

SCHEDULE ES1

Permit, licence or approval taken to have been issued	An electricity generation licence
Act pursuant to which the permit, licence or other approval is taken to have been issued in relation to the conditions contained in this schedule	<i>Electricity Supply Industry Act 1995</i>
Person, body or State Service Agency responsible for the enforcement of the conditions contained in this schedule	Regulator

Part 1 – Definitions

In this schedule, unless the contrary intention appears:

“**Act**” means the *Electricity Supply Industry Act 1995 (Tas)*;

“**Code**” means the Tasmanian Electricity Code, as amended or substituted from time to time, issued under Division 9 of Part 3 of the Act;

“**connection agreement**” has the same meaning as in the Code;

“**electricity**” means electrical energy generated, transmitted or supplied in trade or commerce (including electricity generated by a person engaged in trade or commerce for the person's own commercial use);

“**generating plant**” means the generating facility described by the person responsible in the information provided by it in accordance with Part 2 of Schedule ES1;

“**generation of electricity**” means the operation of any kind of facility or plant that is or could be used to generate electricity, including all equipment at that facility or plant;

“**guideline**” means a written statement of regulatory intent or policy for the information and guidance of licence holders under the Act, issued by the Regulator, or by any other relevant person determined and advised to licence holders by the Regulator;

“**licence**” means an electricity generation licence authorising the licensee to undertake the generation of electricity;

“**licence application form**” means the form published by the Regulator titled ‘Electricity Licence Application Form’;

Explanatory Note:

This form is available on the website at www.energyregulator.tas.gov.au

“**licensee**” means the person responsible if the Regulator grants a licence to the person responsible under the terms of this Schedule;

“**National Electricity Rules**” means:

- a the Rules made under section 90(1) of the National Electricity Law; and
- b the National Electricity Rules made under section 34 of the National Electricity Law by the Australian Energy Market Commission established by section 5 of the Australian Energy Market Commission Establishment Act 2004 of South Australia;

SCHEDULE ES1

"regulations" means regulations made and in force under the Act;

"Regulator" means the person appointed as the Regulator under section 5 of the Act;

"Reliability and Network Planning Panel" has the same meaning as in the Code;
and

"Tasmanian network" has the same meaning as in the Code.

All other words have the same meaning as defined in the *Electricity Supply Industry Act 1995*.

SCHEDULE ES1

Part 2 – Conditions

The person responsible is to generate electricity as part of the project only in accordance with the following:

Information Requirements

- 1 Prior to the person responsible undertaking the generation of electricity, the person responsible must apply in writing to the Regulator for confirmation that the person responsible can undertake the generation of electricity at the generating plant, using the licence application form.
- 2 The information required under condition 1 shall include that required by the licence application form and any additional information requested by the Regulator.

Circumstances in which application not required

- 3 If the regulations apply such that the person responsible does not require a licence, then an application under condition 1 is not required.

Timing of application

- 4 The application under condition 1 must be submitted by the person responsible to the Regulator not less than 40 business days prior to the person responsible undertaking the generation of electricity at the generating plant.

Consideration of application

- 5 The Regulator has considered the application and confirmed or refused to confirm that the person responsible can undertake the generation of electricity at the generating plant.
- 6 The Regulator may only confirm that the person responsible can undertake the generation of electricity at the generating plant if satisfied that:
 - a The person responsible is a suitable person to hold the licence; and
 - b The generating plant (or proposed generating plant) will generate electricity of the appropriate quality for the relevant transmission or distribution network; and
 - c The confirmation would be consistent with criteria (if any) prescribed by regulation for a generation licence.
- 7 In deciding whether the person responsible is a suitable person to hold a licence, the Regulator may consider:
 - a The previous commercial and other dealings of the person responsible and the standard of honesty and integrity shown in those dealings; and
 - b The financial, technical and human resources available to the person responsible; and
 - c The officers and, if applicable, major shareholders of the person responsible and their previous commercial and other dealings and the standard of honesty and integrity shown in those dealings (including breaches of statutory and other legal obligations); and
 - d Other matters prescribed by regulation.

SCHEDULE ES1

Authority granted by licence

- 8 Upon confirmation in accordance with conditions 5 and 6, the person responsible becomes the licensee and is authorised to undertake the generation of electricity at the generating plant in accordance with the terms and conditions of the licence, which will be similar to those conditions shown in Annex A.

Notice of decision

- 9 The Regulator will give the person responsible written notice of his decision on the confirmation.

Issue and Register of licences

- 10 Upon confirmation, the licence will be issued to the person responsible and will be added to the register of licences issued by the Regulator pursuant to the Act.

SCHEDULE ES1

ANNEX A

The following is a list of the expected terms and conditions attaching to a licence to generate electricity if confirmed that the person responsible can undertake the generation of electricity at the generating plant.

These conditions include statutory conditions provided for in the Act and common conditions attaching to a licence for the generation of electricity.

The Regulator may impose alternative or additional conditions upon the issue of the licence.

Compliance with laws and other requirements

- A.1 The licensee must comply with the Act, the regulations, the Code, guidelines and the National Electricity Rules. In the event the National Electricity Rules are inconsistent with the Code, then the National Electricity Rules prevail to the extent of such inconsistency.
- A.2 The licensee must comply with directions or requirements given or made by the Regulator under the Act, the regulations or the Code.
- A.3 The licensee must comply with:
 - a any award made under the *Energy Ombudsman Act 1998*; and
 - b any decision of any court in respect of a matter that could have been the subject of a complaint under the *Energy Ombudsman Act 1998* or resulted from proceedings commenced on the recommendation of the Ombudsman under that Act; and
 - c any decision of any tribunal, board or other person in respect of a matter that could have been the subject of a complaint under the *Energy Ombudsman Act 1998* or resulted from the referral of that matter to the tribunal, board or other person by the Ombudsman under that Act.
- A.4 The licensee must use best endeavours to ensure that each contractor engaged by it complies with the terms and conditions of the licence, to the extent that such terms and conditions are relevant to that contractor.

Term of licence

- A.5 The licence expires ten (10) years after the date of issue.

Fees and charges

- A.6 The licensee must pay to the Regulator fees and charges in accordance with clause 2.4.2 of the Code.

Provision of information

- A.7 The licensee must provide to the Regulator, in the manner and form advised by the Regulator, such information as the Regulator may from time to time require and which is, in the opinion of the Regulator, relevant to the Regulator's functions under the Act, the Code and the National Electricity Rules.
- A.8 If the licensee becomes aware of any material breach of, or non-compliance with, the licence, the Act, the Code or the National Electricity Rules, it must notify the Regulator of the breach or non-compliance as soon as practicable and provide such information as the Regulator requires in relation to the breach or non-compliance.

SCHEDULE ES1

ANNEX A

Advice to the Regulator

- A.9 The licensee must report to the Regulator as soon as possible if it is put under external administration as defined in the *Corporations Act 2001 (Cwth)* or if its circumstances change such that its ability to meet its obligations under the licence, the Act, the Code or the National Electricity Rules may be materially affected.

Management and operating contracts

- A.10 The licensee must advise the Regulator of its entering into any contract under the terms of which another person assumes, or will assume, operational responsibility for carrying out any substantive part of the operations authorised by the licence.
- A.11 The licensee must submit to the Regulator not less than 14 days prior to the commencement of any contract referred to in condition A.10 above:
- a the identity and contact details of the other person; and
 - b details of the nature of the operations that the other person will assume responsibility for carrying out; and
 - c details of the relevant qualifications and experience of the other person to undertake the specified operations.

Assistance to the Reliability and Network Planning Panel

- A.12 The licensee must provide such information or other assistance as may be requested and required by the Reliability and Network Planning Panel.
- A.13 The licensee must not allow the generating plant to be, or to remain, connected to the Tasmanian network at a time when no relevant connection agreement subsists.

SCHEDULE GP1

Permit, licence or approval taken to have been issued	Licences to construct, or operate and maintain a gas pipeline.
Act pursuant to which the permit, licence or other approval is taken to have been issued in relation to the conditions contained in this schedule	<i>Gas Pipelines Act 2000</i>
Person, body or State Service Agency responsible for the enforcement of the conditions contained in this schedule:	Director of Gas

Part 1 – Definitions

In this schedule, unless the contrary intention appears:

“**Act**” means the *Gas Pipelines Act 2000*;

“**authorised pipeline**” means the pipeline described by the person responsible in information provided by it in accordance with Part 2 of Schedule GP1;

“**commissioning plan**” means a written plan developed by the person responsible and accepted by the Director of Gas Safety, including any variations accepted by the Director of Gas Safety from time to time, specifying the procedures and practices in accordance with which the person responsible will undertake the commissioning of the authorised pipeline, from completion of construction in accordance with contractual arrangements to satisfactory commencement of operations of carrying natural gas;

“**Director of Gas**” means the person appointed as the Director of Gas under section 7 of the *Gas Act 2000*;

“**Director of Gas Safety**” means the person appointed as the Director of Gas Safety under section 9 of the *Gas Act 2000*;

“**guideline**” means a written statement of regulatory intent or policy for the information and guidance of licence holders under the *Act*, issued by the Director of Gas, or by any other relevant person determined and advised to licence holders by the Director of Gas;

“**licence**” means a gas pipelines licence authorising the person responsible to construct, or operate and maintain the pipeline;

“**licensee**” means the person responsible if the Director of Gas grants a licence to the person responsible under the terms of this Schedule;

“**National Gas Code**” means the National Third Party Access Code for Natural Gas Pipelines Systems;

“**natural gas**” means a substance which is in a gaseous state at standard temperature and pressure and which consists of naturally occurring hydrocarbons, or a naturally occurring mixture of hydrocarbons and non-hydrocarbons, the principal constituent of which is methane but does not include anything declared by the regulations not to be natural gas;

SCHEDULE GP1

"pipeline" means the whole or any part of a pipeline for conveying natural gas, petroleum or another regulated substance from a point at or near the place of its production to another place or other places, or the whole or any part of a pipeline that forms part of a system of pipelines for that purpose, and includes:

- a tanks, machinery and equipment necessary for, or associated with, its operation; and
- b a pipeline or class of pipelines which under section 3(3) of the Act is to be treated as a transmission pipeline for the purposes of the Act,

but does not include the following:

- c a pipeline located wholly within the site of an industrial plant;
- d a pipeline that forms part of a gas distribution system within a city, town or other centre of population or industry;
- e any part of a pipeline referred to in paragraph (c) or (d) for which a licence is required under the *Petroleum (Submerged Lands) Act 1982* of Tasmania or the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth; or
- f a pipeline or class of pipelines which under section 3(3) of the Act is to be treated as not being a transmission pipeline for the purposes of the Act;

"prescribed standards or codes" means the standards or codes required by the Director of Gas Safety or prescribed by regulations, including those specified in Schedule 1 of the *Gas Pipelines Regulations 2002*;

"regulations" means regulations made and in force under the Act;

"safety and operating plan" means the safety and operating plan required under section 47 of the Act;

All other words have the same meaning as defined in the *Gas Pipelines Act 2000*.

SCHEDULE GP1

Part 2 – Conditions

The person responsible is to construct, or operate and maintain a gas pipeline as part of the project only in accordance with the following:

- 1 The person responsible is required to provide the following information:
 - a A statement showing to the satisfaction of the Director of Gas the financial and technical resources available to the person responsible; and
 - b Details of the proposed pipeline network, including:

In relation to a licence to construct a pipeline:

 - i the anticipated date of commencement of the construction of the pipeline;
 - ii the expected date of completion of that construction;
 - iii the anticipated date of commissioning the pipeline;
 - iv a description of the route of the proposed pipeline with a map showing the proposed route of the pipeline and any significant landmarks drawn to a scale of 1:25 000 or such other scale as the Director of Gas may approve; and
 - v a full description of the proposed pipeline, stating its length, pipe specifications, types and diameter with particulars of any pumping stations and ancillary works; and

In relation to a licence to operate and maintain a pipeline:

 - i the anticipated date of commencement of the operation of the pipeline; and
 - ii a full description of the proposed pipeline, stating its length, pipe specifications, types and diameter with particulars of any pumping stations and ancillary works.
- 2 The person responsible must provide to the Director of Gas any further relevant information, documents or materials to assist in determining whether the person responsible can construct, or operate and maintain the authorised pipeline, within the time specified by the Director of Gas.
- 3 The person responsible is to submit a safety and operating plan to the Director of Gas Safety and that plan is independently certified by a person approved by the Director of Gas Safety as conforming to prescribed standards or codes.
- 4 The person responsible is to submit a commissioning plan to the Director of Gas Safety and the Director of Gas Safety has accepted, in writing, that plan.
- 5 The person responsible must submit the information required by conditions 1 to 4 to the Director of Gas not less than 60 days prior to constructing, or operating and maintaining, the authorised pipelines.
- 6 The Director of Gas has considered the information provided by the person responsible and has determined that the conditions have been met or communicated to the person responsible which conditions have not been met.

SCHEDULE GP1

- 7 The Director of Gas is satisfied that:
- a The person responsible has adequate technical and financial resources to undertake the proposed activities;
 - b The person responsible has demonstrated compliance with, or an intention to comply with, the requirements of the Act;
 - c An order has been made under section 3(3) of the Act declaring the authorised pipeline to be treated as a transmission pipeline for the purposes of the Act;
 - d The Director of Gas Safety has provided a certificate that, in his opinion, the authorised pipeline has, or will have, the necessary ability to convey gas safely;
 - e If requested to do so by the Director of Gas, the person responsible has given security, of a kind and amount acceptable to the Director of Gas, for the due performance of obligations arising under the Act or the licence; and
 - f In relation to construction of an authorised pipeline, a permit or other authority for the construction of the authorised pipeline has been granted under any other relevant law.
- 8 The Director of Gas has confirmed that the person responsible can construct, or operate and maintain, the authorised pipeline in accordance with terms and conditions that the Director of Gas considers necessary, which will be similar to those conditions shown in Annex A.

Notice of decision

- 9 The Director of Gas has given the person responsible written notice of the decision to confirm that the person responsible can construct, or operate and maintain, the authorised pipeline in accordance with terms and conditions that the Director of Gas considers necessary.
- 10 Notice of the confirmation is to be published in the Gazette.

Issue and Register of licences

- 11 Upon confirmation, a licence will be issued to the person responsible and will be added to the register of licences maintained by the Director of Gas.

SCHEDULE GP1

ANNEX A

The following is a list of the expected terms and conditions attaching to a licence if confirmed that the person responsible can construct, or operate and maintain the authorised pipeline. These conditions include statutory licence conditions provided for in the Act and common conditions attaching to a licence for constructing, or operating and maintaining, a pipeline.

These conditions are for information purposes only.

The Director of Gas may impose alternative or additional conditions upon the issue of a licence.

A GENERAL CONDITIONS

Compliance with Law and Standards

- A.1 The licensee must comply with the Act, the regulations, guidelines and all other applicable laws (including all applicable provisions of the National Gas Code) and requirements (including any technical or safety requirements), and with all relevant recognised standards and practices applicable to the construction, or operation and maintenance, of a pipeline.
- A.2 The licensee must use best endeavours to ensure that each contractor engaged by it complies with the terms and conditions of the licence, to the extent that such terms and conditions are relevant to that contractor.

Provision of Information

- A.3 The licensee must provide to the Director of Gas and/or the Director of Gas Safety, within the time specified in a written request for information from the Director of Gas or Director of Gas Safety, any information the Director of Gas or the Director of Gas Safety may reasonably require relating to the construction, or operation and maintenance, of the authorised pipeline.
- A.4 If the licensee becomes aware of any material breach of, or non-compliance with the licence, the Act, the regulations, or the National Gas Code it must notify the Director of Gas of the breach or non-compliance as soon as practicable and provide such information as the Director of Gas requires in relation to the breach or non-compliance.
- A.5 The licensee must immediately advise the Director of Gas in the event of any material breach, variation, surrender, revocation or cancellation of any permit or other authority issued to the licensee and directly relevant to the construction, or operation and maintenance, of the authorised pipeline, and must provide such information as the Director of Gas requires in relation to the breach, variation, surrender, revocation or cancellation.

SCHEDULE GP1

ANNEX A

Advice to the Director of Gas

- A.6 The licensee must report to the Director of Gas as soon as possible the occurrence of any of the following circumstances:
- a The licensee is put under external administration as defined in the *Corporations Act 2001 (Commonwealth)*; or
 - b The licensee experiences a change in its circumstances which may affect its ability to meet its obligations under the licence, the Act, the regulations and the National Gas Code.

Use of information

- A.7 The licensee authorises the Director of Gas to:
- a use for the purposes of the Act, any information and records provided by the licensee under the Act; and
 - b disclose information and records provided by the licensee under the Act as authorised by the regulations.

B CONDITIONS SPECIFIC TO CONSTRUCTION

Construction of the authorised pipeline

- B.1 The licensee must construct the authorised pipeline in accordance with the description and technical and design specifications contained in the information provided by it in accordance with Part 2 of Schedule GP1 .
- B.2 The licensee must construct the authorised pipeline in accordance with any plan to address safety issues as required under the Act and with any directions or requirements of the Director of Gas Safety.

Insurance

- B.3 The licensee must arrange and maintain with one or more insurers, adequate contract works and public liability insurance in respect of the potential for any loss, harm or damage caused to any person or property arising out of, or in any way connected with, the action or inaction of the licensee or any of its agents or employees, or of any contractor or subcontractor of the licensee pursuant to the licence.

Term of licence

- B.4 The licence expires five (5) years after the date of issue.

C CONDITIONS SPECIFIC TO OPERATING AND MAINTAINING

Compliance with standards

- C.1 The licensee must operate and maintain the authorised pipeline in accordance with, and otherwise comply with, AS 2885 and any other standards required by the Director of Gas Safety.
- C.2 The licensee must not put natural gas into the authorised pipeline, other than in accordance with the commissioning plan, unless the Director of Gas Safety has given consent in writing to the licensee.

SCHEDULE GP1

ANNEX A

Operations and maintenance agreements

- C.3 The licensee must advise the Director of Gas of the entering into, by it, of any agreement under the terms of which another person assumes, or will assume, operational responsibility for carrying out any substantive part of the operations authorised by the licence.
- C.4 The licensee must submit to the Director of Gas not less than 14 days prior to the commencement of any agreement referred to in condition C.3:
- a The identity and contact details of the other person;
 - b Details of the nature of the operations that the other person will assume responsibility for carrying out; and
 - c Details of the relevant qualifications and experience of the other person to undertake the specified operations.

Term of licence

- C.5 The licence expires twenty-five (25) years after the date of issue.

SCHEDULE FP1

Permit, licence or approval taken to have been issued	Approval to carry out Forest Practices
Act pursuant to which the permit, licence or other approval is taken to have been issued in relation to the conditions contained in this schedule	<i>Forest Practices Act 1985</i>
Person, body or State Service Agency responsible for the enforcement of the conditions contained in this schedule	Chief Forest Practices Officer, Forest Practices Authority

Part 1 – Definitions

For the purposes of this schedule, unless the contrary intention appears:

“Act” means the *Forest Practices Act 1985*;

"Authority" means the Forest Practices Authority

“Chief Forest Practices Officer” means the Chief Forest Practices Officer appointed under section 4J of the Act;

"clearing of trees" means the removal of trees by –

- a clearing, cutting, pushing or otherwise removing; or
- b destroying the trees in any way;

"clearance and conversion", of a threatened native vegetation community, means the deliberate process of removing all or most of the threatened native vegetation community from an area of land and –

- a leaving the area of land, on a permanent or extended basis, in an unvegetated state; or
- b replacing the threatened native vegetation so removed, on a permanent or extended basis, with any, or any combination of, the following:
 - i another community of native vegetation;
 - ii non-native vegetation;
 - iii agricultural works;
 - iv residential, commercial or other non-agricultural development;
 or
- c doing a combination of any of the things referred to in paragraphs a and b.

“construction activities” means activities on the land associated with the construction phase of the Pulp Mill and related infrastructure (which includes vegetation clearance, road construction, related infrastructure and rehabilitation);

“Forest Practices” means, in relation to the project, the processes and works involved in harvesting timber, clearing trees or clearing and converting threatened native vegetation communities to construct the pulp mill and related infrastructure.

"Forest Practices Code" means the Forest Practices Code issued by the Forest Practices Authority pursuant to section 30 of the Act and in force under the Act and includes any amendments that may from time to time be made to that Code;

SCHEDULE FP1

"harvest", used in relation to timber, means to cut and remove that timber from a forest;

"native vegetation" means vegetation of a species that existed in Tasmania, on land, before European settlement;

"related infrastructure" includes, but is not limited to, roads, substations, cables, underground or overhead powerlines, control buildings, transformers, hazardous materials storage facilities and concrete batch plants;

"remove" means remove by any direct or indirect means or combination of means, including but not limited to the following:

- a burning;
- b clearfelling;
- c cutting down;
- d drowning;
- e lopping;
- f ploughing;
- g poisoning;
- h ringbarking;
- I thinning;
- J uprooting.

"threatened native vegetation community" has the same meaning as in the *Nature Conservation Act 2002*;

"threatened species" has the same meaning as in the *Threatened Species Protection Act 1995*;

"tree fern" means a plant of the species *Dicksonia antarctica*;

"trees" means –

- a any woody plants with a height or potential height of 5 metres or more, whether or not living, dead, standing or fallen, that are –
 - i native to Tasmania; or
 - ii introduced into Tasmania and used for the processing or harvesting of timber; and
- b tree ferns;

All other words have the same meaning as defined in the *Forest Practices Act 1985*.

SCHEDULE FP1

Part 2 – Conditions

The person responsible is to undertake Forest Practices required as part of the project only in accordance with the following:

- 1 At least 28 days prior to the commencement of construction activities a Forest Practices Plan must be submitted in writing to the Chief Forest Practices Officer or his delegate for certification.
- 2 The plan must be in accordance with the requirements of the Forest Practices Code and any reasonable guidelines or instructions provided by the Chief Forest Practices Officer.
- 3 The plan is to:
 - a contain specifications of the Forest Practices to be carried out on the land referred to in the plan in connection with the harvesting of timber or the clearing of trees or the clearance and conversion of a threatened native vegetation community. Any specifications shall be in accordance with the Forest Practices Code as in force at the time the Forest Practices Plan is prepared;
 - b contain, in the case of the harvesting of tree ferns, the following specifications:
 - i the name of the person intending to harvest the tree ferns;
 - ii the estimated number of tree ferns to be harvested;
 - iii an estimate of the period during which tree ferns are to be harvested;
 - c contain, if the Plan involves the clearance and conversion of a threatened native vegetation community, the following specifications:
 - i the identity of the threatened native vegetation community and its range;
 - ii how much of the threatened native vegetation community would be cleared and converted under the plan;
 - iii the kind of vegetation, works or development that would replace the threatened native vegetation cleared and converted under the plan;
 - iv the intended method of removal;
 - d provide an estimate of the period during which the Forest Practices of the plan overall are to be carried out;
 - e specify, if applicable, the name of the timber processor by whom the timber harvested under the plan is intended or expected to be processed.
- 4 The plan submitted under condition 1 shall
 - a be accompanied by a memorandum in writing signed by the owner of the land referred to in the plan or, if the land is subject to a forestry right, the holder of the right, stating that he or she has given approval for the plan to be submitted to the Authority; and
 - b where the application seeks to clear and convert threatened native vegetation or the habitat of threatened species, be accompanied by a

SCHEDULE FP1

submission that details the measures to be taken to offset or mitigate the loss of any significant conservation values.

- 5 The person responsible must, if requested by the Chief Forest Practices Officer, provide such further particulars in relation to the Forest Practices Plan as the Chief Forest Practices Officer specifies.
- 6 All Forest Practices must be carried out in accordance with a Forest Practices Plan certified Chief Forest Practices Officer or his delegate, unless otherwise specified in these conditions or unless otherwise approved in writing by the Chief Forest Practices Officer.
- 7 Construction (including commissioning) activities must not take place unless the Forest Practices Plan has been certified in writing by the Chief Forest Practices Officer or his delegate.
- 8 The certified Forest Practices Plan, as amended from time to time with the approval of the Chief Forest Practices Officer, must be implemented to the satisfaction of the Chief Forest Practices Officer.
- 9 The person responsible must lodge a final compliance report with the Chief Forest Practices Officer, in a form approved by the Chief Forest Practices Officer, within 30 days after the expiration of the period during which Forest Practices are authorised to be carried out under the plan stating:
 - a whether or not the plan has been complied with;
 - b if the plan enables tree ferns to be harvested, the number of tree ferns harvested; and
 - c such other particulars as the Authority considers appropriate.