

Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Frank Sartor MP
Minister for Planning

Sydney

6th April

2006

File No: 9040636

SCHEDULE 1

Application No: 06_0047

Proponent: Macquarie Generation

Approval Authority: Minister for Planning

Land: Lot 2 DP 327372, Lot 16 DP 701496, Lot 6 DP 966589, Lot 2 DP 574168, Lot 4 DP 247943, Lot 10 DP 700554 and Lot 331 DP 752486, Muswellbrook, Muswellbrook Local Government Area;

Project: Bayswater Power Station Upgrade to improve Water Treatment Plant performance.

Major Project: The proposal is declared a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is a development of a kind described in clause 24 of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005*.

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SCHEDULE 2

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| Act, the | <i>Environmental Planning and Assessment Act, 1979</i> |
| Conditions of Approval | The Minister's conditions of approval for the project. |
| Council | Muswellbrook Shire Council |
| DEC | Department of Environment and Conservation |
| Department, the | Department of Planning. |
| Director-General, the | Director-General of the Department of Planning (or delegate). |
| Director-General's Approval | <p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p> |
| Director-General's Report | The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act. |
| DNR | Department of Natural Resources |
| Dust | any solid material that may become suspended in air or deposited |
| EA | <i>Environmental Assessment, Proposed Bayswater Power Station Upgrade</i> , (prepared by HLA Envirosiences Pty Ltd and dated February 2006). |
| EPA | Environment Protection Authority as part of the Department of Environment and Conservation |
| EPL | Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i> |
| Minister, the | Minister for Planning. |
| Proponent | Macquarie Generation |
| Publicly Available | Available for inspection by a member of the general public (for example available on an internet site or at a display centre). |
| Site | Land to which Major Projects Application 06_0047 applies. |
| WTP | Water Treatment Plant |

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
 - a) Major Projects Application 06_0047;
 - b) *Environmental Assessment, Proposed Bayswater Power Station Upgrade, Submission to NSW Department of Planning*, prepared by HLA Envirosciences Pty Ltd and dated February 2006;
 - c) the conditions of this consent.
- 1.2 If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
 - a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans or correspondence
- 1.4 The Proponent shall, upon selection of the preferred option for water treatment (as outlined in section 6.3.2 of the EA), submit a report to the Director-General which will:
 - a) provide detailed design information for the selected option;
 - b) demonstrate that the selected option is consistent with the envelope described in the *Environmental Assessment, Proposed Bayswater Power Station Upgrade, Submission to NSW Department of Planning*, prepared by HLA Envirosciences Pty Ltd and dated February 2006;
 - c) demonstrate that the selected option complies with the design requirements of the Mine Subsidence Board; and
 - d) outline steps taken to determine the viability of designing the WTP upgrade such that the WTP could receive saline water from adjacent mines.

Limits of Approval

- 1.5 This approval shall lapse five years after the date on which it is granted, unless the works subject of this approval are physically and substantially commenced on or before that time.

Statutory Requirements

- 1.6 The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this consent removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this consent and all relevant environmental approvals are available on the site at all times during the project.

Compliance

- 1.7 The Proponent shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.
- 1.8 The Proponent shall be responsible for environmental impacts resulting from the actions of all persons on site, including contractors, sub-contractors and visitors.
- 1.9 Prior to each of the events listed below, the Proponent shall certify in writing to the satisfaction of the Director-General that it has complied with all conditions of this approval applicable prior to that event.
 - a) commencement of any construction works on the land subject of this approval;
 - b) commencement of operation of the project.
- 1.10 Notwithstanding condition 1.9 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.

- 1.11 The Proponent 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.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Air Quality Impacts

- 2.1 The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

Water Cycle Management

- 2.2 Except as may be expressly provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- 2.3 The Proponent shall prepare a **Contaminated Ground Water Report** specifying the works that will be undertaken by the Proponent to prevent, contain and remediate saline seepage from the Brine Concentrator Decant Basin. The report shall contain a proposed timeframe for the implementation of all works and measures proposed. The report shall be submitted to the DEC and the DNR by 15 August 2006, or within such timeframe as may otherwise be agreed by the DEC and the DNR.
- 2.4 Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities in accordance with the requirements outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

Waste Generation and Management

- 2.5 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 2.6 The Proponent shall maximise the treatment, reuse and/ or recycling on the site of any waste oils, excavated soils, slurries, dusts and sludges associated with project, to minimise the need for treatment or disposal of those materials outside the power station.

Note that this condition does not allow the use of any of the materials listed above as potential fuel sources.
- 2.7 The Proponent shall manage any asbestos or asbestos-contaminated materials that may be uncovered during the construction, commissioning and operation of the project strictly in accordance with the requirements under *Protection of the Environment Operations (Waste) Regulation 2005* and any guidelines or requirements issued by the EPA in relation to those materials.
- 2.8 The Proponent shall not cause, permit or allow any waste generated 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 under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.

- 2.9 The Proponent shall ensure that all liquid and/ or non-liquid waste generated and/ or stored on the site is assessed and classified in accordance with *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (DEC, 2004), or any future guideline that may supersede that document.

Hazards and Risk

- 2.10 The Proponent shall demolish all relevant structures strictly in accordance with *Australian Standard 2601-1991: The Demolition of Structures*, as in force at 1 July 1993.

- 2.11 The Proponent shall store and handle all 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 *Bundling 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.

Aboriginal Cultural Heritage

- 2.12 In the event that an Aboriginal object is identified during construction of the project, the Proponent shall detail management strategies to be adopted during the construction and operational phase of the project for Aboriginal objects that will be subjected to partial or nil impact. The Proponent shall ensure that the cultural heritage management strategies are developed in conjunction with the Aboriginal community.

Note that the Proponent is not required to obtain consent to destroy pursuant to section 90 of the *National Parks and Wildlife Act 1974*. This requirement is not applicable to this project under section 75U(1)(d) of the Act.

3. ENVIRONMENTAL MONITORING AND AUDITING

Water Monitoring

- 3.1 Prior to the commencement of the project, the Proponent shall prepare and implement a Water Monitoring Program. The program shall reflect the initiatives described in section 9.4 of the *Environmental Assessment, Proposed Bayswater Power Station Upgrade*, dated February 2006, and prepared by HLA Envirosciences Pty Ltd. The program shall address the requirements of the DEC and DNR and shall include but not necessarily be limited to:
- a) water balance monitoring for the site;
 - b) surface and groundwater quality monitoring including the identification of monitoring locations, frequency and parameters;
 - c) the creation of procedures for the management and optimisation of water use across the site; and
 - d) optimisation of the project to reflect best environmental practice with respect to water quality.

In the event that monitoring bores were to be established as part of the groundwater monitoring program, approval under Part 5 of the *Water Act 1912* would be required.

Environmental Auditing

- 3.2 Twelve months after the commencement of operation of the project, or within such period as otherwise agreed by the Director-General, the Proponent shall commission an independent person or team to undertake an Environmental Audit of the project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit. The Audit shall:
- a) be carried out in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing* and *ISO 14011 - Procedures for Environmental Auditing*;
 - b) assess compliance with the requirements of this approval, and other licences and approvals that apply to the project;
 - c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this approval;
 - d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works; and
 - e) assess the environmental performance of any remediation work of the existing seepage from the existing brine concentrator decant basin to the groundwater system.

The Director-General may require the Proponent to undertake works to address the findings or recommendations presented in the Environmental Audit Report. Any such works shall be completed within such time as the Director-General may agree. The Environmental Audit Report shall be made available for public inspection on request.

4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 4.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

Complaints Procedure

- 4.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
- a) a telephone number on which complaints about construction and operational activities at the site 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 displayed on a sign near the entrance to the site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign.

- 4.3 The Proponent shall record details of all complaints received through the means listed under condition 4.2 of this approval 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 Proponent in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

5. ENVIRONMENTAL MANAGEMENT

Environmental Representative

Construction Environmental Management Plan

- 5.1 Prior to the commencement of construction of the project, the Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the construction of the project. The Plan shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall be consistent with the framework presented in chapter 9 of *Environmental Assessment Proposed Bayswater Power Station Upgrade*, dated February 2006, and prepared by HLA Envirosiences Pty Ltd.
- 5.2 As part of the Construction Environmental Management Plan for the project, required under condition 5.1 of this consent, the Proponent shall prepare and implement the following Management Plans:
- a) a **Construction and Demolition Safety Study** for the project, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*. The study shall specifically identify and address potential hazards associated with the project and its interaction with other parts of the Power Station while the works permitted under this consent are undertaken.
 - b) an **Erosion and Sedimentation Management Plan** to detail measures to minimise erosion during site preparation, construction and demolition works associated with the project. The Plan 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 project;
 - 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 and demolition works associated with the project; and
 - vi) measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.

6. ENVIRONMENTAL REPORTING

Incident Reporting

- 6.1 The Proponent shall notify 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 Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.
- 6.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 6.1 of this approval, within such period as the Director-General may require.
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