



BORAMBIL PARK

**This submission is to be read in conjunction with the Hunter Gas Pipeline/Santos (Santos) – Authority to Survey (ATS) Submission Form for Borambil Park (the landholder)**

### **Reasonable Conditions of Entry**

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What additional reasonable conditions do you believe should be added to the ATS? And what risk is being addressed by these additional reasonable conditions?

## Reasonable Conditions of Entry

### Baseline Studies

- 1) Condition: Baseline Studies to be completed. Prior to Hunter Gas Pty Ltd/Santos ('Santos') entering the land subject to the ATS the landholder requires an independent baseline assessment of all aspects of the potential study of the areas under the ATS, which should be paid for by Santos. Baseline studies should at a minimum, look at the overall property and any improvements (including fences), stock and crops, and key environmental features such as creeks, dams, aquifers, springs, soils, endangered and protected wildlife and vegetation.

The choice of independent accessor/expert should be at the landholder's discretion. These experts should be at the very minimum qualified Ecologists, Soil Scientists, high quality aerial imagery and surface water/ground water experts.

Risk: Damage to the property's water supply, soil, vegetation and fences and infrastructure. We also have many springs currently flowing located within the property affected by the ATS and we don't want a spring intercepted and damage caused.

The survey area at the property includes cropping land, livestock nursery and infrastructure. Also there is an intrinsic value to our fallow paddocks where a remnant crop still stands in the paddock. These areas are imperative in soil and moisture protection and instrumental for the next planting and growing season in regard to the next crops potential and yield, or remnant cropping is extremely valuable feed for stock grazing. They shouldn't be damaged by vehicle movement or drilling, and if they are, the Landholder should be compensated for that damage.

### Biosecurity

- 2) Condition: Compliance with Biosecurity protocols. Santos are to comply with the Farm Biosecurity plan that may be updated from time to time. Acknowledgement and sign off should be completed by Santos stating that they will comply with plans in place prior to entry. There are serious penalties for any breaches of the biosecurity plan including landholder's having the right to evict workers and deny any further access if a breach occurs.
- 3) Condition: All staff to have signed a declaration that they have not returned from a country that has any cases of Foot and Mouth disease in the last 14 days. This minimises the risk of our cattle being infected with Foot and Mouth disease and a potential outbreak.

Risk: Survey workers pose serious biosecurity risks as they travel between properties. They can bring weeds and other contaminants onto the property via their boots or vehicles. In light of recent Foot and Mouth Disease/Lumpy Skin Disease outbreaks, biosecurity is particularly important. Vehicle movements from travelling between properties may result in breaches to our biosecurity protocols. Post the drought the Liverpool Plains has also become very susceptible to new terminal parasites being introduced such as *Haemonchus placei* in cattle. Needless to say there is also the imminent risk of disease. Breakout on any property on the survey route, would mean that all landholders will be at heightened risk of these potential outbreaks caused by the extra movement of vehicles and persons onto our land, and potentially have to go into a lockdown situation that others might not have to.

Risk: Financial loss.

### Insurance and Indemnity

- 4) Condition: Insurance and Indemnity. The landholder requires Santos to have Public Liability Insurance of not less than \$20,000,000.

The landholder also require Santos to indemnify them against any potential claim should a worker be injured on the property.

Risk: The landholder understands from their insurer that any future pipeline may prevent them from being able to obtain Public Liability Insurance (PLI) and as such they object to access on those grounds.

Risk: The landholder may be unable to obtain PLI if the pipeline goes ahead and they should not face additional risk due to the activities of Santos on our land.

- 5) Condition: A delegate of the landholder shall accompany those entering under the ATS instrument at all times. The landholder is to be compensated at a commercial rate for their time.

### **Flood Prone Land and Bushfire Prone Land**

- 6) Condition: Flood prone land, bushfire prone land and land not on the ATS are not to be accessed. The landholder seeks conditions that restrict areas to be surveyed to those that are not mapped as either bushfire prone or flood prone.

Under no circumstances is building on flood prone land acceptable. Part of the proposed route has been under flood in the last 12 months and may not be appropriate land for building a gas pipeline, let alone surveying for one, to rule in or even rule out.

Risk: Bushfires, damage, death or injury. Even though the ATS conditions relate to the surveying of land (which shouldn't be impacted by flood or fire), any future pipeline could be. These areas should be off limits to the pipeline and therefore not necessary to survey.

### **Periods when access not appropriate**

- 7) Condition: Access is not possible during wet weather as paddocks are inaccessible by vehicles
- 8) Condition: Access is not permitted after wet weather periods without authority of the landholder

Risk: Paddocks can be inaccessible for some time after periods of wet weather. Damage can be caused to laneway road systems and paddocks by vehicle access, that is difficult and very costly to repair.

- 9) Condition: To prevent access at inappropriate times e.g. special events (weddings), wet weather, weekends, religious calendar events, public holidays, breeding season, harvesting, etc.

Risk: There may be times when it is inappropriate for workers to be on our land. For example, where their presence may disturb soils (in wet weather) or stock (breeding, nursing). It is important that the landholder is not unduly inconvenienced by survey workers and that the property and stock are protected as much as possible from any avoidable impacts.

- 10) Condition: Access is not permitted during our breeding and nursing seasons. Cattle are bred during both the Spring and Autumn seasons. Horses are bred during the Spring.

Risk: Movement of vehicles, machinery and people in these areas will most definitely result in stress to the animals potentially causing them not to fall pregnant or to slip their progeny; resulting in significant financial loss for which the landholder must be compensated by Santos.

- 11) Access is not permitted during planting seasons. Between seasons, weather and contract staffing challenges, the landholders need to ensure all necessary activities are all concluded efficiently within constrained time frames.

Risk: No feed to sustain livestock resulting in significant financial loss.

## Access Conditions

- 12) Condition: Access is not permitted at the reasonable direction of the landholder. Access by Santos could test the mental health of the landholder or delegates simply by their presence and a request of “no access today” should be respected by Santos.

Risk: Mental Health. We note The Bender family of Chinchilla and the tragic circumstances that played out for that family and their community, after George Bender took his own life given the mental toll that the CSG project took on him.

- 13) Condition: No vehicular access via land planted with a standing crop

Risk: Driving through a standing crop will damage the crop and cause financial loss.

- 14) Condition: No vehicular access via land fallow with remnant standing crop intact protecting soil and moisture profiles.

Risk: Driving through and damaging remnant crop will cause financial loss.

- 15) Condition: The landholders seek conditions that specify notice periods (if different from standard conditions), log books to track workers on site, total period of access (e.g. a week, a fortnight) , hours of access, speed limits, exact area to be accessed and any restricted areas (e.g. flood and fire prone land, sensitive land, Aboriginal cultural heritage), access points and routes, gates, maximum number of vehicle movements per day etc.

Risk: It is important that the landholder is not unduly inconvenienced by survey workers and that the property and stock are protected as much as possible from any avoidable impacts. The landholders should also have some certainty around what access will mean for them. This should happen via conditions.

- 16) Condition: Twenty (20) business days' notice requesting access via ATS instrument, with multiple date options beyond the 20 business days to be advised in writing. Multiple date options should be given to a landholder to see what time suits the landholder and or their delegate.

The landholder resides and work predominantly in Sydney and would need to travel 4.5 hours to the property and allocate time well in advance to facilitate access.

Risk: Financial loss.

- 17) Condition: Access will only be granted between the hours of 10am and 4pm AEST on weekdays. BP is working farm with multiple operations.

Risk: Financial loss.

- 18) Condition: Police check and working with children check required for all workers accompanying the ATS access. This is the minimum standard to apply for those accessing BP as children may be around on the property at the time.

Risk: Child abuse and/or trauma

- 19) Condition: Financial compensation for time taken to understand the scope of the project on the landholder's land as well as being given necessary time from delivery of said 2009 Environment assessment and the 2019 modification assessment to comprehend the detail.

Landholders old and new should have access to this document in hard copy if they wish to peruse the document for a better understanding of the project and be given the time to review the document and compensated for their time.

- 20) Condition: Access/entry points to the lands described in the ATS are determined by the landholder.

Risk: Financial loss.

- 21) Condition: All those entering under the ATS should be vaccinated for Covid 19 (double vaccinated) and have completed 2 booster shots.

Risk: The spread of Covid 19 at BP and in turn financial loss.

- 22) Condition: No Drugs to be carried onto, nor smoking on site for those entering lands under the ATS. Our farm is a drug and smoke free environment.
- 23) Condition: Vehicles should maintain a speed limit not exceeding 5kph.

Risk: Given Santos are not aware of the landscape they are travelling in - with potentially tall grass and rocks in the way over much of our land and need to be driving slowly to be conscious of potential risks in the paddock that might cause damage or injury to personnel, children, cattle, horses, wildlife or staff of Santos.

- 24) Condition: No land access is available or appropriate under the ATS instrument under the new RFS NSW Fire Danger Rating classifications of Moderate, High, Extreme or Catastrophic or on days of complete Fire Ban. Santos cannot access land during these status event days, when from Moderate level status landholders are placed in "Plan and prepare" mode. We can't be responsible landholders if we are also potentially escorting Santos staff around the property. Additionally, there could be drilling / survey activity during these status classifications in for example rocky land or susceptible locations that the activity of Santos not be compatible with that days Fire Danger Ratings.

Risk: Fire

### **Property and Environmental Protections**

- 25) Condition: No crossing of standing water or creeks located on the property.

Risk: Vehicles will damage soil if they cross standing water, and there is potential for the driver to get bogged in the paddock.

- 26) Condition: No clearing of vegetation on the property.
- 27) Condition: Advise the landholder immediately in writing if any damage is caused to the property. The landholder should be promptly advised if there is any damage caused to the property.

Risk: These conditions must protect the landholder's interest in their land and any business activities. The landholder has a right to know immediately if any harm is caused to their land, livestock, wildlife and livelihood (e.g. vehicle strike).

### **Compensation and Make Good Provisions**

- 28) Condition: Santos to pay a security bond that is held by the landholder for at least a year that the landholder can claim against if harm is caused that cannot be made good. The amount of the security bond to be determined depending on the property, the business activities and the risk of allowing entry for surveying purposes.

Santos to compensate the landholder for any harm to property, stock or the environment that cannot be made good.

Risk: Not all harm can be made good. The landholder should not have to go to court to get compensation if their property or their stock are damaged or harmed by survey workers.

Risk: Financial loss.

**Costs**

- 29) Condition: Santos must pay for any and all legal advice in relation to the ATS or the land access process.

Risk: Having survey workers on your land poses significant risks to the investment – being property and its operations. The landholders must have the benefit of independent legal advice regarding how the ATS applies.

**Dispute Resolution**

- 30) Condition: Independent mediation or arbitration options to be established to ensure the landholder has options for fair hearings in regard to disputes with Santos.

Risk: It is reasonable to assume that disputes are almost certain to arise, particularly regarding the interpretation of conditions and whether they have been complied with. It is prudent to have a process for resolving such disputes.

**Denying Access**

- 31) Condition: The landholder can deny access if Santos or its workers is in breach of any conditions of the ATS until such time as the breach is remedied or the matter is determined via a dispute resolution procedure.

Risk: If the conditions of the ATS are being breached, the landholder should have an automatic right to protect their interests and prevent ongoing breaches.

Risk: Financial Loss

**Method of Communication**

- 32) Condition: All communication from Santos is to be in writing, delivered via registered mail to the landholder's postal address. No email correspondence is to be entered into.

Risk: Financial Loss arising from inadequate communications

- 33) Condition: Santos must advise in writing to the landholder the weight limits of farm machinery movements over the top of the buried gas pipeline prior to access.

Risk: Damage to the pipeline and surrounds.

**Other**

- 34) Condition: Santos must disclose in writing prior to access all imports necessary onto the property for the purpose of the ATS survey activity. Santos should disclose all chemicals required for the core drilling onto lands and be able to provide alternative biodegradable products and be able to confirm no residue from lubricants will be left on site or for example in core drill holes onsite.

Risk: Contamination

- 35) Condition: Land cannot be accessed for 14 days minimum after in-crop sprays or as appropriate for withholding periods specific for the chemical application.

Risk: Contamination and poisoning

- 36) Condition: Personnel entering under the ATS instrument will supply in writing a copy of photographic ID for each staff member with a right of refusal of access, or request different staff retained by the landholder.

The landholders should be able to know, correctly name and identify those who enter their land, and have a right of refusal of Santos staff at their discretion.

- 37) Condition: Santos to provide live/current/newly established wash down certificates for vehicles and all equipment brought onto site prior to entry to the property verified by an independent auditor that it is correct in its application.

The landholders should be able to know that the vehicle entering the property has been correctly washed down immediately prior to property entry.

Risk: Contamination

- 38) Condition: Santos must provide a detailed plan of where survey activity is to occur within the investigation corridor 21 days prior to entry.

The landholder should be able to know prior where the proponent intends to survey prior to property entry.

Risk: Financial loss

- 39) Condition: Santos is to provide a list of insurers who provide public liability insurance on lands where high pressure gas pipelines are built. This list of insurance companies is to be updated and provided quarterly via registered mail to the landholder.

The landholder should be able to know prior, what companies may provide them with relevant insurances if the pipeline was to go ahead. The landholder has a long-standing complex package of insurance requirements with one specific rural property insurer, and needs to ensure that they can continue to have public liability insurance and other insurances with their insurer of choice.

Risk: Financial loss

- 40) Condition: Santos is to provide full detail in writing as to what Engineering & Constructability, Geotechnical, Environmental, and Heritage Surveys (invasive and non-invasive) will specifically entail with detailed explanations, prior to entry under the ATS instrument.

The landholder has a right to know the specifics and detail of what the survey process entails and how it will be completed on their land.

- 41) Condition: Santos is to answer all landholder questions in writing, and any follow up questions prior to use of the ATS instrument.

The landholder has a right to ask questions and have them answered to their satisfaction prior to access of land under the ATS instrument.

- 42) Condition: Santos is to return all soil samples taken from the site within 21 days.

The landholder has a right to request their soil be returned promptly.

- 43) Condition: Santos is not to cut, undo, unhook, touch or tamper with fences.

The landholder has a right to request their fences are not touched.

Risk: Stock movement and in turn financial loss.

- 44) Condition: The landholder should be indemnified against any claim made by Santos in regards to workers injured on the landholder's land.

Risk: The landholder shouldn't bear the risk of Santos land access request or risk to their workers.

- 45) Condition: Santos must provide log books of access to previous land under land access agreement or use of the ATS instrument to the landholder upon request.

Risk: The landholder is aware of land that is subject to EPA analysis and scrutiny and shouldn't be drilled and contaminants from that potentially land spread to adjoining land. The landholder needs to know where the proponent has been previously.

- 46) Condition: Only equal number of landholder delegates that will accompany staff members entering under the ATS instrument shall enter the property.

e.g. If only 1 landholder delegate is available to accompany Santos multiple staff shouldn't enter lands subject to the ATS instrument if they can't be supervised or accompanied at all times exclusively.

### **Property Values**

- 47) Condition: Santos must provide updated land valuations to gain a baseline understanding of the current value of the property. This should be then completed quarterly and provided in writing. Landholders should be covered for the devaluation of their land and need documented evidence of land value prior to survey work and potential construction of the pipeline.

The choice of independent valuer should be at the landholder's discretion.

Risk: Financial loss