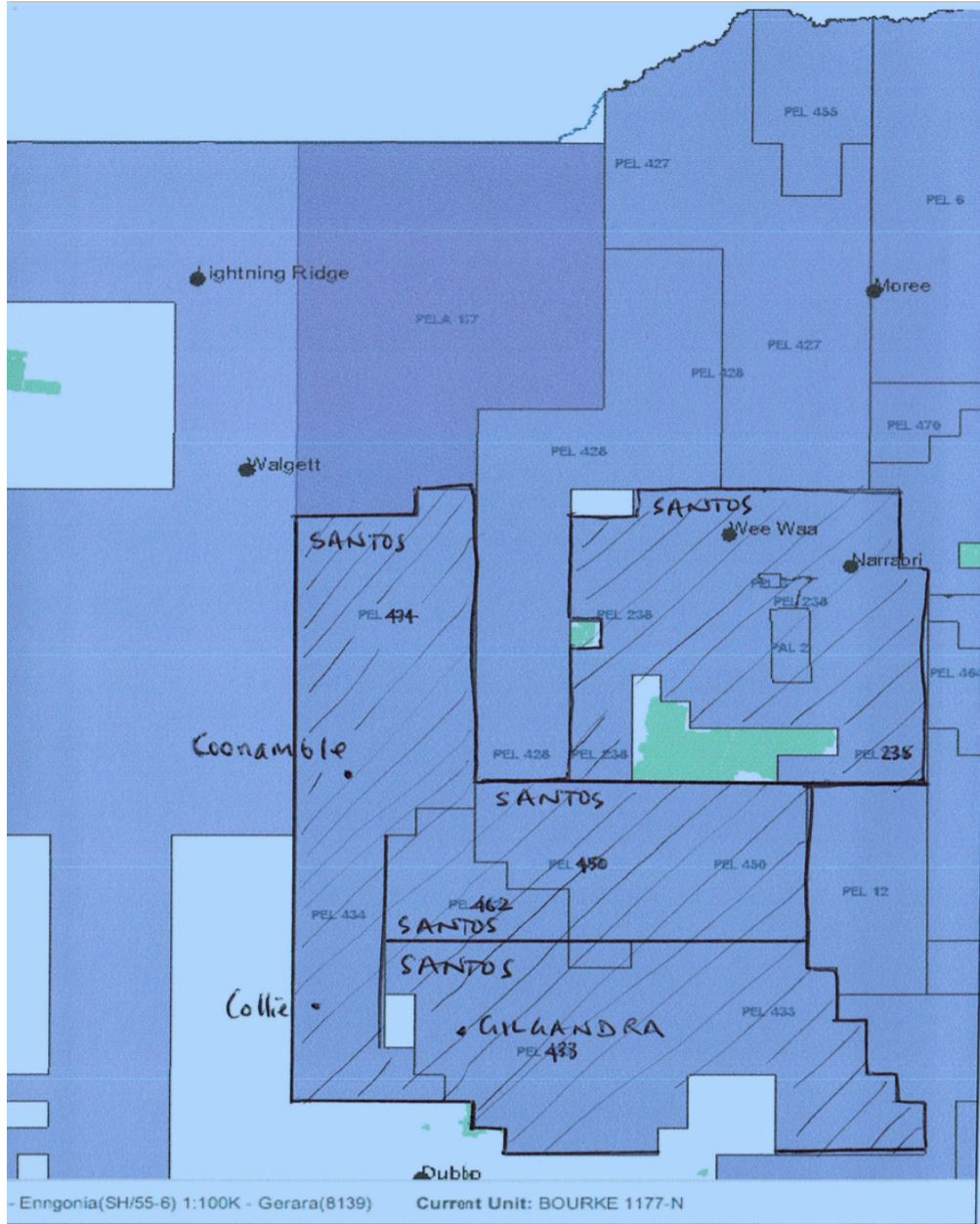


# Narrabri Gas Project



- Proposed 850 wells on 425 new well pads, yet each well pad constructed to allow for the drilling of 3 wells [ $3 \times 425 = 1275$  wells] ES1
- Construction of new access tracks for installation of water and gas gathering lines
- Construction of a central gas processing facility
- Construction of water management facility
- Produced water treated and used for irrigation, stock watering, dust suppression, construction and drilling activities, managed release of treated water into Bohena Creek 100ML/day
- Only 6 PPL's issued in NSW: PPL3 to Eastern Star gas sold to Santos, and 5 PPL's to AGL for the Camden Gas Project [south west Sydney]. No other PPL issued in NSW.

# Santos' PELS in NW NSW



PEL 434 Coonamble  
PEL 433 Gilgandra  
PEL 238 Narrabri  
PEL 462 east of Gulargambone  
PEL 450 Coonabarabran

Note the location of PPL3

Note the potential for massive expansion of CSG production across Santos' PELs

PEL 434 is majority strategic agricultural land

It has been said that the majority of the gas is not below the Pillaga Forest but below the strategic agricultural land

# Events so far

- Contacted in February about the APA pipeline
- Found APA's Preliminary Environmental Report for the Western Slopes High Pressure gas pipeline
- Met with Anne Kennedy and others in Coonamble 24 February
- Heard that APA was approaching landholders seeking access to their land to undertake survey and environmental studies
- Not offering compensation for the landholder's time: one has to ask why does APA expect landholders to subsidise its activities?
- APA's entry agreement requires 24/7 "enter at any time" access for 12 months for surveying, and geotechnical, environmental, cultural heritage [well beyond the Pipelines Act, seeking information for its EIS and Development application]
- I heard several counts that APA was threatening landholders that "if they didn't enter into the agreement voluntarily it would be worse for them later"
- Advising the landholder that they "had a chance to say no later"
- Worked with a number of landholders since who signed APA's Entry Agreement who wanted to get out of that agreement, we've had 100% success. APA have **agreed to terminate**. We now know that a phone call can do it.
- Further, if APA have misrepresented their position or provided false or misleading facts, inducing landholders to enter the Agreement, landholders can **rescind** the Agreement
- 9 March wrote to the Department seeking to know whether APA had an Authority to Survey, and if so, the terms, the properties impacted etc Until APA has an Authority to Survey, it has no right to enter landholder's land. Landholders are within their rights to tell APA to go away until their have proper authority
- 23 March wrote to the Department seeking to be advised when APA lodges application for ATS
- 23 March Department responded saying APA had lodged its application for ATS 21 March
- 23 March we wrote to the Department copying in Minister demanding procedural fairness for landholders along the APA pipeline route

# Pipelines Act 1967 (NSW) Authority to Survey

- **Part 2 Division 1 Authorities to survey**

## **5E Applications for authorities to survey**

- (1) A person who proposes to construct a pipeline may apply to the Minister for an authority to survey.
- (2) An application under subsection (1):
  - (a) (Repealed)
  - (b) shall be made in the prescribed manner,
  - (c) shall specify, in the prescribed manner, the lands in respect of which the authority is applied for,
  - (d) shall be accompanied by the prescribed maps showing the location of the lands referred to in paragraph (c),
  - (e) shall be accompanied by particulars of:
    - (i) the technical qualifications of the applicant and of the applicant's employees,
    - (ii) the technical advice available to the applicant, and
    - (iii) the financial resources available to the applicant,
  - (f) may set out any other matters that the applicant wishes the Minister to consider, and
  - (g) shall be accompanied by the prescribed fee.

## **5F Grant of authority**

Where the Minister is satisfied that the applicant for an authority to survey has complied with the provisions of section 5E (2) in relation to the lands in respect of which the authority is applied for or that non-compliance with any of those provisions was not in a material respect, the Minister may **grant to the applicant** an authority to survey in respect of the lands specified in the application under section 5E (1) or in respect of such of those lands as the Minister thinks fit.

## **5G Term and conditions of authority**

- (1) An authority to survey:
  - (a) comes into force on the day specified for the purpose in the authority and, subject to subsection (3), remains in force for such period commencing on that day as may be specified in the authority and for any period for which the authority is extended under subsection (2), and
  - (b) **may be granted subject to such conditions as the Minister thinks fit and specifies in the authority.**
- (2) The Minister may, on application in writing made by the holder of an authority to survey and served on the Minister before the date of expiration of the authority, **extend the authority for such period** as the Minister thinks fit and specifies in a notice served on the holder of the authority.
- (3) The Minister may, for reasons that the Minister thinks sufficient, by an instrument in writing served on the holder of an authority to survey, **cancel** the authority as to all or any of the lands in respect of which it is in force.

## **5H Rights conferred by authority to survey**

While an authority to survey is in force it authorises the holder, subject to any conditions of the authority:

- (a) **to enter the lands** specified in the authority, and
- (b) **to carry out surveys to investigate possible routes** for the proposed pipeline and determine the pipeline route, the situation of any associated apparatus or works and of **any lands to be used to get access to the pipeline**, apparatus or works, and
- (c) **to take samples from the lands for examination and testing.**



# Procedural Fairness: Landholders have rights!

- If the Crown proposes to do something which will adversely impact your interest in land, you have procedural fairness rights to be heard and considered beforehand
  - Entitled to know what land
  - Entitled to see the notes and recommendations of the Director General
  - Entitled to make submissions or provide evidence
- *Moolarben Coal Mines Pty Ltd v Director General of the Department of Industry and Investment NSW [2011] NSWLEC 191*
- If procedural fairness is not afforded to an impacted landholder, a **challenge** can be made to set aside any grant of the Authority to Survey
- Following a complaint we made that landholders had procedural fairness rights and should be given the opportunity to make submissions, the Department advertised the proposed pipeline in local news papers and put information up on its “Have your Say” website. That website has a list of the impacted landholders lot and Dp numbers, a basic map of the pipeline route, and the proposed terms of the Authority to Survey.
- According to an email to me from Terry Miller submissions can be made until 15 May 2017 address for submissions : [energy.submissions@industry.nsw.gov.au](mailto:energy.submissions@industry.nsw.gov.au)
- We encourage everyone within the pipeline corridor to make submissions

# Proposed terms of Authority to Survey

Dept's "Have your Say" website sets out proposed terms of the ATS

These terms are far more favourable to landholders than what has been proposed in APA's Entry Agreement

We have obligations on APA:

- "minimise effects on environment, owners, stock, standing crops, produce or improvements to land"

- "not interfere with any fence ... except such as directly obstructs ... and only with permission of the owner or occupier"

- "make good"

- Limited to survey [ie no environmental, cultural, geotechnical work, no trenching, augering, drilling]

## Proposed Conditions of Authority to Survey

1. The holder of this Authority must arrange survey operations in accordance with the Surveying and Spatial Information Regulation 2012 and the Pipelines Regulation 2013 and observe and perform any instructions given by the Secretary of the Department with a view to minimising effects on the environment, the owners or occupiers of affected lands or their stock, standing crops, produce or improvements to land.
2. Survey operations carried out under this Authority must be conducted in a responsible manner so as not to cause damage to any person or stock, and to minimise damage to or effects on property and the environment. In particular, the holders of the Authority or their agents must:
  - I. Give reasonable written notice to the owners or occupiers of land on which they wish to conduct surveys, of the times when the surveys are to be undertaken - such notice to be given five days prior;
  - II. Contact the owner or occupier and ask them to provide verbal or written details of any requirements they have concerning conduct of the survey;
  - III. Comply with the reasonable requirements of the owners or occupiers of land on which they wish to conduct surveys;
  - IV. Not unduly interfere with the activities of owners or occupiers or stock;
  - V. Not unduly interfere with the rights of the holders of co-existent mining or prospecting titles;
  - VI. Not interfere with any fence or cut, destroy, ringbark or remove any growing trees or other vegetative cover on the subject area; except such as directly obstructs or prevents the carrying out of the surveys hereby authorised and only with permission of the owner or occupier;
  - VII. Not cause or aggravate soil erosion, and provide appropriate means for minimising or preventing soil erosion;
  - VIII. As far as practicable, utilise existing roads and tracks for the purpose of access;
  - IX. Make such provisions for sanitation as may be necessary including provision for disposal of any refuse;
  - X. Take all precautions against outbreak of fire on the land surveyed and at all times comply with the provisions of the Rural Fires Act 1997;
  - XI. Not interfere with or impede the use of any road, track, transmission line or telephone line on the areas covered by this Authority and adjacent areas; and
  - XII. Make good any damage caused to property, stock or the environment.
3. The holder of the Authority or its agents must carry out surveys during business hours on Mondays to Fridays, and on weekends and public holidays only with prior consent of the owner or occupier.
4. The holder of this Authority indemnifies the Crown, the Minister, the Secretary and the Department and shall keep them indemnified against all claims, demands, legal process, judgments, executions, attachments or awards arising from or relating to any act or omission of the holders of this Authority (whether negligent or not) in relation to their obligations under this Authority.
5. The holder of the Authority or its agents must not inform the owner or occupier that the subject land may be subject to compulsory acquisition, unless the owner or occupier is informed at the same time that acquisition must be approved by the Minister and the owner or occupier will be able to state their case opposing acquisition, before the Minister will make any decision on the matter.
6. The holder of the Authority or its agents must at all times make it clear to the owner or occupier that the survey is being conducted in accordance with an authority granted by the Minister; and must produce documentary evidence to the owner or occupier



# What we suggest as the terms in the ATS: Submissions from Landholders

- APA **must not force access** onto a landholder's land: APA must negotiate an entry agreement with each landholder before accessing their land. The entry agreement must include the terms of the ATS and any other reasonable terms requested by the landholder.
- APA **must compensate landholders for the time** that they spend assisting APA in relation to APA's seeking to undertake and undertaking a survey on their land: standard rate \$100/hour [QLD case law];
- Landholders **must be able to terminate access** if APA behaves offensively, disrespectfully or breaks the law on their property i.e. by cutting fences, damaging property, threatening or intimidating behaviour;
- APA must ensure after entering or exiting a gate on a property, that the gate is returned to the condition and position in before entering or exiting;
- APA must ensure its personnel take no dogs or firearms onto the properties or authorise persons with a criminal record to access properties;
- APA may only conduct a survey of the land and has no authority to conduct geotechnical, environmental and cultural heritage investigations;
- APA may only take hand held samples from the land [i.e. no drilling or auguring, trenching, disturbing the surface of the land];
- **NO access to gardens or dwellings or other improvements** without the written consent of the landholder and only when the landholder is present;

# Submissions from Landholders

- APA must not access any area of the land not on the proposed pipeline route, except for the purpose of accessing the proposed pipeline route;
- APA must demonstrate it has appropriate **insurance** which covers the landholder's land and allow that landholder to claim on APA's insurance [APA must pay the deductible] for personal injury, damage to property and damage to the environment: eg rolled car resulting in personal injury, property damage and environmental damage petrol/diesel into creek etc.];
- APA may only peg or mark the land when it has its pipeline licence;
- APA must ensure its personnel do not remain unnecessarily on the property;
- APA must inform the landholder who, when, how long APA personnel intend to remain on the land and when leaving.
- APA must ensure its personnel are able to be identified – staff to wear high visibility vests with APA on them and drive vehicles clearly identified with APA on the side;
- APA must **immediately make good**, or compensate the landholder on demand, for any damage it causes;
- APA **indemnifies** each landholder in the same terms as APA indemnifies the Government pursuant to the terms of the ATS;
- APA must complete its survey of each property within #1 week of accessing. The access agreement **terminates** on completion of APA's survey.

# What to do if and when APA does have its ATS

- You could do nothing until, if and when, APA obtains its pipeline licence. Only then is it clear that an easement will be granted, only then are you entitled to compensation pursuant to the ***Land Acquisition (Just Terms Compensation) Act 1991***
- APA has said to landholders “they will be worse off if do not enter into a voluntary agreement”. I would like to know why? Landholders have a right to be compensated if and when a pipeline easement is granted

## **s54 Entitlement to just compensation**

- *(1) The amount of compensation to which a person is entitled under this Part is such amount as, having regard to all relevant matters under this Part, will justly compensate the person for the acquisition of the land.*

s.4 **land** includes any interest in land.

s.4 **interest** in land means:

- (a) a legal or equitable estate or interest in the land, or
- (b) **an easement**, right, charge, power or privilege over, or in connection with, the land.

## **s55 Relevant matters to be considered in determining amount of compensation**

- In determining the amount of compensation to which a person is entitled, regard must be had to the following matters only (as assessed in accordance with this Division):
- (a) the market value of the land on the date of its acquisition,
- (b) any special value of the land to the person on the date of its acquisition,
- (c) any loss attributable to severance,
- (d) any loss attributable to disturbance,
- (e) the disadvantage resulting from relocation,
- (f) any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.

# Land Acquisition (Just Terms Compensation) Act

## s56 Market value

(1) In this Act:

- **market value** of land at any time means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer, disregarding (for the purpose of determining the amount that would have been paid):
  - (a) any increase or decrease in the value of the land caused by the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired, and
  - (b) any increase in the value of the land caused by the carrying out by the authority of the State, before the land is acquired, of improvements for the public purpose for which the land is to be acquired, and
  - (c) any increase in the value of the land caused by its use in a manner or for a purpose contrary to law.

(2) When assessing the market value of land for the purpose of paying compensation to a number of former owners of the land, the sum of the market values of each interest in the land must not (except with the approval of the Minister responsible for the authority of the State) exceed the market value of the land at the date of acquisition.

(3) If:

- (a) the land is used for a particular purpose and there is no general market for land used for that purpose, and
- (b) the owner genuinely proposes to continue after the acquisition to use other land for that purpose,
- the market value of the land is taken, for the purpose of paying compensation, to be the reasonable cost to the owner of equivalent reinstatement in some other location. That cost is to be reduced by any costs for which compensation is payable for loss attributable to disturbance and by any likely improvement in the owner's financial position because of the relocation.

## s57 Special value

In this Act:

- **special value** of land means the financial value of any advantage, in addition to market value, to the person entitled to compensation which is incidental to the person's use of the land.

# Land Acquisition (Just Terms Compensation) Act

## s58 Loss attributable to severance

In this Act:

- **loss attributable to severance** of land means the amount of any reduction in the market value of any other land of the person entitled to compensation which is caused by that other land being severed from other land of that person.

## s59 Loss attributable to disturbance

(1) In this Act:

- **loss attributable to disturbance** of land means any of the following:
- (a) **legal costs** reasonably incurred by the persons entitled to compensation in connection with the compulsory acquisition of the land,
- (b) **valuation fees** of a qualified valuer reasonably incurred by those persons in connection with the compulsory acquisition of the land (but not fees calculated by reference to the value, as assessed by the valuer, of the land),
- (c) **financial costs** reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs),
- (d) **stamp duty costs** reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land compulsorily acquired),
- (e) **financial costs** reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage),
- (f) **any other financial costs** reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition.

# Land Acquisition (Just Terms Compensation) Act

## **s62 Special provision relating to acquisition of easements or rights, tunnels etc**

(1) If the land compulsorily acquired under this Act consists only of an easement, or right to use land, **under the surface** for the construction and maintenance of works (such as a tunnel, **pipe** or conduit for the conveyance of water, sewage or electrical cables), **compensation is not payable** except for actual damage done in the **construction** of the work or caused by the work.

(2) ... tunnel

(3) If the land compulsorily acquired under this Act consists of or includes an easement or **right to use the surface of any land for the construction and maintenance of works** (such as canals, drainage, stormwater channels, electrical cables, openings or ventilators), the easement or right is (unless the acquisition notice otherwise provides) taken to include a power, from time to time, **to enter the land** for the purpose of inspection and for carrying out of any additions, renewals or repairs. **Compensation under this Part is payable accordingly.**

# Land Acquisition (Just Terms Compensation) Act

- **45 Deemed acceptance of offer of compensation**
- (1) If a person entitled to compensation under this Part does not, within 90 days after receiving a compensation notice:
  - (a) accept the amount of compensation offered by the authority of the State, or
  - (b) lodge with the Land and Environment Court an objection to the amount of compensation offered,
- the offer of compensation is taken to have been accepted.
- (2) Such an acceptance is subject to any decision of the Land and Environment Court on an objection lodged after the 90-day period.
- (3) The authority of the State must, on such an acceptance taking effect, pay the amount of money concerned into a trust account kept under this Part and pay the money to the person entitled to it on receipt of a claim for compensation, deed of release and indemnity (duly completed) and any relevant documents of title.

# Land Acquisition (Just Terms Compensation) Act

- **Division 5 Objections and appeals to Land and Environment Court**
- **66 Objection against amount of compensation offered**
- (1) A person who has claimed compensation under this Part may, within 90 days after receiving a compensation notice, lodge with the Land and Environment Court an objection to the amount of compensation offered by the authority of the State.
- (2) If any such objection is duly lodged, the Land and Environment Court is to hear and dispose of the person's claim for compensation.
- (3) A person who does not lodge an objection within the 90-day period and who is taken to have accepted the offer of compensation under section 45 may nevertheless lodge an objection under this section, but the Land and Environment Court is not to hear and dispose of the person's claim for compensation unless satisfied that there is good cause for the person's failure to lodge the objection within that period.
- (4) If the Land and Environment Court decides that the amount of compensation payable (without the addition of interest) does not exceed by more than 10% the amount of compensation offered by the authority of the State, the Court may cancel or reduce the amount of interest that has accrued under this Act in respect of the compensation since the institution of the proceedings.

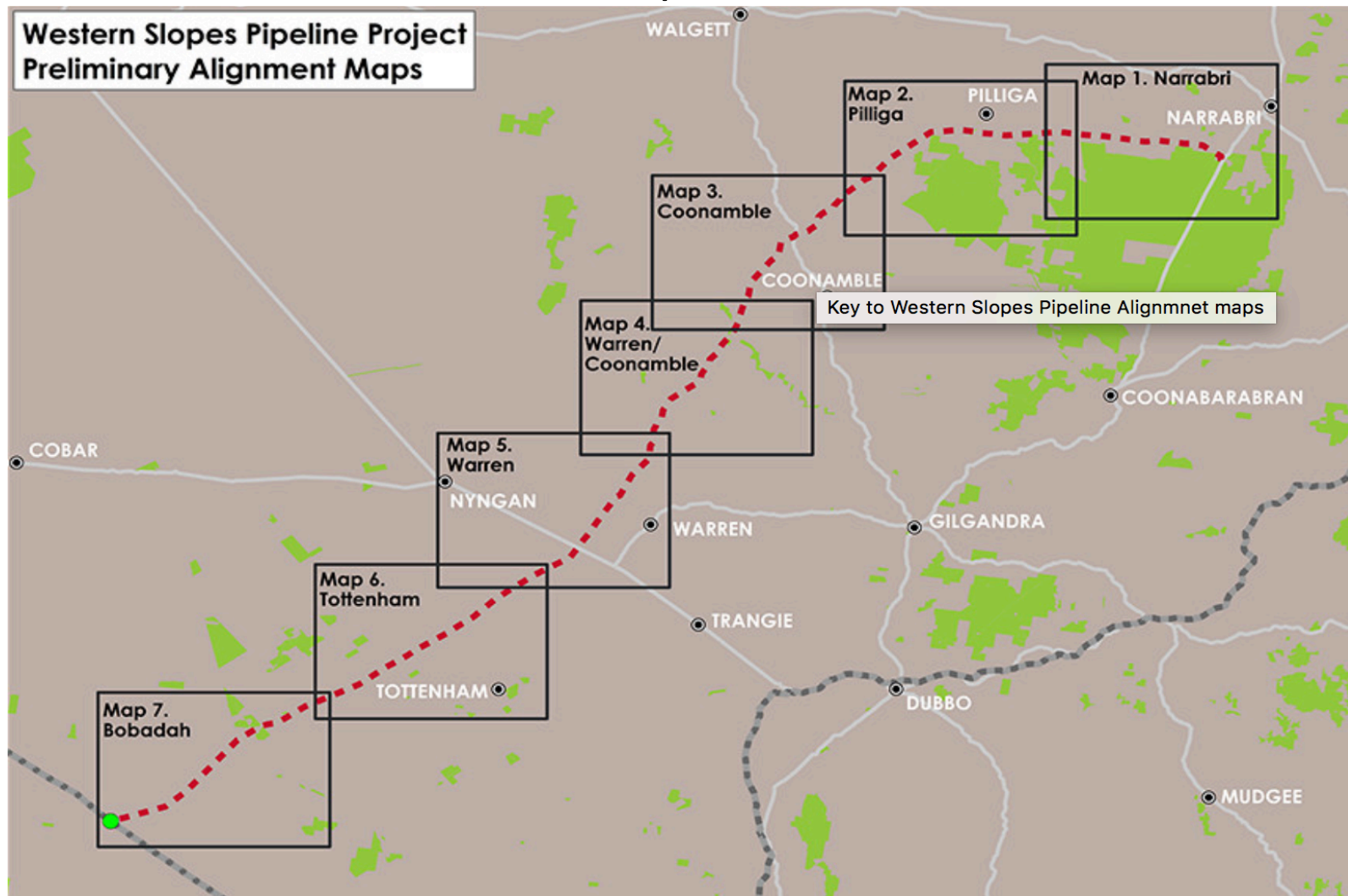


# APA website

## If a gas transmission pipeline traverses your property

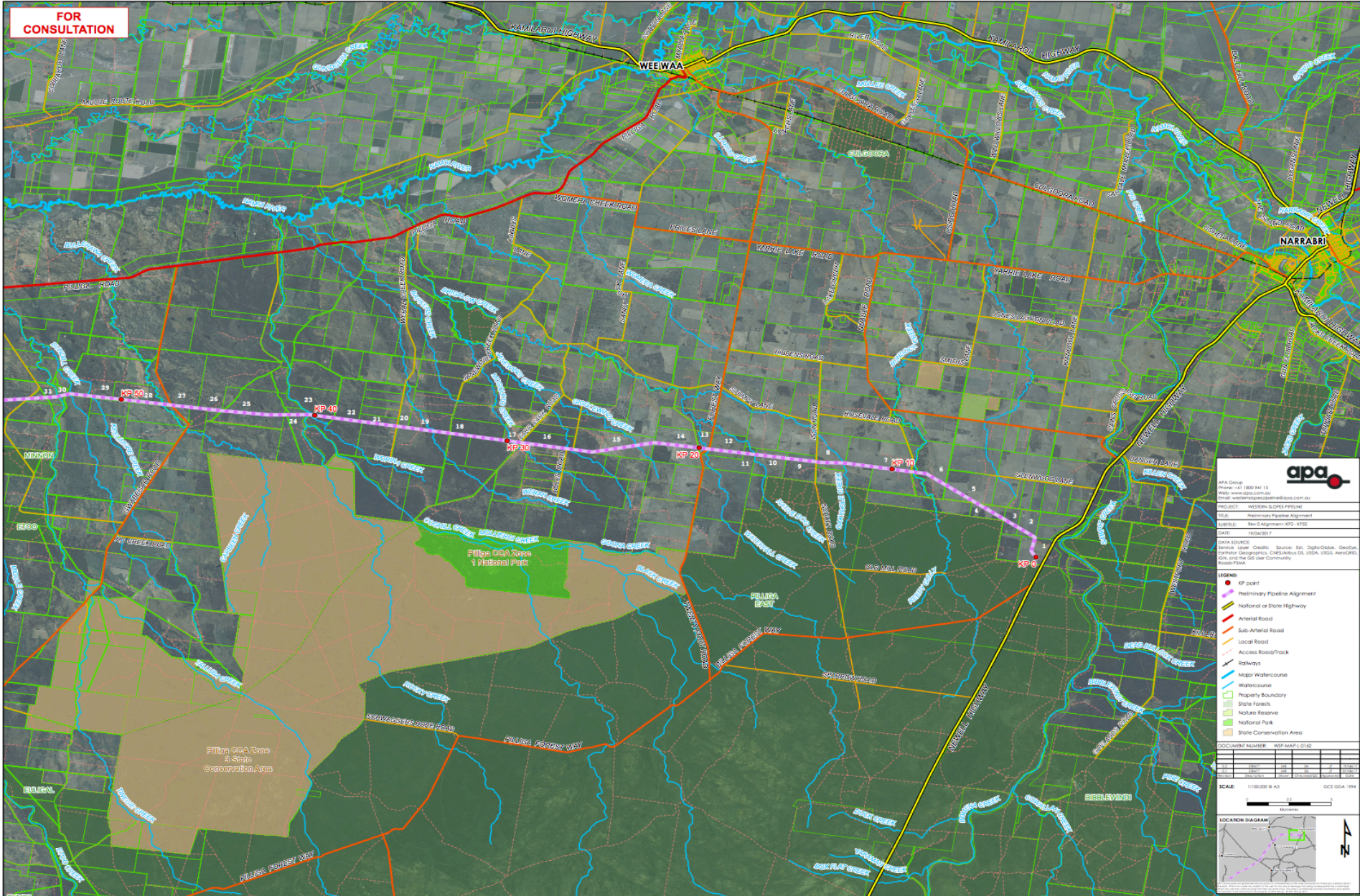
- If a gas pipeline easement is registered on your property title there are conditions associated with the easement including **what you can and cannot do** in the pipeline corridor area. This will include the requirement to **seek prior written approval from APA** for activities within the corridor such as:
  - replacing or installing fencing
  - any earthworks deeper than 300mm
  - land levelling or contouring
  - landscaping and planting trees
  - storing material or erecting structures
  - use of explosives
  - use of vibrating machinery
  - **transporting heavy machinery or loads**
- When you want to undertake work we will visit to determine the exact location of the gas pipeline and may supervise the works on or near the gas pipeline corridor. This service is free of charge for all landholders. Penalties apply for undertaking work on the gas pipeline corridor without prior approval.

# Mapping of the pipeline route and the landholders directly impacted





# Map 1 from Narrabri





# Map 2 Pillaga





# Map 3 Nth of Coonamble



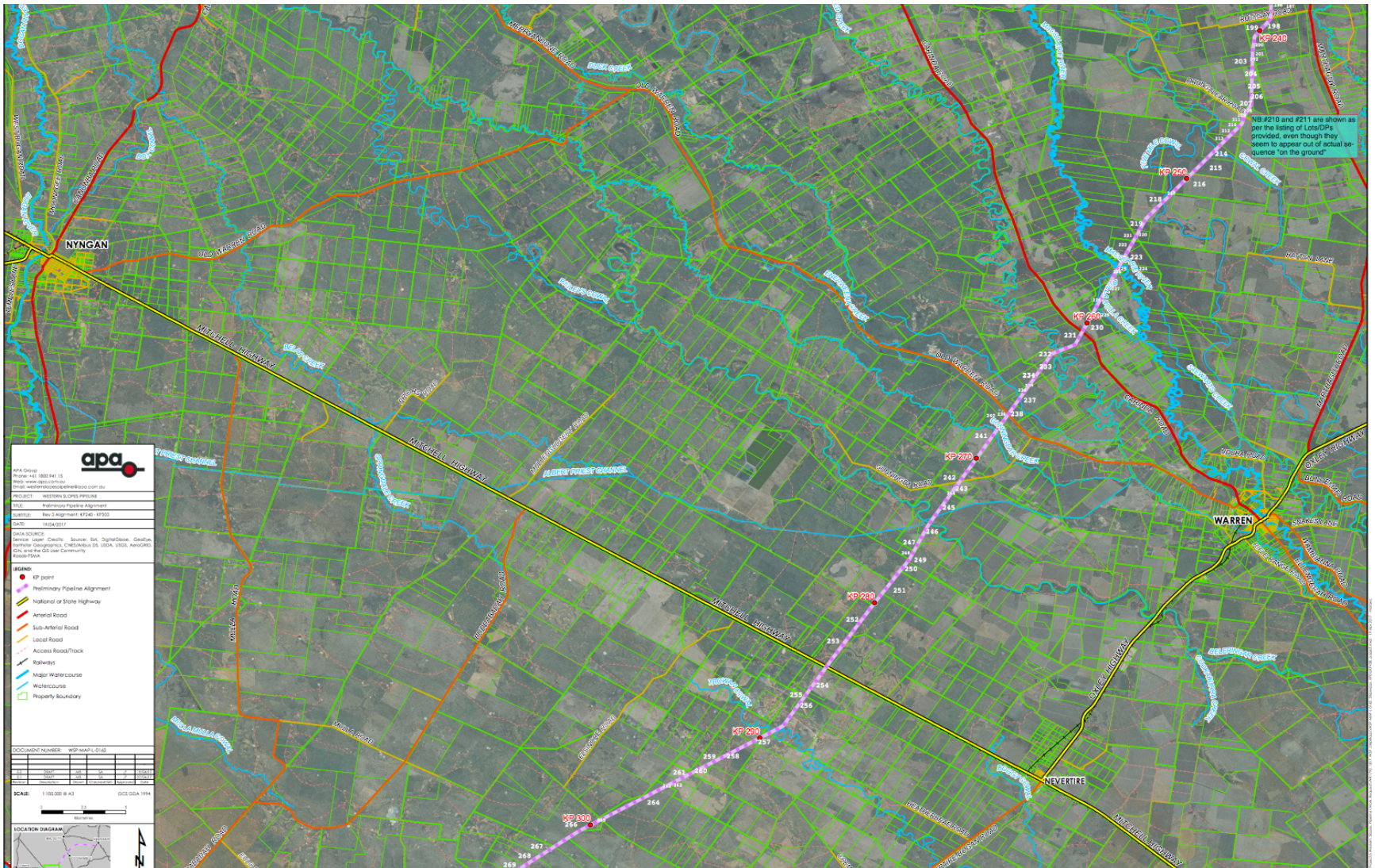


# Map 4 Travelling Sth West





# Map 5 East of Nyngan





# Map 6 West of Tottenham





# Map 7 Bobadah



# Pipelines Act 1967 NSW

## **Regulation 25 Disturbance of lands**(cf clause 34 2005 Reg)

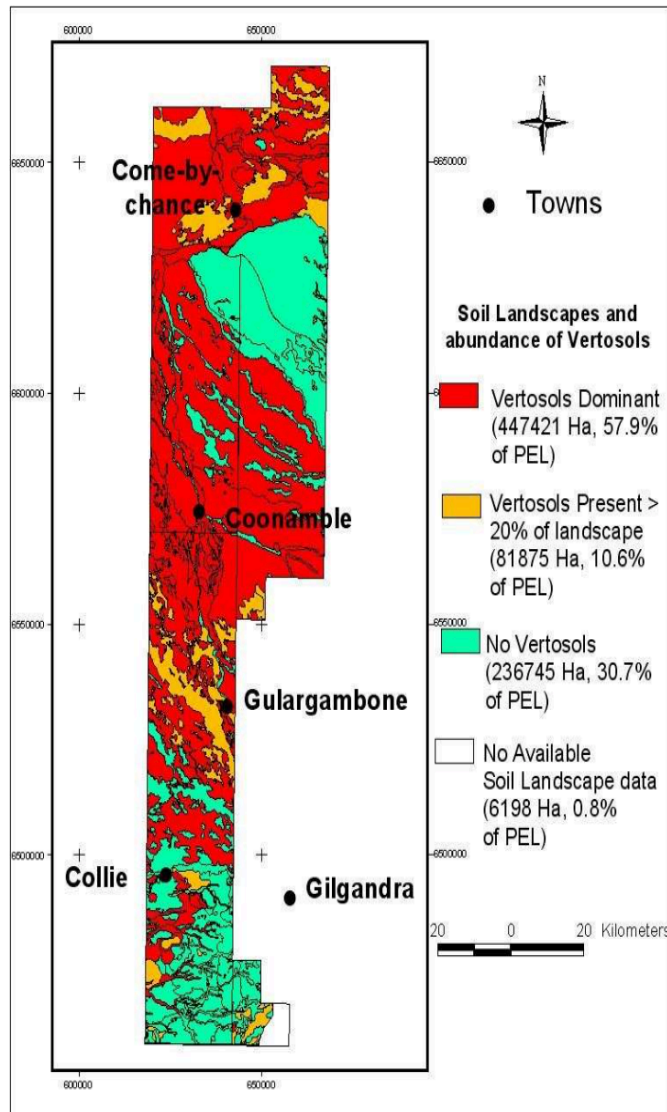
(1) A licensee must carry out all activities authorised by the licence in a manner that does not interfere with the existing use of land to a greater extent than may be necessary.

- Maximum penalty: 10 penalty units.

(2) At the conclusion of the construction of a pipeline and any other associated activities authorised by a licence, the licensee must ensure that the surface of the land is restored as nearly as practicable to the condition in which it was immediately before the commencement of the construction or activities.

- Maximum penalty: 10 penalty units.

# Vertisol Soils in the Coonamble PEL 434



Robert Banks of SoilFutures Pty Ltd mapped the vertisol soils in PEL434 for Anne Kennedy in 2012

50.3% of PEL 434 classifies as strategic agricultural land

68% of PEL 434 has been identified as containing Vertisol Soils

Vertisol Soils are clay based soils and unsuitable for burying of fixed infrastructure like pipelines

Recommend that the landholders band together and commission a soil study like this along the route of the pipeline to determine where the vertisol soils are



# Erosion damage from buried pipelines



Photo 1: Gully and exposed pipe at Berana with spur gully following pipeline



## Erosion damage from buried pipelines



Photo 2: Gully and exposed pipe at Berana with failed sand bag supports

# Environmental damage from Pipeline rupture



## Pipeline Rupture Virginia. September, 2008

The pipeline failed, the natural gas it released blew into a fireball that scorched an area 1,125 feet in diameter, leveled two homes and injured five people, according to preliminary findings in the federal investigation. Some 100 homes were damaged in the blast.


The pipeline failure was as a result of corrosion that had not been detected during the gas company's periodic safety inspections:





# Process for approval

## Consultation and Approvals Process

- 
- 1. PEA submission**
    - Submission by APA of a Preliminary Environmental Assessment to the Department of Planning and Environment to apply for the approval of the Minister to carry out State Significant Infrastructure.
  - 2. SEARs preparation and issue**
    - The Secretary of the Department of Planning and Environment prepares a statement of the environmental assessment requirements for the project - Secretary's Environmental Assessment Requirements (SEARs).
  - 3. Landowner meetings and stakeholder engagement**
    - Commence face-to-face landowner/ leaseholder consultation regarding access.
    - Broader stakeholder engagement activities are also undertaken.
  - 4. EIS preparation and submission**
    - APA prepares an Environmental Impact Statement (EIS), informed by a comprehensive program of community and stakeholder consultation and detailed technical studies.
    - The EIS addresses in detail matters outlined in the SEARs.
  - 5. EIS assessment**
    - Public exhibition of the EIS for a minimum of 30 days. Public comment will be invited.
    - Assessment of the EIS by the Department of Planning and Environment.
  - 6. EIS approval**
    - Decision on the application by the Minister for Planning, which may include the placement of conditions on any approval.

The Western Slopes Pipeline will also be subject to a referral under the *Environment Protection and Biodiversity Conservation Act* (Cwth).

Further steps beyond the above include, but are not necessarily limited to, completion of land access agreements, obtaining a Petroleum Pipeline Licence and the grant of various tenures for the final pipeline route.

Preliminary Environmental Assessment has been lodged

Write submissions to the Minister for Planning before the SEARs are written – agricultural impact, erosion, explosions, disturbance to business from erosion events

Make a submission objecting to the Pipeline after the Development application has been lodged

Seek that the Minister not refer the matter to the PAC for public meeting, to ensure appeal rights on the merits to the LEC

# Never underestimate the impact of writing a letter



Office of the Director General

Mr David Casey  
Managing Director  
Eastern Star Gas Pty Ltd  
Level 7, 51 Pitt Street  
SYDNEY NSW 2000

11/11379

Dear Mr Casey

Proposed Narrabri to Wellington Gas Pipeline (MP10\_0146)

I write in relation to Eastern Star Gas' progress in finalising the proposed corridor for the proposed Narrabri to Wellington Gas Pipeline.

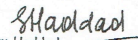
As you are aware, Director General's Requirements (DGRs) for the project were issued on 10 November 2010. The DGRs contain specific requirements relating to the consideration of alternatives as part of corridor selection, as well as justification of the selected corridor, including a consideration of the use of Travelling Stock Routes (TSRs).

As you would also be aware, landowners in the vicinity of the proposed corridor route have raised significant concerns regarding the potential impacts of the pipeline on agricultural land and farming activities in the Liverpool Plains.

Since the issue of the DGRs, I am aware of public statements by Eastern Star Gas that its preference is to use TSRs or road reserves, wherever feasible. I understand that this includes consideration of the use of the Newell Highway road reserve.

Given on-going concerns regarding the impacts of the pipeline on agricultural land and farming activities in the Liverpool Plains, I request that serious consideration be given to the use of the Newell Highway road reserve as a preferred option for the pipeline route. The Department will have serious concerns progressing the assessment should the Newell Highway road reserve not be adopted as the route corridor for the pipeline.

Yours sincerely

  
Sam Haddad  
Director General

30/6/2011

Aware of 2 other pipelines which have not gotten off the ground in so far as land access

Mullaley Gas Pipeline is one of these

If no Western Slopes Pipeline it is unlikely that the Narrabri gas Project will get off the ground.

Note s31A Pipelines Act – Inquiries



# Pipelines Act - Inquiries

## **s31A Inquiries into matters relating to pipelines**

- (1) An inquiry into any matter relating to the design, construction, operation or maintenance of a pipeline may, and if required by the Minister shall, be conducted by the Secretary.
- (2) The Secretary may, by order in writing, authorise, subject to the terms of the authorisation, and with the approval of the Minister, any person or body to examine, and report to the Secretary on, any matter in connection with an inquiry (including an inquiry that the Minister has required to be conducted).
- (3) Nothing in this section shall be construed as limiting the power of the Secretary to conduct an examination in connection with an inquiry under this section and the Secretary may conduct such an examination notwithstanding that the Secretary has authorised another body or person to do so.