

**DETERMINATION OF A DEVELOPMENT APPLICATION
FOR STATE SIGNIFICANT, DESIGNATED AND INTEGRATED DEVELOPMENT
UNDER SECTIONS 80(4) AND 80(5) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Infrastructure and Planning, pursuant to sections 80(4) and 80(5) of the *Environmental Planning and Assessment Act 1979*, determine the development application referred to in Schedule 1 by granting staged development consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- a) minimise any adverse environmental impacts associated with the development;
- b) stage commencement of the development subject to demonstration that any additional approvals for transmission infrastructure upgrades are obtained; and
- c) provide mechanisms for the mitigation of residual local visual amenity impacts.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney, 10 June 2005

File No. S03/01578

SCHEDULE 1

Application made by: Wambo Power Ventures Pty Ltd;

To: Minister for Infrastructure and Planning;

In respect of: Lot 782 DP 878179 and Lot 76 DP 754573, Parish of Yarragundry, County of Mitchell, Urquinty, Wagga Wagga Local Government Area;

For the following: The construction and operation of a 600 megawatt (MW) peak load / high shoulder load gas-fired power station, in two stages. The first stage would consist of two 150 MW gas turbines operating in an open cycle configuration, and associated infrastructure, including:

- office and workshop facilities;
- transformers and switchgear;
- fire service and fire water storage;
- diesel storage and pumping;
- stormwater storage pond;
- evaporation basins;
- contained composting toilet system;
- demineralised water plant; and
- underground connection to gas pipeline.

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[31-2-2004-i-MOD 4 approved 14 July 2009-](#)
[DA-31-2-2004-i MOD 5 approved 11 December 2009](#)
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Stage 2 would include the installation and operation of an additional two 150 MW gas turbines at a later date.

Development Application:

Development application DA-31-2-2004-i, lodged with the Department of Infrastructure, Planning and Natural Resources Planning on 4 February 2004, accompanied by *Environmental Impact Statement, Proposed Wagga Wagga Gas-Fired Power Station, Submission to NSW Department of Infrastructure, Planning and Natural Resources*, prepared by Environmental and Licensing Professional Pty Ltd and dated January 2004;

State Significant Development

Under section 76A(7) of the Act, the development is classified as State Significant development by virtue of a declaration made by the Minister for Infrastructure and Planning in relation to the development on 20 January 2004.

Commission of Inquiry

The development was subject to a Commission of Inquiry under section 119 of the *Environmental Planning and Assessment Act 1979*. The primary session of the Inquiry was held from 7 to 9 September 2004. The reply session of the Inquiry was held on 11 November 2004. The Commission's recommendations following the Inquiry are detailed in *Report to the Honourable Craig Knowles MP, Minister for Infrastructure and Planning, Minister for Natural Resources – Proposed Gas-Fired Power Station, Uranquinty Cross Road, Uranquinty, Wagga Wagga Local Government Area*, dated December 2004.

Appeal Rights

There is no right of appeal to the Land and Environment Court under section 97 or section 98 of the *Environmental Planning and Assessment Act 1979*, as the development is a State Significant Development into which a Commission of Inquiry was held.

Commencement of Consent

Pursuant to section 83(1)(b) of the *Environmental Planning and Assessment Act 1979*, this consent operates from the date that is endorsed on the notice of determination given to the Applicant, because a Commission of Inquiry has been held into the development.

Lapse of Consent

Pursuant to section 95 of the *Environmental Planning and Assessment Act 1979*, this development consent is liable to lapse five years after the date from which it operates unless the use of any land, building or work the subject of the consent is actually commenced before the date on which the consent would otherwise lapse.

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SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
AEMR	Annual Environmental Management Report
Applicant	Wambo Power Ventures Pty Ltd
construction	any activity requiring a Construction Certificate, the laying of a slab or significant excavation work
Council	Wagga Wagga City Council
dB(A)	decibel (A-weighted scale)
Department	NSW Department of Infrastructure, Planning and Natural Resources
DEC	NSW Department of Environment and Conservation (incorporates the NSW Environment Protection Authority and the National Parks and Wildlife Service)
dust	any solid material that may become suspended in air or deposited
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
Minister operation	NSW Minister for Infrastructure and Planning, or delegate any activity at the proposed development that results in the production, or intended production of electricity for contribution to the electricity grid
Regulation site	<i>Environmental Planning and Assessment Regulation, 2000</i> the land to which this consent applies
Stage 1	the development as described in the EIS, containing two 150 MW turbines and all relevant ancillary infrastructure
Stage 2	incorporation of an additional two 150 MW turbines to the development as described in the EIS, for a total of four 150 MW turbines and all relevant ancillary infrastructure

1. GENERAL

Scope of Development

- 1.1 ¹The Applicant shall carry out the development generally in accordance with:
- a) Development Application DA-31-2-2004-i, lodged with the then Department of Infrastructure, Planning and Natural Resources 4 February 2004;
 - b) *Environmental Impact Statement, Proposed Wagga Wagga Gas-Fired Power Station, Submission to NSW Department of Infrastructure, Planning and Natural Resources*, prepared by Environmental and Licensing Professional Pty Ltd and dated January 2004;
 - c) *An Addendum Report from Katestone Environmental to ELP: Response to EPA Questions on Air Quality Report for Wagga Wagga Power Station*, prepared by Katestone Environmental Pty Ltd and dated 31 March 2004;
 - d) additional information provided by letter from Environmental & Licensing Professionals Pty Ltd to the Department dated 19 April 2004, and accompanied by:
 - i) *Environmental Noise Impact Assessment: Uranquinty Gas-Fired Power Station, Wambo Power Ventures*, prepared by Bassett Acoustics and dated 7 May 2004 ;
 - ii) *Water Management Strategy: Additional Information Requested by EPA*, prepared by Environmental & Licensing Professionals Pty Ltd and dated April 2004;
 - e) Additional information provided by email from Origin Energy Limited to the Department dates 3 July 2009 and 7 July 2009 and accompanies by site plans and photographs;
 - f) The letter from Origin Energy Uranquinty Power Pty Ltd to the Department of Planning dated 24 May 2010 titled *Uranquinty Gas-fired Power Station (DA-31-2-2004-i) Proposed Development Consent Modification – Addition of a 60 metre weather mast*;
 - g) the letter from Origin Energy Uranquinty Power Pty Ltd to the Department of Planning dated 3 September 2010 (received by the Department on 6 September 2010) titled *Application for Modification of Development Consent for Uranquinty Power Station (DA-31-2-2004-1)*; and
 - h) the conditions of this consent.
- 1.2 In the event of an inconsistency between:
- a) the conditions of this consent and any document listed from condition 1.1a) to 1.1g) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1g) inclusive, and any other document listed from condition 1.1a) to 1.1g) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 To avoid any doubt, this consent does not authorise the subdivision of the site. Any subdivision must be subject to separate approval under the *Environmental Planning and Assessment Act 1979*.

Staging of Development

- 1.4 Pursuant to section 80(4) of the *Environmental Planning and Assessment Act 1979*, the Applicant shall undertake the development in stages as follows:

¹ Incorporates an EPA General Term of Approval
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- a) Stage 1 – two 150 MW gas turbines operating in an open cycle configuration, and associated infrastructure, including: office and workshop facilities; transformers and switchgear; fire service and fire water storage; diesel storage and pumping; stormwater storage pond; evaporation basins; contained composting toilet system; demineralised water plant; and underground connection to gas pipeline;
 - b) Stage 2 – an addition two 150 MW gas turbines operating in an open cycle configuration, with associated infrastructure and modifications to the site.
- 1.5 Subject to compliance with the relevant conditions of this consent, the Applicant may undertake Stage 1 of the development from the commencement of operation of this consent.
- 1.6 Pursuant to section 80(5) of the *Environmental Planning and Assessment Act 1979*, the Applicant shall only undertake Stage 2 of the development with the further consent of the Minister. This consent shall be the subject of a demonstration by the Applicant, to the satisfaction of the Minister, that all necessary environmental planning approvals have been sought and obtained for any upgrade to electricity transmission infrastructure that may be required in relation to the progression of the development from Stage 1 to Stage 2.

Statutory Requirements

- 1.7 The Applicant shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Dispute Resolution

- 1.8 In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the Director-General, councils and public authorities.

2. COMPLIANCE

- 2.1 Prior to each of the events listed from a) to e) below, or within such period otherwise agreed by the Director-General, the Applicant shall certify in writing to the satisfaction of the Director-General, that it has complied with all conditions of this consent applicable prior to that event. Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the Director-General, stage the submission of compliance certification consistent with the staging of activities relating to that event.
- a) commencement of any physical works on the site;
 - b) commencement of construction of Stage 1 of the development;
 - c) commencement of operation of Stage 1 of the development;
 - d) commencement of construction of Stage 2 of the development;
 - e) commencement of operation of Stage 2 of the development.

- 2.2 Notwithstanding condition 2.1 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.
- 2.3 The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 1.1 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.

3. ENVIRONMENTAL PERFORMANCE

Air Quality Impacts

- 3.1 The Applicant shall design, construct, operate and maintain the development in a manner that minimises dust emissions from the site.
- 3.2 ²The Applicant shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site.

Limitations on Fuel

- 3.3 ³The Applicant shall only use natural gas for routine firing in the power station turbines.
- 3.4 ⁴The Applicant shall only use low sulfur diesel (containing no greater than 0.05 wt% (500 ppm) sulfur) in the power station turbines during emergencies when the natural gas supply to the development has been disrupted. Operation of the power station turbines on low sulfur diesel shall not exceed a total of 70 hours per year.

Discharge Limits

- 3.5 ⁵The Applicant shall design, construct, operate and maintain the development to ensure that for each turbine stack discharge point (four in total), the concentration of each pollutant listed in Table 1 is not exceeded when utilising the specified fuel.

Table 1 - Maximum Allowable Discharge Concentration Limits (Air)

Pollutant	Fuel Type	100 Percentile limit (mgm ⁻³)	Reference conditions
Nitrogen dioxide (NO ₂) or nitric oxide (NO), or both (as NO ₂)	Natural Gas	51	dry, 273 K, 101.3 kPa, and 15 % O ₂
	Diesel	150	

Meteorological Monitoring Station

² Incorporates an EPA General Term of Approval

³ Incorporates an EPA General Term of Approval

⁴ Incorporates an EPA General Term of Approval

⁵ Incorporates an EPA General Term of Approval

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- 3.6 ⁶The Applicant shall install, operate and maintain a meteorological monitoring station to monitor weather conditions representative of those on the site, in accordance with:
- a) AM-1 Guide to Siting of Sampling Units;
 - b) AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications; and
 - c) AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications.

The Applicant shall use the meteorological monitoring station to undertake the monitoring required under condition 4.1 of this consent. This condition does not preclude the Applicant from reaching agreement with any other relevant party for the installation, operation and maintenance of a shared monitoring station, provided the outcomes of this condition are achieved.

Noise Impacts

Vibration Impacts

- 3.7 ⁷The Applicant shall ensure that the vibration resulting from construction and operation of the development does not exceed the evaluation criteria presented in British Standard BS6472 for low probability of adverse comment, at any affected residential dwelling.

Heavy Vehicles

- 3.8 Heavy vehicles shall only be permitted to enter or leave the site between 7:00 am and 7:00 pm on any day. This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

Construction Noise

- 3.9 ⁸The Applicant shall only undertake construction activities associated with the development that would generate an audible noise at any residential premises between the following hours:
- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - b) 7:00 am to 1:00 pm on Saturdays; and
 - c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

- 3.10 The hours of construction activities specified under condition 3.9 of this consent may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 3.9 shall be:
- a) considered on a case-by-case basis;
 - b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
 - c) accompanied by written evidence of the EPA's agreement with the proposed variation in construction times, after providing any information necessary for the EPA to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

⁶ Incorporates an EPA General Term of Approval

⁷ Incorporates an EPA General Term of Approval

⁸ Incorporates EPA General Terms of Approval
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Operation Noise

- 3.11⁹ The Applicant shall design, construct, operate and maintain the development to ensure that the noise contributions from the development to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 2, at those locations and during those periods indicated. The maximum allowable noise contributions apply under wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level), or under temperature inversion conditions of up to 3°C/100 metres and under wind speeds up to 2 ms⁻¹ (measured at 10 metres above ground level).

Table 2 - Maximum Allowable Noise Contribution

Location	Day 7:00 am to 6:00 pm Mondays to Saturdays 8:00 am to 6:00 pm Sundays and public holidays	Evening 6:00 pm to 10:00 pm on any day	Night 10:00 pm to 7:00 am Mondays to Saturdays 10:00 pm to 8:00 am Sundays and public holidays	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Any residence	35	35	35	45

Note: Noise contributions are measured in decibels (dB).

For the purposes of Table 2, “any residence” is defined as:

- any residence in existence at the date that DA-31-2-2004-i MOD 7 was granted; or
- any residential dwelling that has not yet been constructed but which is authorised (by an approval or otherwise) under the *Environmental Planning and Assessment Act 1979* by the date that DA-31-2-2004-i MOD 7 was granted; or
- any application for a residential dwelling, which is lodged with a relevant authority by the date that DA-31-2-2004-i MOD 7 was granted, and which is subsequently authorised (by an approval or otherwise) by that authority under the *Environmental Planning and Assessment Act 1979*.

For the purposes of compliance, the noise limits apply in the case of b) and c) above only once the residential dwelling has been constructed.

- 3.12¹⁰ For the purpose of assessment of noise contributions specified under condition 3.11 of this consent, noise from the development shall be:
- at any point within the residential boundary, or at any point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary; and
 - notwithstanding Table 2, where the noise contribution levels are subject to modification factors provided in Section 4 of the New South Wales Industrial Noise Policy (EPA, 2000), the noise contribution levels in Table 2A apply.

Table 2A - Maximum Allowable (modified) Noise Contribution

Location	Day 7:00 am to 6:00 pm Mondays to Saturdays 8:00 am to 6:00 pm Sundays and public holidays	Evening 6:00 pm to 10:00 pm on any day	Night 10:00 pm to 7:00 am Mondays to Saturdays 10:00 pm to 8:00 am Sundays and public holidays	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Pine Grove	38	38	38	45
The Wardrobe	37	37	37	45

⁹ Incorporates EPA General Terms of Approval

¹⁰ Incorporates EPA General Terms of Approval

Wallace	37	37	37	45
Any other residence	35	35	35	45

Note: Location names correspond with the properties identified by these names in the *Environmental Impact Statement, Proposed Wagga Wagga Gas-Fired Power Station, 2004*. Noise contributions are measured in decibels (dB).

For the purposes of Table 2A, “any other residence” is defined as:

- a) any residence in existence at the date that DA-31-2-2004-i MOD 7 was granted; or
- b) any residential dwelling that has not yet been constructed but which is authorised (by an approval or otherwise) under the *Environmental Planning and Assessment Act 1979* by the date that DA-31-2-2004-i MOD 7 was granted; or
- c) any application for a residential dwelling, which is lodged with a relevant authority by the date that DA-31-2-2004-i MOD 7 was granted, and which is subsequently authorised (by an approval or otherwise) by that authority under the *Environmental Planning and Assessment Act 1979*.

For the purposes of compliance, the noise limits apply in the case of b) and c) above only once the residential dwelling has been constructed.

Should direct measurement of noise from the development be impractical, the Applicant may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the New South Wales Industrial Noise Policy (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.

3.12A In the event that noise complaints are received under adverse weather conditions from the residences described as “Pine Grove”, “The Wardrobe” or “Wallace”, the Applicant shall within one week of receiving the complaint undertake night-time operational noise monitoring at the affected residence for a period of two weeks to confirm the occurrence of operational noise levels greater than $L_{Aeq(15 \text{ minute})}$ 35 dB(A) once the modification factors described in Section 4 of the New South Wales Industrial Noise Policy have been taken into account. Should such an exceedance exist, the Applicant shall employ a suitably qualified independent acoustic professional to prepare, in consultation with the landowner, a Noise Mitigation Design Report with the objective of providing a satisfactory level of internal noise amenity. The report is to be completed within two months of the completion of monitoring or as otherwise agreed by the landowner.

3.12B Within one month of completing the report referred to in condition 3.12A, Applicant is to have entered into an agreement with the landowner to implement suitable feasible and reasonable noise mitigation measures. In the event of a dispute in reaching an agreement or over the agreement itself, either party may refer the matter to the Director-General for resolution. The Director-General's determination of any such dispute shall be final and binding on the parties. Any formal advice or further assessment required by the Director-General to resolve this matter shall be funded by the Applicant.

3.12C Within three months of this consent, the Applicant shall notify all applicable landowners that they are entitled to receive additional noise mitigation measures, per that described by conditions 3.12A and 3.12B.

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- 3.12D Conditions 3.11, 3.12, 3.12A, 3.12B and 3.12C do not apply to any residence for which the owner is party to, or is otherwise subject to, an agreement or other legal instrument which permits noise at levels higher than those specified in conditions 3.11 and 3.12.

The Applicant must notify the Director-General in writing within 14 days of such an agreement or instrument having been made, outlining the parties and property details the subject of the agreement or instrument. The parties and property details the subject of any agreement or instrument made prior to the date of DA-31-2-2004-i MOD 7 being granted shall be notified to the Director-General in writing within 14 days of that modification being granted.

- 3.12E The operational noise limits specified under conditions 3.11 and 3.12 do not apply to the following situations, which are taken to be operations outside of normal operating conditions:
- a) emergency situations; and
 - b) during periods of noise testing identified and implemented in accordance with an approved noise management procedure prepared in accordance with the requirements of condition 6.6 c) ix).

Soil and Water Quality Impacts

- 3.13 ¹¹Except as may be expressly permitted by an Environment Protection Licence for the development issued under the *Protection of the Environment Operations Act 1997*, the Applicant shall ensure that section 120 of that Act (prohibition of pollution of waters) is complied with in and in connection with the carrying out of the development.
- 3.14 All water detention basins installed on the site for the management of surface water or stormwater shall be lined with an impermeable clay liner (or equivalent) of at least 300 millimetres thickness and with a permeability of no greater than 1×10^{-9} mms⁻¹. Livestock shall not be permitted to use these basins.

Hazards and Risk Impacts

Bunding and Spill Management

- 3.15 The Applicant shall store and handle all liquid hazardous materials and liquid dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
- a) all relevant Australian Standards;
 - b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c) the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

Pre-Construction Hazards Studies

- 3.16 Prior to the commencement of construction on the site, the Applicant shall prepare and submit for the approval of the Director-General, the following studies:

¹¹ Incorporates an EPA General Term of Approval
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- a) a **Fire Safety Study** for the development, covering all aspects detailed in the Department's publication *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Guidelines* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The Study shall include a strict maintenance schedule for essential services and other safety measures. The Study shall be submitted for the approval of the Commissioner of the NSW Fire Brigades prior to submission to the Director-General;
- b) a **Hazard and Operability Study (HAZOP)** of the development chaired by an independent, qualified person or team. The independent person or team shall be approved by the Director-General. The Study shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines* and shall, in particular, address the early shutdown procedures and systems in the event of a gas leak and recommended measures for early shutdown in the event of an incident. The HAZOP report shall be accompanied by a program for the implementation of all recommendations made in the HAZOP report;
- c) a **Final Hazard Analysis** prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis*; and
- d) a **Construction Safety Study** for the development, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*. The commissioning portion of the Study may be submitted two months prior to commissioning the development.

Pre-Commissioning Hazards Studies

- 3.17 Prior to the commencement of commissioning of the development the Applicant shall prepare and submit for the approval of the Director-General the following studies:
- a) an **Emergency Plan** for the development. The Plan shall be prepared in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*; and
 - b) a **Safety Management System**, covering all operations at the development and any associated transport activities involving hazardous materials. The System shall clearly specify all safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to safety procedures. The System shall be developed in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.

Waste Generation and Management

- 3.18 The Applicant shall not cause, permit or allow any waste generated by the development or from outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence issued by the EPA. This condition only applies to wastes for which a licence under the *Protection of the Environment Operations Act* or the *Environmentally Hazardous Chemicals Act 1985* is required.

Flora, Fauna and Visual Amenity Impacts

- 3.19 Nothing in this consent permits the destruction, removal or damage of any tree in undertaking the development.
- 3.20 The Applicant shall take all practicable measures to prevent any off-site lighting impacts from the development. In particular the Applicant shall ensure that no lights

are directed towards private residences or roads, and that lighting is consistent with Australian Standard AS4282(INT) 1995 – *Control of Obtrusive Effects of Outdoor Lighting*.

Off-Site Screening of Residual Visual Amenity Impacts

- 3.21 Any landowner with a residential property within three kilometres of the site (when measured from the façade of the property and the boundary of the site the subject of this consent), but excluding those properties to the east of the Olympic Highway, may, within five years of the commencement of construction of Stage 1 of the development, request that the Applicant undertake visual impact mitigation works on the landowner's property. Any such request made by a landowner must be in writing to the Applicant.
- 3.22 Condition 3.21 of this consent only applies in relation to residential properties in existence at the date endorsed on this consent.
- 3.23 Seven days prior to the commencement of construction of Stage 1 of the development, the Applicant shall notify in writing all residential landowners meeting the requirements of conditions 3.21 and 3.22 of the Applicant's intention to commence construction works.
- 3.24 Should the Applicant receive a request under condition 3.21 of this consent, it shall make arrangements within 14 days of receipt of the request, or within such further time as may be agreed with the landowner, to meet with the landowner or its representative to negotiate the scale, nature and timing of visual impact mitigation works on the landowner's property. The meeting(s) between the Applicant and the landowner shall establish, but not necessarily be limited to:
- a) the line(s) of sight between the residential premises and the development site;
 - b) the nature of the visual amenity impact, having regard to the distance of the residential property from the development site and the nature of the line of sight (for example, from a bedroom, recreation area or common residential space);
 - c) the means to mitigate the visual amenity impact, whether vegetative or of other form, including the type and location of the screening treatment; and
 - d) such other matters as the parties may agree.
- 3.25 Where an agreement in relation to visual impact mitigation works is established between the parties under condition 3.24, the Applicant shall fully fund and be responsible for the completion of installation of the mitigation works within six months of the agreement, unless otherwise agreed between the Applicant and the landowner. The Applicant may, with the agreement of the landowner, provide funding for the works to be undertaken by the landowner or another party on the Applicant's behalf.
- 3.26 Should the Applicant and the landowner agree to the installation of a vegetative barrier as a visual mitigation work, the Applicant shall be responsible for funding maintenance measures for the vegetative barrier, including watering, pruning and replacement of dead vegetation for a period of five years from the installation of the barrier, unless otherwise agreed with the landowner.
- 3.27 If agreement is not reached between the landowner and the Applicant under condition 3.24 of this consent within three months of the receipt of a request from a landowner under condition 3.21, either party may refer the matter to the Director-General for resolution. The Director-General's determination of the matter shall be final and binding on the parties. In resolving the matter, the Director-General may appoint an

independent, qualified person or team, to be funded by the Applicant, to assess the particular visual amenity issues at the subject residential property and to provide expert advice on the scale, nature and location of the visual mitigation screening.

Heritage Impacts

- 3.28 In the event that any item with identified or suspected heritage value is discovered/ located during the development, the Applicant shall cease all activities that may adversely impact on the item and contact the NSW Heritage Office (in relation to items of non-indigenous heritage significance) or the Department of Environment and Conservation (in relation to items of indigenous heritage significance). The Applicant shall comply with the requirements of the NSW Heritage Office and/ or the National Parks and Wildlife Service in relation to the management of the discovered/ located item.

Aviation Impacts

- 3.29 Prior to the commencement of construction, the Applicant shall consult with the Civil Aviation Safety Authority in relation to any modifications to instruments or procedures required at Wagga Wagga aerodrome as a result of the development. At the request of the Civil Aviation Safety Authority, the Applicant shall fund any such modifications to the satisfaction of the Director-General.

Traffic and Transport Impacts

- 3.30 ¹²Vehicular access to the site within the road reserve shall be constructed in accordance with Council's standards and requirements.
- 3.31 Vehicles shall enter and leave the site in a forward direction. Landscaping shall not impede driver sight distances for vehicles entering and leaving the site.
- 3.32 Prior to the commencement of operations, the Applicant shall pay \$40,000 to Council as a contribution to the resurfacing of the Uranquinty Cross Road.

4. ENVIRONMENTAL MONITORING AND AUDITING

Meteorological Monitoring

- 4.1 ¹³From the commencement of any works on the site, the Applicant shall continuously monitor, utilising the meteorological monitoring station referred to under condition 3.6 of this consent, each of the parameters listed in Table 3, utilising the sampling method indicated and applying a 15-minute average period to all results, and recording data in units specified in the Table.

Table 3 – Meteorological Monitoring

Parameter	Units of Measure	Sampling Method
Temperature at two metres	°C	AM-4
Temperature at ten metres	°C	AM-4
Wind speed at ten metres	ms ⁻¹	AM-2 and AM-4
Wind direction at ten metres	°	AM-2 and AM-4
Sigma theta at ten metres	°	AM-2 and AM-4
Solar radiation	Wm ⁻²	AM-4

¹² Incorporates a Wagga Wagga City Council General Term of Approval

¹³ Incorporates an EPA General Term of Approval

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Department of Infrastructure, Planning and Natural Resources

MOD-47-5-2007-i approved 6 July 2007

MOD 66-12-2009 approved 18 December 2008

31-2-2004-i-MOD 4 approved 14 July 2009-

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Air Quality Monitoring

- 4.2 ¹⁴The Applicant shall determine the pollutant concentrations and emission parameters specified in Table 4 below, at each of the turbine stack discharge points (established in strict accordance with the requirements of test method TM-1 as specified in *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001). Monitoring shall be undertaken during operation of the development, at the frequency indicated in the Table, unless otherwise agreed by the EPA.

Table 4 – Periodic Pollutant and Parameter Monitoring (Air)

Pollutant/ Parameter	Units of Measure	Method	Frequency
Nitrogen dioxide (NO ₂) or nitric oxide (NO), or both (as NO ₂)	mgm ⁻³	CEM-2	Continuous
Velocity	ms ⁻¹	TM-2	Post commissioning and annually
Volumetric flow rate	m ³ s ⁻¹	TM-2	
Temperature	°C	TM-2	
Moisture content in stack gases	%	TM-22	
Dry gas density	kgm ⁻³	TM-23	
Molecular weight of stack gases	g.gmol ⁻¹	TM-23	
Carbon dioxide	%	TM-24	
Oxygen	%	TM-25	

Air Quality Performance Verification

- 4.3 Within 90 days of the commencement of operation of both Stage 1 and Stage 2 of the development, or as may be agreed by the Director-General, and during a period in which the development is operating under design loads and normal operating conditions, the Applicant shall undertake a program to confirm the air emission performance of the development. The program shall include, but not necessarily be limited to:
- point source emission sampling and analysis subject to the requirements listed under condition 4.2;
 - a comprehensive air quality impact assessment, using actual air emission data collected under a). The assessment shall be undertaken strictly in accordance with the methods outlined in *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales* (EPA, 2001);
 - a comparison of the results of the air quality impact assessment required under b) above, and the predicted air quality impacts detailed in the documents listed under condition 1.1 of this consent;
 - a comparison of the results of the air quality impact assessment required under b) above, and the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001); and
 - details of any entries in the Complaints Register (condition 5.3 of this consent) relating to air quality impacts.

A report providing the results of the program shall be submitted to the Director-General and the DEC with 28 days of completion of the testing required under a).

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- 4.4 In the event that the program undertaken to satisfy condition 4.3 of the consent indicates that the operation of the development, under design loads and normal operating conditions, will lead to:
- a) greater point source emissions or ground-level concentrations of air pollutants than predicted in the documents listed under condition 1.1 of this consent; or
 - b) greater point source emissions or ground-level concentrations of air pollutants than the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001);

then the Applicant shall provide details of remedial measures to be implemented to reduce point source emissions or ground-level concentrations of air pollutants to no greater than that predicted in the documents listed under conditions 1.1 of this consent and to meet the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001). Details of the remedial measures and a timetable for implementation shall be submitted to the Director-General for approval within such period as the Director-General may require, and be accompanied by evidence that the DEC is satisfied that the remedial measures are acceptable.

Noise Monitoring

- 4.5 ¹⁵Within 90 days of the commencement of operation of both Stage 1 and Stage 2 of the development, or as may be agreed by the Director-General, and during a period in which the development is operating under design loads and normal operating conditions, the Applicant shall undertake a program to confirm the noise emission performance of the development. The program shall meet the requirements of the DEC, and shall include, but not necessarily be limited to:
- a) noise monitoring, consistent with the guidelines provided in the *New South Wales Industrial Noise Policy* (EPA, 2000), to assess compliance with condition 3.11 of this consent;
 - b) methodologies for noise monitoring;
 - c) location of noise monitoring;
 - d) frequency of noise monitoring;
 - e) identification of monitoring sites at which pre- and post-development noise levels can be ascertained; and
 - f) details of any entries in the Complaints Register (condition 5.3 of this consent) relating to noise impacts.

A report providing the results of the program shall be submitted to the Director-General and the DEC with 28 days of completion of the testing required under a).

- 4.6 In the event that the program undertaken to satisfy condition 4.5 of the consent indicates that the operation of the development, under design loads and normal operating conditions, will lead to greater noise impacts than permitted under condition 3.11 of this consent, then the Applicant shall provide details of remedial measures to be implemented to reduce noise impacts to levels required by that condition. Details of the remedial measures and a timetable for implementation shall be submitted to the

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Director-General for approval within such period as the Director-General may require, and be accompanied by evidence that the DEC is satisfied that the remedial measures are acceptable.

Water Quality Monitoring

- 4.7 ¹⁶The Applicant shall undertake monitoring of discharge water quality from the stormwater retention pond and the evaporation pond for each of the pollutants and parameters listed in Table 7. Monitoring shall be at the frequency indicated in the Table, and employing the sampling method and units of measure specified.

Table 5 – Pond Discharge Monitoring Parameters

Pollutant/ Parameter	Units of Measure	Frequency	Sampling Method
Chloride	mgm ⁻³	Daily for any discharge exceeding two hours	Representative sample
Conductivity	µScm ⁻¹		
pH	pH		
Sodium	mgm ⁻³		
Total suspended solids	mgm ⁻³		

Auditing

- 4.8 Twelve months after the commencement of operation of Stage 1 of the development, or within such period otherwise agreed by the Director-General, the Applicant shall commission an independent, qualified person or team to undertake a Hazard Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. A **Hazard Audit Report** shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit. Further Hazard Audits shall be undertaken every three years, or as otherwise agreed or required by the Director-General. Hazard Audits shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*.
- 4.9 Twelve months after the commencement of operation of Stage 1 of the development, and every three years thereafter, or as otherwise agreed or required by the Director-General, the Applicant shall commission an independent, qualified person or team to undertake an Environmental Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. An **Environmental Audit Report** shall be submitted for the approval of the Director-General within one month of the completion of the Audit. The Audit shall:
- be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
 - assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;
 - assess the environmental performance of the development against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this consent; and
 - review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.

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The Director-General may require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Director-General may require.

Note: if the preparation and submission of a Hazard Audit Report and an Environmental Audit Report are required at the same time, the requirements of condition 4.8 and 4.9 of this consent may be satisfied with a single report prepared by a single independent person or team approved by the Director-General.

5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 5.1 Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection on request. This shall include provision of all documents at the site for inspection by visitors, and in an appropriate electronic format on the Applicant's internet site, should one exist.

Complaints Procedure

- 5.2 Prior to the commencement of construction of the development, the Applicant shall ensure that the following are available for community complaints:
- a) a 24-hour, toll-free telephone number on which complaints about the development may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be advertised in a newspaper circulating in the local government area on at least one occasion prior to the commencement of construction of the development, through such other medium as may be approved by the Director-General. These details shall also be provided on the Applicant's internet site, should one exist.

- 5.3 The Applicant shall record details of all complaints received through the means listed under condition 5.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the EPA and the Director-General upon request. The Applicant shall also make summaries of the Register, without details of the complainants, available to the public for inspection upon request.

Community Participation Program

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Department of Infrastructure, Planning and Natural Resources
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- 5.4 Prior to the commencement of construction of Stage 1 of the development, or within such period otherwise agreed by the Director-General, the Applicant shall establish a Community Reference Panel to be consulted during the preparation of the Community Participation Program referred to under condition 5.5 of this consent. The Panel shall be formed to provide input into the Community Participation Program and to provide suggestions and advice to the Applicant on how to tailor its community consultation activities to meet the needs and interests of the local community. In establishing the Community Reference Panel, the Applicant shall:
- a) place an advertisement in a newspaper circulating in the local government area and covering readers surrounding the site. The advertisement shall invite interested members of the community to be nominated to form part of the Community Reference Panel. A period of no less than 14 days shall be allowed from the date of the advertisement to the close of nominations. The advertisement shall clearly indicate the purpose of the Panel and the role/responsibilities of the Panel members;
 - b) select suitable nominees to act on the Panel, having regard to the purpose of the Panel and the requirement to represent the broader interests of the local community, particularly:
 - i) landowners and occupiers in the vicinity of the site, with particular reference to the landowners identified in Figure 9.1 of the document referred to under condition 1.1b) of this consent;
 - ii) relevant socio-economic and ethnic groups contributing to the community; and
 - iii) relevant environment, business and community interest groups.
 - c) provide details of those nominees selected for the approval of the Director-General, indicating how the requirements of b) have been satisfied;

The Community Reference Panel shall be chaired by an independent person approved by the Director-General.

- 5.5 Prior to the commencement of construction of Stage 1 of the development, or within such period otherwise agreed by the Director-General, the Applicant shall prepare and implement Community Participation Program, on an on-going basis through the construction and operation development, in consultation with the Community Participation Panel established under condition 5.4 of this consent. The Program shall include, but not necessarily be limited to:
- a) the general types of information about the environmental management and impacts of the development that the community would receive;
 - b) the means by which the information referred to under a) would be provided to the community (for example, presented at regular meetings, published in regular newsletters etc);
 - c) a mechanism through which the community can provide feedback to the Applicant in relation to the environmental management and impacts of the development;
 - d) a system and procedures to address community complaints.

The Program shall be submitted for the approval of the Director-General, prior to the commencement of construction of Stage 1 of the development. In submitting the Program, the Applicant shall specifically highlight where input from the Community Reference Panel has been included in the Program, and where input has been excluded, with justification for the exclusion.

6. ENVIRONMENTAL MANAGEMENT

Environmental Representative

6.1 Prior to the commencement of construction of Stage 1 of the development, the Applicant shall nominate a suitably qualified and experienced Environmental Representative(s), for the approval of the Director-General. The Applicant shall employ the Environmental Representative(s) on a full-time basis during the life of the development. The Environmental Representative shall be:

- a) the primary contact point in relation to the environmental performance of the development;
- b) the primary interface with the Community Reference Panel required under condition 5.4 of this consent;
- c) responsible for all Management Plans and Monitoring Programs required under this consent;
- d) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the development;
- e) responsible for the management of procedures and practices for receiving and responding to complaints in accordance with condition 5.3 of this consent; and
- f) given the authority and independence to require reasonable and feasible steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Applicant shall notify the Director-General, the EPA, Council and the Community Reference Panel of the name and contact details of the Environmental Representative upon appointment, and any changes to that appointment that may occur from time to time.

Construction Environmental Management Plan

6.2 The Applicant shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during construction of the development. The Plan shall include, but not necessarily be limited to:

- a) a description of all activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;
- b) statutory and other obligations that the Applicant is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions;
 - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities;
 - iii) measures to monitor and control noise emissions during construction works;

- iv) measures to monitor and control air emissions during construction to ensure that air emissions are both minimised and in compliance with the requirements of this consent and the Environment Protection Licence for the site;
- d) a description of the roles and responsibilities for all relevant employees involved in the construction of the development;
- e) the Management Plans listed under condition 6.3 of this consent; and
- f) complaints handling procedures during construction.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with Stage 1 of the development, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.

6.3 As part of the Construction Environmental Management Plan for the development, required under condition 6.2 of this consent, the Applicant shall prepare and implement the following Management Plans:

- a) an **Erosion and Sedimentation Management Protocol** to ensure that all erosion and sediment controls associated with the development are consistent with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004).. The Plan shall address the requirements of the Department and the EPA shall include, but not necessarily be limited to:
 - i) results of investigations into soils associated with the site, in particular the stability of the soil and its susceptibility to erosion;
 - ii) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the development;
 - iii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements of the Regional Erosion and Sediment Control Policy and Code of Practice adopted by Council;
 - iv) design specifications for diversionary works, banks and sediment basins;
 - v) an erosion monitoring program during construction works associated with the development; and
 - vi) measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.
- b) a **Noise Management Protocol** to detail measures to mitigate and manage noise during construction works. The Protocol shall include, but not necessarily be limited to:
 - i) procedures to ensure that all reasonable noise mitigation measures are applied during construction works;
 - ii) construction noise objectives for each relevant receiver commensurate with the noise limits and noise goals specified under this consent;
 - iii) identification of the associated noise sources and activities that will be carried out during construction;
 - iv) assessment of construction noise impacts against the noise limits and noise limits and goals at all relevant receivers;
 - v) details of overall management methods and procedures that will be implemented to control noise from during construction;
 - vi) a pro-active and reactive strategy for dealing with complaints, with particular regard to verbal and written responses;
 - vii) noise monitoring, reporting and response procedures;
 - viii) internal compliance audits of all plant and equipment;

- ix) construction timetabling to minimise noise impacts; and
- x) procedures for notifying residents of construction activities likely to affect their acoustic amenity.
- c) a **Traffic Management Protocol** to outline management of traffic conflicts that may be generated during construction of the development. The Protocol shall address the requirements of Council and the Roads and Traffic Authority and shall include, but not necessarily be limited to:
 - i) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads;
 - ii) detailed consideration of measures to be employed to ensure traffic volume, acoustic and amenity impacts along the heavy vehicle routes are minimised;
 - iii) detailed consideration of alternative routes (where necessary);
 - iv) detailed measures to ensure the safety of the intersection of the Olympic Highway with the Uranquinty Cross Road is maximised, with particular regard to other sensitive road users and pedestrians;
 - v) measures to be employed to ensure the impacts to the level crossing (rail/road) on Uranquinty Cross Road are minimised; and
 - vi) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with.

6.4 Prior to the commencement of construction of Stage 2 of the development, the Applicant shall update the Construction Environmental Management Plan referred to under condition 6.2 of this consent, to reflect any changes to environmental management practice between Stage 1 and Stage 2. The updated Plan shall be submitted for the approval of the Director-General prior to the commencement of construction of Stage 2.

Operation Environmental Management Plan

- 6.5 The Applicant shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the development. The Plan shall include, but not necessarily be limited to:
- a) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;
 - b) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;
 - c) overall environmental policies and principles to be applied to the operation of the development;
 - d) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;
 - e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
 - f) the Management Plans listed under condition 6.6 of this consent;
 - g) the environmental monitoring requirements outlined under conditions 4.1 to 4.9 of this consent, inclusive.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the development, or within such

period otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General.

6.6 As part of the Operation Environmental Management Plan for the development, required under condition 6.5 of this consent, the Applicant shall prepare and implement the following Management Plans:

- a) an **Air Quality Management Plan** to outline measures to minimise impacts from the development on local and regional air quality. The Plan shall include, but not necessarily be limited to:
 - i) identification of all major sources of particulate and gaseous air pollutants that may be emitted from the development, being both point-source and diffuse emissions, including identification of the major components and quantities of these emissions;
 - ii) monitoring for gaseous and particulate emissions from the development, in accordance with any requirements of the DEC;
 - iii) procedures for the minimisation of gaseous and particulate emissions from the development;
 - iv) pro-active and reactive management and response mechanisms for particulates and gaseous emissions, with specific reference to measures to be implemented and actions to be taken to minimise and prevent potential elevated air quality impacts on surrounding land uses as a consequence of meteorological conditions, upsets within the development, or the mode of operation of the development at any time;
 - v) specific procedures for the management of generating efficiency and the minimisation of greenhouse gas emissions per unit of electricity generated;
 - vi) procedures aimed at maximising the efficiency of the start-up and shut-down cycles for the development;
 - vii) provision for regular review of air quality monitoring data, with comparison of monitoring data with that assumed and predicted in the documents listed under condition 1.1 of this consent, including verification of air quality modelling and predictions, as may be relevant;
 - viii) protocols for regular maintenance of process equipment to minimise the potential for leaks and fugitive emissions; and
 - ix) a contingency plan should an incident, process upset or other initiating factor lead to elevated air quality impacts, whether above normal operating conditions or environmental performance goals/ limits.
- b) a **Water Management Plan** to outline measures that will be employed to manage water on the site, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/ or waters throughout the life of the development. The Plan shall be based on best environmental practice and shall address the requirements of the Department and the DEC. The Plan shall include, but not necessarily be limited to:
 - i) consideration of all reasonable and feasible options to avoid discharge to ground and/or ambient waters including methods to minimise the volume of contaminated water and effluent generated, recycling and reusing water and effluent;
 - ii) identification of clean and dirty water areas on site maps for different stages of the development;
 - iii) identification of criteria for nomination of areas as clean or dirty;
 - iv) details of water management measures to be implemented for clean and dirty waters;

- v) calculations for a water balance for all waters generated on the site including potential volumes of groundwater, stormwater and process water for treatment on-site or off-site, proposed discharges, recycling or reuse;
 - vi) details of the remedial actions to be taken by the Applicant and site operators in response to an exceedance of concentration limits or other performance criteria for the on-site or ambient water management controls;
 - vii) characterisation of wastewater qualities and quantities for reuse on-site shall be characterised and irrigation management practices specified;
 - viii) specification of wastewater reuse areas shall be specified on site maps for different stages of the development; and
 - ix) specific details shall be provided in relation to the times, locations, volumes and qualities of the water to be irrigated, including how the quality of water to be used for irrigation will be assessed.
- c) a **Noise Management Plan** to detail measures to mitigate and manage noise during operation of the development. The Protocol shall include, but not necessarily be limited to:
- i) procedures to ensure that all reasonable and feasible noise mitigation measures are applied during operation of the development;
 - ii) procedures to generate suitable documentation for annual environmental auditing, that demonstrates that the noise limits and noise goals specified under this consent, or best practice noise control operations, are being met;
 - iii) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits and noise goals specified under this consent;
 - iv) identification of activities that will be carried out in relation to the development and the associated noise sources;
 - v) procedures for periodic consideration of noise impacts at the relevant receivers against the noise limits and noise goals specified under this consent;
 - vi) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the site during operation;
 - vii) development of reactive and pro-active strategies for dealing promptly with any noise complaints, including documentation of a fast response (eg within one hour), the completed action on a complaint and feedback from the complainant (eg within 24 hours); and
 - viii) noise monitoring and reporting procedures;
 - ix) a noise management procedure covering operations to be undertaken outside of normal operating conditions as specified in condition 3.12E b), for the approval for the Director-General (in consultation with DECCW). The procedure must provide details of the nature of the operations outside of normal operating conditions including likely timing, duration, frequency and potential noise impacts at surrounding residences as well as details of all reasonable and feasible measures to be undertaken to minimise noise amenity impacts to these residences including notification and complaints management procedures. The procedure must consider residences defined under conditions 3.11 and 3.12 (as relevant), which have been constructed by the time of the proposed operations outside of normal operating conditions.
- d) a **Transport Code of Conduct** to outline minimum requirements for the movement of heavy vehicles to and from the site. The Code shall meet the

requirements of Council and the RTA, should there be any. The Code shall include, but not necessarily be limited to:

- i) restrictions to routes;
 - ii) speed limits to be observed along routes to and from the site;
 - iii) restrictions to the hours of transport operations to avoid travelling through built-up areas late at night or at times of high traffic flows in those areas;
 - iv) minimum requirements for vehicle maintenance to address noise and exhaust emissions;
 - v) behavioural requirements for drivers; and
 - vi) load coverage requirements.
- e) a **Landscape Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site. The Plan shall include, but not necessarily be limited to:
- i) details of all landscaping to be undertaken on the site with specific reference to screening structural elements of the development from lines of sight with surrounding visual receptors;
 - ii) maximisation of flora species endemic to the locality in landscaping the site;
 - iii) results of consultation with Council and the Department of Environment and Conservation to determine appropriate species for landscaping on the site;
 - iv) details of car parking and measures to prevent vehicle encroachment onto landscaped areas; and
 - v) a program to ensure that all landscaped areas on the site are maintained in a tidy, healthy state.

6.7 At least one month prior to the operation of Stage 2 of the development, the Applicant shall update and submit for the approval of the Director-General, the Operation Environmental Management Plan referred to under condition 6.5 of this consent. Operation of Stage 2 of the development, shall not commence until the Director-General has approved the updated Plan.

7. ENVIRONMENTAL REPORTING

Incident Reporting

7.1 The Applicant shall notify the EPA and the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Applicant shall provide full written details of the incident to the EPA and the Director-General within seven days of the date on which the incident occurred.

7.2 The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 7.1 of this consent, within such period as the Director-General may require.

Note: Condition 7.2 of this consent does not limit or preclude the EPA from requiring any action to address the cause or impact of any incident, in the context of the EPA's statutory role in relation to the development.

Annual Performance Reporting

7.3 The Applicant shall, throughout the life of the development, prepare and submit for the approval of the Director-General, an **Annual Environmental Management Report**

(AEMR). The AEMR shall review the performance of the development against the Operation Environmental Management Plan (refer to condition 6.5 of this consent), the conditions of this consent and other licences and approvals relating to the development. The AEMR shall include, but not necessarily be limited to:

- a) details of compliance with the conditions of this consent;
- b) a copy of the Complaints Register (refer to condition 5.3 of this consent) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were address and resolved;
- c) identification of any circumstances in which the environmental impacts and performance of the development during the year have not been generally consistent with the environmental impacts and performance predicted in the documents listed under condition 1.1 of this consent, with details of additional mitigation measures applied to the development to address recurrence of these circumstances ;
- d) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person; and
- e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.

The Applicant shall submit a copy of the AEMR to the Director-General every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation of the development. The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the development in response to review of the Annual Environmental Report. Any action required to be undertaken shall be completed within such period as the Director-General may require. The Applicant shall make copies of each AEMR available for public inspection on request.
