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Newcastle Gas Storage Facility

Statement of Compliance

Environmental Statement: Environment Protection and Biodiversity Conservation Act 1999

Approval: EPBC 2010/5752

27 November 2013

AGL Energy Limited (AGL) was granted approval under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* on the 18 July 2012. The approval was granted as per the referral provided to the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) dated 25 November 2010.

Under the conditions of this approval, attached as Appendix A – Approval EPBC 2010/5752, AGL are required to provide a statement of compliance 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.

Statement of Compliance

AGL has complied with all conditions stated in approval EPBC 2010/5752 during the last 12 months. Specifically the following risk mitigation strategies have been implemented and complied with by AGL and it's nominated contractors during the execution of the Newcastle Gas Storage Facility :

- (1) To minimise the risk of construction and 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 and it's contractors have implemented Conditions B20 to B26 and B56 of the NSW Planning Assessment Conditions of Approval dated 10 May 2012 (MP10_0133).
- (2) To minimise adverse impacts during construction on listed threatened species and ecological communities, in particular the New Holland Mouse and Earp's Gum, AGL and its contractors have implemented mitigation strategies that comply with Condition 56 of the NSW Planning Assessment Conditions of Approval dated 10 May 2012 (MP10_0133)

- > Being selected as a member of the Dow Jones Sustainability Index 2006/07
- > Gaining accreditation under the National GreenPower Accreditation Program for AGL Green Energy®, AGL Green Living® and AGL Green Spirit
- > Being selected as a constituent of the FTSE4Good Index Series

- (3) AGL has implemented Condition C2 of the NSW Planning Assessment Conditions of Approval dated 10 May 2012 (MP10_0133) specifically entering into a conservation agreement that consults with the Office of Environment and Heritage and Port Stephens Council. This agreement will meet the requirements under Conditions B13 and C2 of the NSW Planning Assessment Conditions of Approval dated 10 May 2012 (MP10_0133).
- (4) AGL notified the Department in writing of the actual date of commencement on 27 August 2012 in accordance with Condition 5 of approval EPBC 2010/5752.
- (5) No non-compliances with the Conditions 1-7 of the approval EPBC 2010/5752 were recorded during the reporting period.

Additionally AGL has engaged ERM as the Independent Environmental Representative (ER) for the project. The last two six monthly reports provided by the ERM are listed on AGL's website and support this statement of compliance, specifically through the execution of the requirements under NSW Planning Assessment Conditions of Approval dated 10 May 2012 (MP10_0133).

For any further information please contact:

Newcastle Gas Storage Facility

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Authorised:



Craig Clark

Environment Manager – Upstream Gas

Attachments – Appendix A : Approval EPBC 2010/5752

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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**

proponent's ACN **74 115 061 375**

proposed action 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:

- 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

[See EPBC Act referral 2010/5752].

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.