



Newcastle Gas Storage Facility

Statement of Compliance

Environmental Statement: Environment Protection and Biodiversity Conservation Act 1999

Approval: EPBC 2010/5752

14 December 2016

Dear Ms. Moore,

AGL Energy Limited (**AGL**) was granted approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) on 18 July 2012 for the development of the Newcastle Gas Storage Facility (**EPBC Approval**).

Under the conditions of this approval, attached as Attachment A – Approval EPBC 2010/5752, AGL is required to publicise a report on AGL's website addressing compliance with the conditions of the EPBC Approval over the previous 12 months, including implementation of any management plans as specified in the EPBC Approval within three (3) months of every 12 month anniversary of the commencement of the action. This document has been prepared to satisfy this requirement which is detailed in Condition 7 of the approval EPBC 2010/5752. It will be published within the relevant period on AGL's website.

Statement of compliance

All construction works have previously been completed and the Newcastle Gas Storage Facility (**NGSF**) has been in operational phase for the last 12 months. Specifically the following risk mitigation strategies have been implemented by AGL during the operation of the NSGF:

Condition 1: To minimise the risk operational activities relating to the movement of sediments or contaminants that could adversely affect the Hunter Wetlands National Park (formerly the Kooragang Nature Reserve), AGL has continued to implement Conditions B20 to B26 and B56 of the NSW Planning Assessment Commission Conditions of Approval dated 10 May 2012 (MP10_0133) where applicable.

Condition 2: To minimise adverse impacts on listed threatened species and ecological communities, in particular the New Holland Mouse and Earp's Gum, during operational activities, AGL has implemented a *Flora and Fauna Management Plan* as part of the NSGF *Operation Environmental Management Plan*.

Condition 3: AGL implemented the NSW Department of Planning and Environment approved Biodiversity Offset Strategy as per Condition B13 of the NSW Planning Assessment Conditions of Approval dated 10 May 2012 (MP10_0133). On 05 May 2016, the NSW Minister for Environment executed the Conservation Agreements for Lot 16 and Lot 20 Old Swan Bay Road, Ferodale, which are owned by AGL. The Conservation Agreements apply to the title of both Lots and provide enduring protection to the ecological values on the site.

Condition 4: The Biodiversity Offset Strategy required under Condition B13 of the NSW Planning Assessment Conditions of Approval dated 10 May (MP10_0133) was approved by the then Department of Planning and Infrastructure on 15 August 2012 prior to the commencement of construction. The Strategy provides for the permanent offsite protection of at least 25ha of optimal habitat for the New Holland Mouse and permanent offsite protection for at least 60 individual Earp's Gum.

The Biodiversity Offset Package required under Condition C2 of MP10_0133 was approved by the Department of Planning and Environment on the 20 May 2015. The package gave effect to the requirements of the Biodiversity Offset Strategy (Condition B13). Attachment B provides a copy of the approval.

Condition 5: AGL notified the Department in writing of the date of commencement of the activity on 27 August 2012 (which was within 10 days of the commencement of the action).

Condition 6: AGL maintains accurate records substantiating all activities associated with or relevant to the EPBC Approval conditions, including measures taken to implement management plans required under the EPBC Approval. These plans are available if the Department of Environment would like copies.

No non-compliances with the Conditions 1-6 of the EPBC Approval were recorded during the reporting period.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. Clifton', is written below the text 'Yours sincerely,'.

Aaron Clifton

Environment Business Partner – NSW Gas Operations

Attachments

Attachment A: EPBC Approval 2010/5752

Attachment B: NSW Department of Planning and Environment – approval of biodiversity offset strategy



Attachment A: EPBC Approval 2010/5752



Approval

Newcastle Gas Storage Facility Project EPBC 2010/5752

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	AGL Energy Limited
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proponent's ACN	74 115 061 375
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proposed action	<p>To develop the Newcastle Gas Storage Facility Project as described in the referral received under the EPBC Act, dated 25 November 2010. The Project includes the construction and operation of:</p> <ul style="list-style-type: none">• A gas plant site which includes a gas storage tank and processing plant;• A new access road to connect the gas plant site to Old Punt Road, Tomago;• A new gas receiving station at Hexham;• A natural gas pipeline connecting the gas plant site to the receiving station at Hexham <p>[See EPBC Act referral 2010/5752].</p>
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Approval decision

Controlling Provision	Decision
Wetlands of international importance (sections 16 & 17B)	Approve
Listed threatened species and communities (sections 18 & 18A)	Approve
Listed migratory species (sections 20 & 20A)	Approve

conditions of approval This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 30 June 2052.

Decision-maker

name and position

David Calvert
A/g Assistant Secretary
Environment Assessment Branch 2

signature

date of decision

18 / July / 2012

Conditions attached to the approval

1. To minimise the risk of construction and operational activities leading to the offsite movement of sediments or contaminants that could adversely affect the Kooragang Nature Reserve (now Hunter Wetlands National Park) wetland of international importance, the person taking the action must implement Conditions B 20 to B26 inclusive (dealing with Soils, Water and Hydrology), and B56 (dealing with a Construction Environmental Management Plan), imposed under the New South Wales Planning Assessment Commission conditions of approval dated 10 May 2012 for Application Number MP10_0133 under the NSW *Environmental Planning & Assessment Act 1979*. Available at <https://majorprojects.affinitylive.com/public/537ae28c8102a8a38dc0bfe1183bc7df/Instrument%20of%20Approval.pdf>.
2. To minimise adverse impacts during construction on listed threatened species and ecological communities, and in particular the New Holland Mouse (*Pseudomys novaehollandiae*), and Earp's Gum (*Eucalyptus parramattensis subsp. decadens*), the person taking the action must implement Conditions B 56 (dealing with a Construction Environmental Management Plan), imposed under the New South Wales Planning Assessment Commission conditions of approval dated 10 May 2012 for Application Number MP10_0133.
3. To offset the loss of approximately four (4) individuals of Earp's Gum (*Eucalyptus parramattensis subsp. decadens*) and approximately 15ha of potential habitat for the New Holland Mouse (*Pseudomys novaehollandiae*), the person taking the action must implement Condition C2 (dealing with a Biodiversity Offset Package), imposed under the New South Wales Planning Assessment Commission conditions of approval dated 10 May 2012 for Application Number MP10_0133.
4. The Biodiversity Offset Package required under conditions B13 and C2 imposed under the New South Wales Planning Assessment Commission conditions of approval dated 10 May

2012 for Application Number MP10_0133, must provide for the permanent offsite protection of at least 25ha of optimal habitat for the New Holland Mouse (*Pseudomys novaehollandiae*) and permanent offsite protection of at least 60 individual Earp's Gum (*Eucalyptus parramattensis* subsp. *decadens*) trees.

5. Within 10 days after the **commencement** of the action, the person taking the action must advise the **Department** in writing of the actual date of commencement.
6. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement management plans required as part of the approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.
7. Within 3 months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any management plans as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the Department at the same time as the compliance report is published.

Definitions

Department

The Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Minister

The Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

Commencement

The construction of any infrastructure, excluding fences and signage, associated with the proposed action.



Attachment B: NSW Department of Planning and Environment – approval of biodiversity offset strategy



Contact: Anna Timbrell
Phone: (02) 9228 6345
Fax: (02) 9228 6455
Email: Anna.Timbrell@planning.nsw.gov.au

Our ref.: MP 09_0150

Mr Tim Knill
NGSF Construction Project Manager
AGL Ltd
Locked Bag 1837
ST LEONARDS NSW 2065

Dear Mr Knill

Newcastle Gas Storage Facility (MP 10_0133) – Condition C2 – Biodiversity Offset Package

I refer to the *Biodiversity Offset Package* for the Newcastle Gas Storage Facility, received by the Department on 4 May 2015.

The Department has reviewed the offset package and is satisfied that it meets the requirements of condition C2 of the project approval. The Department notes that the Biodiversity Offset Strategy was approved on 5 August 2012, and that this included a commitment to in-perpetuity conservation via Conservation Agreements under the *National Parks and Wildlife Act 1974*.

The Department also notes that the Conservation Agreement for the two offset sites at Medowie, which form part of the overall offset package, is close to being finalised ahead of signing by AGL and the Minister for the Environment. Please advise the Department on progress with finalising the Conservation Agreement when it has been completed.

In accordance with the requirements of condition C2, the Secretary has approved the *Biodiversity Offset Package*.

Should you require any further information or clarification on this matter, please do not hesitate to contact Anna Timbrell on the above contact details.

Yours sincerely



20.5.15

Mike Young
A/Director

**Resource Assessments
as nominee for the Secretary**