

# 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

2008

File No: S07/01073-1

***The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.***

***The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.***

Red type represents December 2019 modification – MOD 1

Blue type represents June 2022 modification – MOD 2

## SCHEDULE 1

<b>Application Number:</b>	07_0084
<b>Applicant:</b>	Origin Energy Eraring Pty Limited
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	Lot 11 DP 1050120; Lots 301 & 302 DP 806475; Lot 3/8 Section L DP 6747; Lots 13/16 Section O & Part Lot 13/16 Section U DP 6747; Lot 7/16 DP 262501; Lot 19 DP 262501; Lot 1 DP 817425; Lots 100 and 101 DP 828283; Lot 211 DP 840670; Lots 50 and 51 DP 840671; Lots 1, 2 and 3 DP 621697; Lot 1 DP 816174; and Lots 20 and 21 DP 734860. Crown Land adjoining the northern boundary of Lot 11 DP 1050120 to the ridge line known as Lots 1 and 2 DP 1109558. Eraring Power Station, Rocky Point Rd, Dora Creek, Lake Macquarie local government area.
<b>Development:</b>	Staged expansion of the coal combustion product (CCP) management facility in conjunction with changes in the CCP disposal method from lean phase to dense phase. The project also includes the installation of new infrastructure comprising of CCP collection, storage, conditioning and pumping facilities to allow for storage and transportation of CCP from the power station to the CCP management facility.
<b>Major Project</b>	The proposal is declared a Major Project under section 75B(1) of the Environmental Planning and Assessment Act 1979 because it is a project of a kind described in clause 24 of Schedule 1 to the State Environmental Planning Policy (Major Projects) 2005
<b>Concept Plan Approval</b>	On 14 December 2006, the Minister for Planning approved the concept plan for the project.

**KEY TO CONDITIONS**

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## SCHEDULE 2

### DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
<b>Applicant</b>	Origin Energy Eraring Pty Ltd, or any person who carries out the project under this approval
<b>BC Act</b>	<i>Biodiversity Conservation Act, 2016</i>
<b>BCS</b>	Biodiversity, Conservation and Science Directorate within the Department
<b>BCT</b>	NSW Biodiversity Conservation Trust
<b>CCC</b>	Community Consultative Committee
<b>CCP</b>	Coal Combustion Product
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project
<b>Council</b>	Lake Macquarie City Council
<b>Department, the</b>	Department of Planning and Environment (DPE)
<b>Development</b>	The development as described in the EA
<b>DPE Water</b>	Water Division within the Department
<b>EA</b>	<p><i>Environmental Assessment – Upgrade and Expansion of the Coal Combustion Management System, Eraring Power Station</i>, dated November 2007, and prepared by HLA – ENSR as amended by:</p> <ul style="list-style-type: none"> <li><i>Upgrade and Expansion of the CCP Management System, Eraring Power Station - Submissions Report</i>, dated 15 February 2008, and prepared by HLA – ENSR.</li> <li>Modification application (MOD 1) - <i>Ash Dam Augmentation Project Environmental Assessment</i>, dated 15 August 2018, prepared by AECOM and <i>Origin Eraring Power Station – Ash Dam Expansion MOD1 – Response to Submissions</i> dated 3 December 2018, prepared by AECOM; and</li> <li><i>Modification Report – Ash Recycling Facilities, Eraring Power Station</i>, dated 20 August 2021, prepared by AECOM and <i>Response to Submissions Report – Ash Recycling Facilities, Eraring Power Station</i>, dated 19 November 2021, prepared by AECOM, and additional information provided by the Applicant to support the modification application and included in Appendix A of the Department's assessment report on Modification 2.</li> </ul>
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPL</b>	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
<b>Feasible</b>	Feasible relates to engineering considerations and what is practical to build or implement
<b>Heritage NSW - ACH</b>	Heritage NSW – Aboriginal Cultural Heritage
<b>Incident</b>	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
<b>Material harm</b>	<p>Is harm that:</p> <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or</li> <li>a) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all</li> </ul>

	reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
<b>Minimise</b>	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
<b>Minister, the</b>	Minister for Planning, or delegate
<b>Mitigation</b>	Activities associated with reducing the impacts of the project, prior to or during those impacts occurring
<b>MOD 1</b>	CCP storage facility expansion associated with MOD1 to the west of the CCP storage facility and shown in Appendix A
<b>MOD 2</b>	Increase ash recycling activities, including construction and use of new ash storage silos on-site and shown in Appendix A
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this approval but is not an incident
<b>Negligible</b>	Small and unimportant, such as to be not worth considering
<b>Planning Secretary</b>	The Secretary under the Act, or nominee
<b>Project</b>	The development to which this approval applies
<b>Reasonable</b>	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
<b>Site</b>	The land to which this approval applies as shown in Appendix A
<b>TfNSW</b>	Transport for NSW

## 1. ADMINISTRATIVE CONDITIONS

### Terms of Project Approval

1.1 The Applicant must carry out the project:

- generally in accordance with the EA;
- in accordance with the conditions of this approval; and
- in accordance with any written directions of the Planning Secretary.

1.2 If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

1.3 Consistent with the requirements of this approval, the Planning Secretary may make written directions to the Applicant in relation to:

- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this approval, including those that are required to be, and have been, approved by the Planning Secretary; and
- (b) the implementation of any actions or measures contained in any such document referred to in condition 1.3(a).

1.4 Deleted

### Community Consultative Committee

1.5 The Applicant must operate a CCC for the Project to the satisfaction of the Planning Secretary. This CCC must be operated in general accordance with the Department's Community Consultative Committee Guidelines: State Significant Projects January 2019 during the life of the Project. This CCC must be operating within three months from the date of approval of MOD 1, or other timeframe agreed by the Planning Secretary.

*Notes:*

- The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this approval.
- In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community.

### Road Maintenance Contributions

1.6 The Applicant shall pay Council annual contributions for the maintenance of roads along the haulage route in accordance with the terms specified in Appendix B.

## 2. SPECIFIC ENVIRONMENTAL CONDITIONS

2.1 The Applicant shall provide a compensatory habitat package consisting of no fewer than two hectares of compensatory habitat for each hectare of terrestrial vegetation removed as part of the project. Specifications for the compensatory habitat, including location, composition, quality and management of the habitat, shall be determined in consultation with the BCS. The package must include:

- (a) a schedule of vegetation clearing, indicating stages and timing and compensatory habitat area(s) corresponding to each stage of clearing;
- (b) demonstration of consistency with the 'Offsetting Principles' contained in the draft *Lower Hunter Regional Conservation Plan* (2006);
- (c) demonstration of potential coordination, connection and interaction with compensatory habitat provided in pursuance of the requirements of project approval for the Eraring Power Station Upgrade and Attenuation Reservoir;
- (d) demonstration of the potential for off-set areas to connect with and complement other areas of conservation value, particularly with respect to habitat corridors and connectivity;
- (e) details of proposed legal mechanisms to secure the protection of offsets in perpetuity; and
- (f) maintenance, monitoring and auditing program of the compensatory habitat areas.

1.7 The program of funding or works associated with the compensatory habitat package shall be submitted for the approval of the Planning Secretary prior to the commencement of vegetation clearing, and/or each stage of clearing.

*Note: This compensatory habitat package does not apply to clearing undertaken for MOD1, with additional offset requirements outlined in Condition 2.1A.*

- 2.2 Within 12 months of commencing construction of MOD1 under this approval, or other timeframe agreed by the Planning Secretary, the Applicant shall retire the biodiversity credits specified in Table 1 to offset the biodiversity impacts of MOD1. The retirement of credits shall be carried out in consultation with BCS and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.

**Table 1: Summary of Biodiversity Offset Strategy**

Credit Type	Disturbance Area (hectares)	Credits Required
<b>Ecosystem Credits</b>		
PCT1627 Smooth-barked Apple-Turpentine – Sydney Peppermint heathy woodland on sandstone ranges of the Central Coast	0.95	22
PCT1636 Scribbly Gum – Red Bloodwood – <i>Angophora inopina</i> heathy woodland on lowlands of the Central Coast	8.0	261
<b>Species Credits</b>		
Black-eyed Susan – <i>Tetralochea juncea</i>	8.95	327
Squirrel glider – <i>Petaurus norfolcensis</i>	8.95	327
Stephen's banded snake – <i>Hoplocephalus stephensii</i>	8.95	327

### 2.3 Deleted

### Noise Impacts

- 2.4 The Applicant shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises during the following hours:

- 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
- 8:00 am to 1:00 pm on Saturdays; and
- 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.

- 2.5 The hours of construction activities specified under condition 2.4 of this approval may be varied with the prior written approval of the Planning Secretary. Any request to alter the hours of construction specified under condition 2.4 shall be:
- considered on a case-by-case basis;
  - accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
  - 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.

### Soil and Water Quality Impacts

- 2.6 Except as may be expressly provided by an Environment Protection Licence (EPL) for the project, the Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- 2.7 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 Landcom's Managing Urban Stormwater: Soils and Construction.

### Groundwater

- 2.8 The Applicant shall design and construct the CCP storage facility expansion in a manner that minimises the interception of underlying groundwater.

## Dust Generation

- 2.9 The **Applicant** 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 **Applicant** shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

## Odour

- 2.10 The **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.

## Waste Generation and Management

- 2.11 The **Applicant** shall beneficially reuse all non-contaminated spoil generated during the construction of the project on the site, or off-site should an appropriate off-site reuse location exist.
- 2.12 All wastes, and spoil unable to be reused in accordance with condition 2.11, shall be directed to a waste management facility lawfully permitted to accept those materials.
- 2.13 The **Applicant** shall ensure that all wastes generated as a consequence of the project are assessed and classified in accordance with the **EPA's Waste Classification Guidelines 2014 (or its latest version)**.
- 2.14 Except as expressly permitted in an appropriate licence, waste shall not be received at the premises for storage, treatment, processing, reprocessing or disposal.

## Aboriginal Archaeology

- 2.15 If during the course of construction, the **Applicant** becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and the **Applicant** must contact the **Heritage NSW - ACH** to determine an appropriate course of action prior to the re-commencement of work in the vicinity of the object(s).

## Bunded Spillage Areas

- 2.16 Chemicals and grease stored in bulk form, or work areas where spillages are likely to occur, must be bunded in accordance with:
- (a) the requirements of all relevant Australian Standards; and
  - (b) the EPA's Storing and Handling of Liquids: Environmental Protection – Participants Manual.

# 3. ENVIRONMENTAL MONITORING AND AUDITING

## Noise Performance Auditing

- 3.1 Within three months of commissioning of the fly ash conditioning plant, the **Applicant** must conduct a noise assessment of the plant while operating under full load conditions. The assessment shall meet the requirements of the EPA, and shall include, but not necessarily be limited to:
- (a) noise assessment and monitoring, consistent with the guidelines provided in *NSW Industrial Noise Policy* (EPA, 2000);
  - (a) methodologies for noise monitoring;
  - (b) location of noise monitoring;
  - (c) frequency of noise monitoring;
  - (d) identification of monitoring sites at which pre- and post-project noise levels can be ascertained; and
  - (e) details of any complaints relating to noise impacts.

A report providing the results of the assessment shall be submitted to the **Planning Secretary** and the **EPA** within 28 days of completion of the testing required under a).

## Groundwater Monitoring

- 3.2 Prior to the commencement of the operation of the project, the **Applicant** shall undertake a review of the existing groundwater monitoring regime, which shall include but not necessarily be limited to:
- (a) survey of existing monitoring bores;
  - (b) parameters and pollutants to be monitored, including procedures and protocols for sampling and testing;



- (c) review of the adequacy of existing groundwater monitoring network at the Eraring Power Station to determine whether current contaminant levels at receiving waters originate from existing activities associated with the power station, including the existing CCP storage facility;
- (d) installation of any additional monitoring bore(s), both up and down gradient of the CCP storage facility;
- (e) details of groundwater quality limits that would indicate impacts from the CCP storage facility, particularly as a result of seepage, and a contingency response plan in the events that impacts are identified;
- (f) provisions for periodic auditing and reporting of results to the Planning Secretary.

The **Applicant** shall revise its groundwater monitoring regime, as necessary, and update its existing Groundwater Management Plan in accordance with the groundwater monitoring review. A copy of the updated Plan shall be submitted to the **Planning Secretary** for approval prior to its implementation.

## 4. ENVIRONMENTAL MANAGEMENT

### Construction Environmental Management Plan

- 4.1 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 project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004) and 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:
    - measures to monitor and manage dust emissions;
    - measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities;
    - measures to monitor and control noise emissions during construction works;
  - (d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
  - (e) the additional studies listed under condition 4.2 of this approval; and
  - (f) complaints handling procedures during construction.

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

- 4.2 As part of the Construction Environmental Management Plan for the project, required under condition 4.1 of this approval, the **Applicant** shall prepare and implement the following:
- (a) a **Flora and Fauna Management Plan** to outline measures to protect and minimise loss of native vegetation and native fauna habitat. The Plan must include, but not necessarily be limited to:
    - (i) plans showing terrestrial vegetation communities; important flora and fauna habitat areas; locations where threatened species, populations or ecological communities were recorded; and areas to be cleared. The plans must also identify vegetation adjoining the Site where this contains important habitat areas and/or threatened species, populations or ecological communities;
    - (ii) details of the timing of clearing to ensure that it does not adversely affect critical periods in the lifecycles of significant species;
    - (iii) methods to manage impacts on flora and fauna species (terrestrial and aquatic) and their habitat which may be directly or indirectly affected by the project;
    - (iv) flora and fauna monitoring programs to be implemented during both construction and operation; and
    - (v) a Vegetation Clearance Protocol.

- (b) a **Traffic Management Plan** to outline management of traffic conflicts that may be generated during construction of the project. The Plan must be prepared in consultation with Council and TfNSW and must 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) provisions for the management of disruptions to traffic, particularly on Wangi Road; and
  - (v) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with.
- (c) a Construction Noise Management Plan to detail how construction noise and vibration impacts would be minimised and managed, including, but not necessarily be limited to:
  - (i) details of construction activities and a schedule for construction works;
  - (ii) identification of construction activities that have the potential to generate noise and/ or vibration impacts on surrounding land uses, particularly residential areas;
  - (iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria/ guidelines;
  - (iv) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints; and
  - (v) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be undertaken and how the results of this monitoring would be recorded.
- (d) an Erosion and Sedimentation Management Plan to detail measures to minimise erosion and discharge of sediment and other pollutants to land and/or water during site preparation and construction works. The Plan must include, but not necessarily be limited to:
  - (i) identification of the construction activities that could cause soil erosion or discharge sediment or water pollutants from the site;
  - (ii) description of the management methods to minimise soil erosion or discharge of sediment or water pollutants from the site, including a strategy to minimise the area of bare surfaces during construction;
  - (iii) demonstration that proposed erosion and sediment control measures will conform with, or exceed, the relevant requirements of Managing Urban Stormwater: Soils and Construction (Landcom, 2004);
  - (iv) details of an erosion monitoring program during construction of the project, including measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the Site.
- (e) an Aboriginal Heritage Management Plan to detail outcomes of consultation with the Aboriginal stakeholders and the measures that will be implemented to identify, protect, monitor and/or manage Aboriginal heritage sites. The Plan must include, but not necessarily be limited to:
  - (i) the outcome of consultation with the Aboriginal stakeholders, including a site visit(s) to identify any heritage items;
  - (ii) managing the discovery of any human remains;
  - (iii) maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on site; and
  - (iv) ongoing consultation with the Aboriginal stakeholders.

#### **Operation Environmental Management**

4.3 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 project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004)* and 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 project, including all approvals, licences, approvals and consultations;
- (b) a description of the roles and responsibilities for all relevant employees involved in the operation of the project;
- (c) overall environmental policies and principles to be applied to the operation of the project;
- (d) standards and performance measures to be applied to the project, 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 approval;
- (f) preparation of a **Coal Combustion Product Management Plan** to outline how the CCP storage facility and associated infrastructure will be managed to minimise potential impacts on the surrounding environment. The Plan shall include, but not necessarily be limited to:
  - (i) likely quality and quantity of groundwater seepage and surface water runoff from the CCP storage facility and likely impact on receiving waters;
  - (ii) management system or measures to prevent overflows from the CCP storage facility and weir during rainfall events; and
  - (iii) water quality monitoring of selenium and other contaminants (both concentration levels and total load) discharged to receiving waters.

The Plan shall be submitted for the approval of the Planning Secretary no later than one month prior to the commencement of operation of the project, or within such period otherwise agreed by the Planning Secretary. Operation of the project shall not commence until written approval has been received from the Planning Secretary.

- 4.4 The **Applicant** may satisfy condition 4.3 of this approval by demonstrating to the satisfaction of the **Planning Secretary** that existing, equivalent documentation has been appropriately updated to reflect the CCP storage facility expansion.
- 4.5 The **Applicant** shall comply with the performance measures in Table 2 during the operation of the CCP storage facility expansion.

**Table 2: Performance Objectives**

<b>Feature</b>	<b>Performance Objectives</b>
CCP storage facility expansion area, including western saddle embankment	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Negligible subsidence impacts</li> <li>• Minimise seepage into underground workings</li> </ul>
New clean water diversions and storage infrastructure	<ul style="list-style-type: none"> <li>• Design, install and maintain the clean water system to capture and convey the 100-year ARI flood event</li> <li>• Maximise, as far as reasonable, the diversion of clean water around the CCP storage facility and disturbed areas on the site</li> </ul>
Wetlands and aquatic ecosystems	<ul style="list-style-type: none"> <li>• Negligible environmental consequences</li> </ul>

#### **Mine Void Remediation**

- 4.6 Prior to carrying out any mine void remediation activities associated with the MOD 1 CCP storage facility expansion, the **Applicant** must prepare a Mine Void Remediation Plan. The Mine Void Remediation Plan must be prepared in consultation with the EPA, DPIE DPE Water, Dams Safety Committee, Centennial Coal and SA NSW Subsidence Advisory NSW, and to the satisfaction of the Planning Secretary. This plan must:
- (a) be prepared by suitability qualified and experienced hydrogeologist(s) and mine subsidence expert(s) whose appointment has been approved by the Planning Secretary;
  - (b) be prepared with reference to and consideration of the recommendations of the WSP Review Report;
  - (c) include detailed performance criteria and describe measures to ensure that the **Applicant** complies with the performance measures in Table 2;
  - (d) include detailed hydrogeological investigations and groundwater modelling to better conceptualise the existing groundwater system and any potential risks to groundwater;
  - (e) include detailed geotechnical and mine subsidence investigations;
  - (f) detail proposed remedial strategies to mitigate potential groundwater and mine subsidence impacts from extending the CCP storage facility over existing mine voids;
  - (g) report on fill material trials conducted to investigate and verify the effectiveness of the mine fill design, including strength, conductivity, flowability, and leachability of fill mixes;
  - (h) detail the final design, implementation and validation program, including QA/QC and independent verification program, for the preferred mine void remediation strategy(s); and
  - (i) include a comprehensive surface and groundwater monitoring and reporting program to be installed prior to construction to monitor compliance against the performance objectives in Table 2 and detailed performance criteria in Condition 4.6(c).

The Applicant must implement the approved Mine Void Remediation Plan.

*Note: Condition 4.6 does not preclude the commencement of ground investigations, clearing activities, construction or upgrade of ancillary infrastructure and other works that may be required which are not directly associated with the implementation of a mine void remediation solution.*

- 4.7 By the end of October each year, or other timeframe agreed by the Planning Secretary, a report shall be submitted to the Department to demonstrate annual progress of mine void remediation, to the satisfaction of the Planning Secretary.

#### Air Quality Management Plan

- 4.8 The Applicant must prepare an Air Quality Management Plan to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with the EPA;
- (c) be submitted to the Planning Secretary for approval within 3 months of approval of MOD 1 or other timeframe agreed by the Planning Secretary,
- (d) describe the air quality management system in detail; and
- (e) describe the measures to be implemented to ensure:
  - (i) compliance with the air quality operating conditions of this approval; and
  - (ii) the air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events;
- (f) include an air quality monitoring program, undertaken in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007), that:
  - (i) uses monitors to evaluate the performance of the project to guide day to day operations;
  - (ii) adequately supports the air quality management system; and
  - (iii) includes a protocol for identifying any air quality-related incident or non-compliance and for notifying the Department and relevant stakeholders of these events.

The Applicant must implement the approved Air Quality Management Plan.

*Notes: Extraordinary events excludes events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Planning Secretary.*

#### Rehabilitation Management Plan

- 4.9 The Applicant must prepare a Rehabilitation Management Plan for all land disturbed by the project to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s;
- (b) be prepared in consultation with the Department and Council;
- (c) be submitted to the Secretary for approval within 3 years of approval of Modification 1 or other timeframe agreed by the Planning Secretary;
- (d) be consistent with the Long-Term Ash Management Strategy required under section 4A of this approval;
- (e) include detailed performance indicators and completion criteria for each rehabilitation domain, and triggers for remedial actions;
- (f) describe the measures to be implemented on the site to achieve the criteria in paragraph e);
- (g) include a program to monitor, independently audit and report on progress against the criteria in paragraph e) and the effectiveness of the measures in paragraph f); and
- (h) describe any further studies, work, research or consultation that will be undertaken to expand the site-specific rehabilitation knowledge base, reduce uncertainty and improve rehabilitation outcomes.

The Applicant must implement the approved Rehabilitation Management Plan.

#### Operational Traffic Management Plan

- 4.10 The Applicant must prepare an Operational Traffic Management Plan to the satisfaction of the Planning Secretary prior to commencing road haulage associated with MOD 2. The Plan must:

- (a) be prepared by suitably qualified and experienced person/s;
- (b) be prepared in consultation with the TfNSW and Council;

- (c) include details of traffic routes for heavy vehicles, including any necessary route or timing restriction for heavy or oversized loads associated in particular with bridge upgrades on Wilton Road;
- (d) include detailed measures to minimise impacts on traffic performance, road safety and noise amenity along the heavy vehicle routes, including specific measures to minimise traffic volumes:
  - through the Morisset town centre (Dora Street) between 4 pm and 6 pm;
  - during the night time period 10 pm and 7 am;
- (e) include detailed measures to manage potential cumulative traffic impacts, including other projects undertaken at Eraring Power Station;
- (f) include processes to demonstrate compliance with statutory requirements for road traffic impacts;
- (g) include a Driver Code of Conduct including:
  - (iv) initiatives for haulage through residential areas and/or school zones;
  - (v) an induction process for vehicle operators and regular toolbox meetings including education regarding access routes and measures to avoid platooning;
  - (vi) a public complaint management and disciplinary procedure; and
  - (vii) protocols for noise minimisation.

The Applicant must implement the approved Operational Traffic Management Plan.

### Long-Term Ash Management Strategy

4A.1 The Applicant shall prepare and implement a Long-Term Ash Management Strategy for the site, to the satisfaction of the Planning Secretary. The Strategy shall be developed in consultation with the EPA and Council, and shall include, but not necessarily be limited to:

- (a) a mandatory goal of 80% reuse or recycling of ash from the Eraring Power Station by 31 December 2021. This goal may only be altered with the prior written agreement of the Planning Secretary, based on a demonstration by the Applicant that market conditions reasonably preclude this goal being achieved;
- (b) a program for the investigation of alternative ash management measures over time, with a particular focus on the minimisation of ash disposal on site and beneficial reuse of ash;
- (c) a framework for the identification and assessment of alternative ash management measures from time to time, having regard to the operational needs of the Eraring Power Station, and social, economic and environmental implications of those measures;
- (d) a staging strategy for the implementation of works the subject of this approval;
- (e) a strategic management framework for the optimisation of ash disposal capacity on the site, and periodic review of ash management practices to achieve this outcome;
- (f) an environmental management framework for the on-going management of ash disposal and ash management measures on site, consistent with contemporary best environmental practice;
- (g) a rehabilitation strategy that outlines proposed rehabilitation, with consideration of the ash reuse potential, including a:
  - (i) description of techniques to restore the area;
  - (ii) timetable for the progressive staging of the rehabilitation program; and
  - (iii) monitoring and auditing program; and
- (h) a strategy for the reconciliation of the generating life of the Eraring Power Station and the availability and management of ash produced by the Power Station.

In respect to a), if reuse options are slow to emerge, or they are not feasible on economic, environmental, or industrial reliability criteria, the timeframe goal may be extended with the agreement of the Planning Secretary, in consultation with the EPA. Extension of the goal shall be subject to the Applicant providing to the satisfaction of the Planning Secretary information on available reuse options, justification of why these cannot be – or have not been – adopted, and a description of what measures will be implemented to facilitate the reuse of all ash generated on the premises for a beneficial purpose. After reviewing this information, the Planning Secretary in consultation with the EPA, may approve a modified timeframe goal(s), and may require the Applicant to carry out further investigations or works into reuse of all ash generated on the premises for a beneficial purpose.

4A.2 By the end of October each year, or other timeframe agreed by the Planning Secretary, a report shall be submitted to the Department to demonstrate annual progress of reuse and recycling of ash, to the satisfaction of the Planning Secretary.

## 5. ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### Incident Notification, Reporting and Response

- 5.1 The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the project (including the application number and the name of the project if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix C.

### Non-Compliance Notification

- 5.2 The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- 5.3 A non-compliance notification must identify the project and the application number for it, set out the condition of approval that the project is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- 5.4 A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Compliance Reporting

- 5.5 Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the *Compliance Reporting Post Approval Requirements (2020)* or its latest version.
- 5.6 Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the *Compliance Reporting Post Approval Requirements (2020)* or its latest version, unless otherwise agreed to by the Planning Secretary.
- 5.7 The Applicant must make each Compliance Report publicly available within 60 days of submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- 5.8 Notwithstanding the requirements of the *Compliance Reporting Post Approval Requirements (2020)* or its latest version, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

### Notification of Department

- 5.9 Prior to commencing the construction, operations, upgrading or decommissioning of the project or the cessation of operations, the Applicant must notify the Department via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.
- 5.10 If any of these phases of the project are to be staged, then the Applicant must notify the Department in writing prior to commencing the relevant stage, and clearly identify the project that would be carried out during the relevant stage.

### Independent Environmental Audit

- 5.11 Within one year of the date of physical commencement of development under Modification 2, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the project. The audit must:
- (a) be prepared in accordance with the *Independent Audit Post Approval Requirements* (NSW Government 2020); and
  - (b) be submitted, to the satisfaction of the Planning Secretary, within two months of undertaking the independent audit site inspection, unless otherwise agreed by the Planning Secretary.
- 5.12 In accordance with the specific requirements of the *Independent Audit Post Approval Requirements* (NSW Government 2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under Condition 7 above;
  - (b) submit a response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations of the Independent Audit Report;
  - (c) implement the recommendations to the satisfaction of the Planning Secretary; and
  - (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary.



## Monitoring and Environmental Audits

5.13 Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.

For the purposes of this condition, as set out in the Act, “monitoring” means monitoring of the project to provide data on compliance with the approval or on the environmental impact of the project, and an “environmental audit” means a periodic or particular documented evaluation of the project to provide information on compliance with the approval or the environmental management or impact of the project.

## Revision of Strategies, Plans and Programs

5.14 Within 3 months of:

- (a) the submission of an incident report under condition 5.1 above;
- (b) any modification to the conditions of this approval (unless the conditions require otherwise);
- (c) the submission of an audit report in accordance with condition 5.11 of this approval; or
- (d) a direction of the Secretary under condition 1 of Schedule 2,

the Applicant must review and, if necessary, revise the strategies, plans and programs required under this approval to the satisfaction of the Planning Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Planning Secretary for approval.

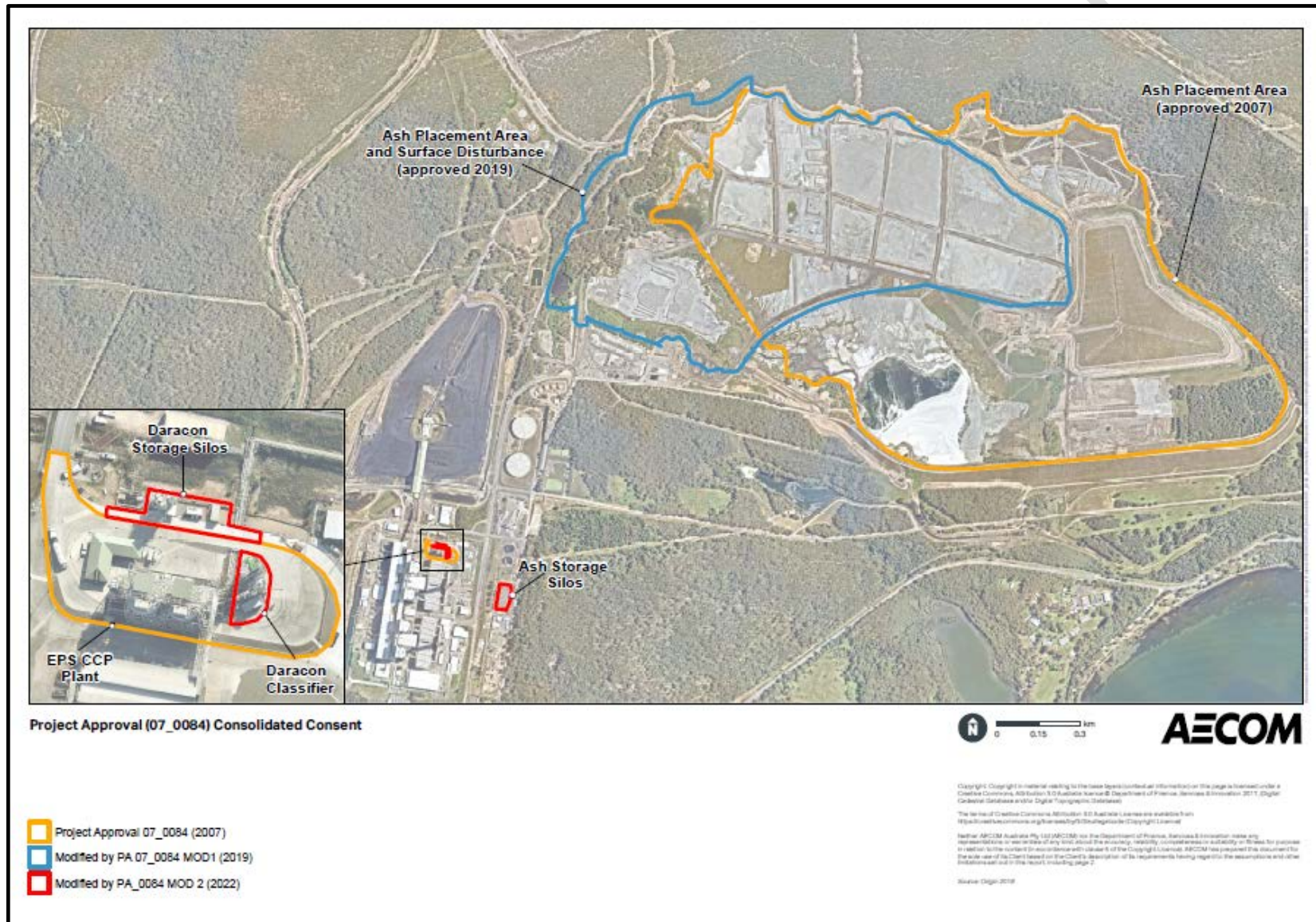
*Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.*

## Access to Information

5.15 The Applicant must:

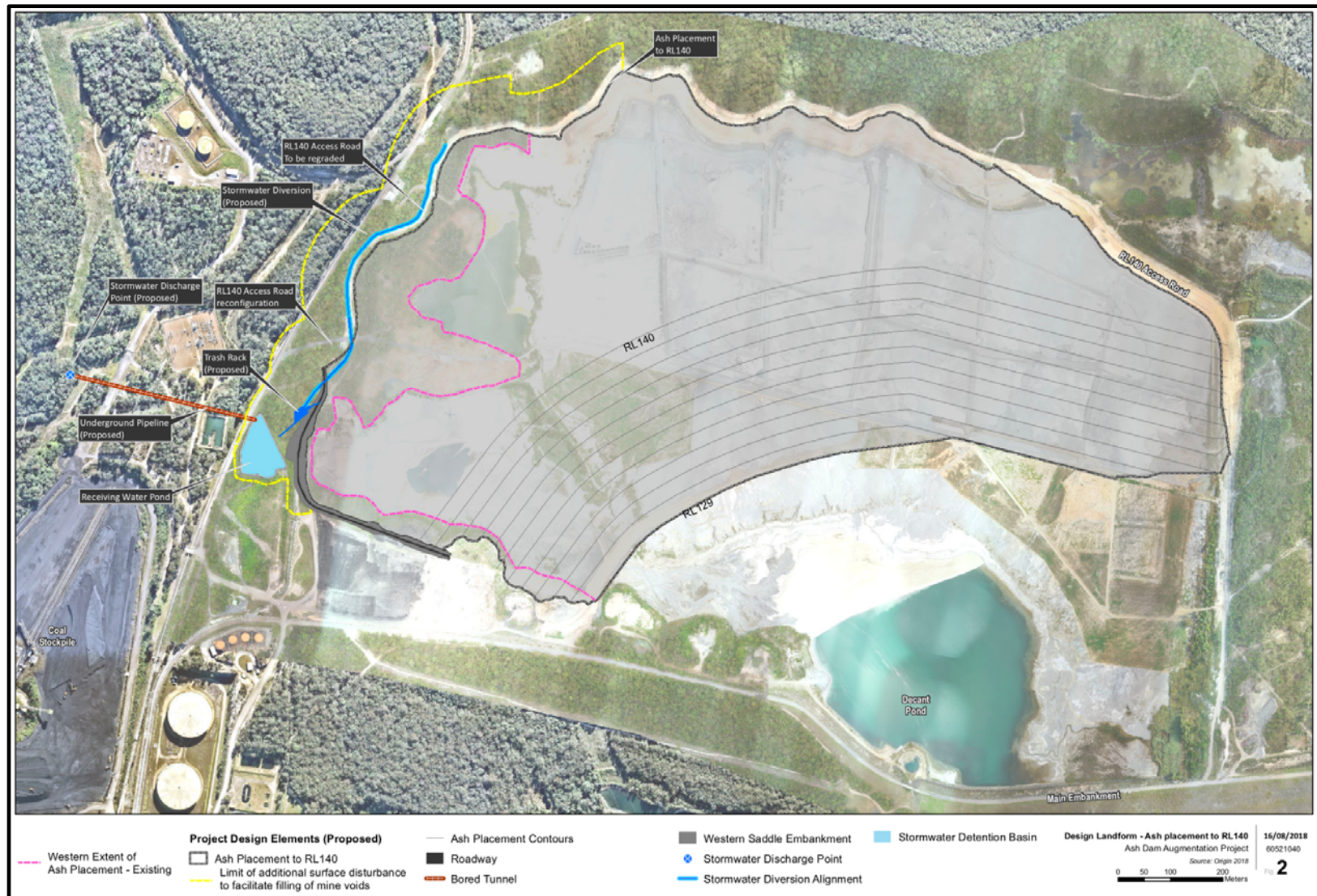
- (a) make the following information publicly available on its website as relevant to the stage of the project:
  - (i) the EAs;
  - (ii) current statutory approvals for the project;
  - (iii) approved strategies, plans and programs required under the conditions of this approval;
  - (iv) a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various strategies, plans and programs approved under the conditions of this approval;
  - (v) a complaints register, which is to be updated on a monthly basis;
  - (vi) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
  - (vii) any other matter required by the Secretary; and
- (b) keep this information up to date, to the satisfaction of the Planning Secretary.

## APPENDIX A – THE SITE



CCP Storage Facility – MOD1 Western Expansion and MOD 2 CCP recycling facilities





## CCP Storage Facility – MOD1 Western Expansion

## APPENDIX B - ROAD MAINTENANCE CONTRIBUTIONS

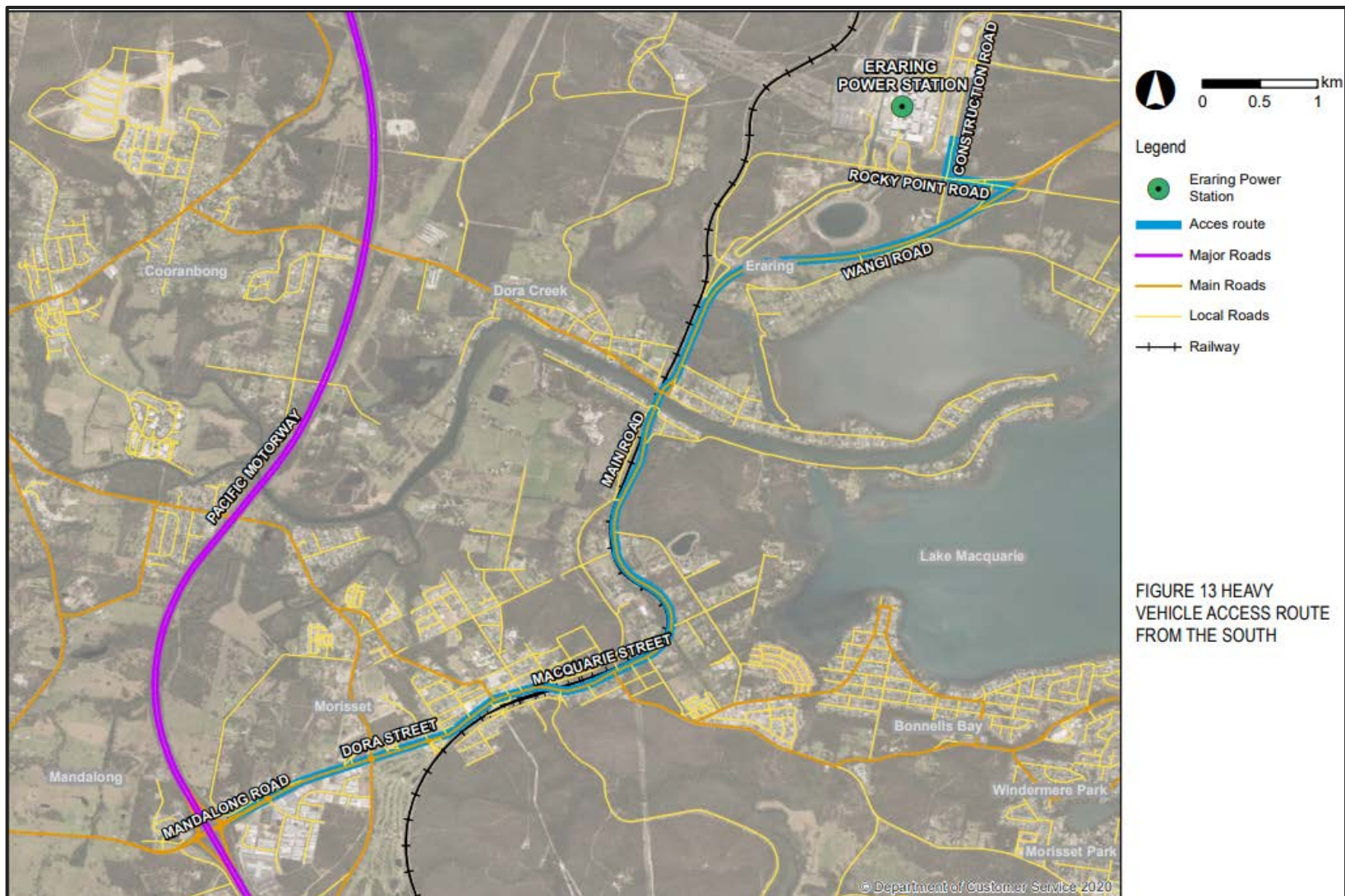
- B1. The Applicant must pay Council haulage contributions for every tonne of CCP transported from the site along the following routes as shown in Appendix B1:
- a. Route 1 at \$0.0234 per tonne of CCP
  - b. Route 2 at \$0.02465 per tonne of CCP
  - c. Route 3 at \$0.0386 per tonne of CCP
- B2. Evidence of the tonnage hauled on each route is required to be submitted to Council by the 31 July each year for the proceeding period of 1 July to 30 June each year.
- B3. From the date of the determination of Modification 2, the amounts of the contributions payable under clause 1 above will be indexed and adjusted at the close of business on 14 May each year in accordance with the Australian Bureau of Statistics Consumer Price Index – Building Construction (NSW).
- B4. The contributions must be paid to Council prior to the 31 August each year for the proceeding financial year from 1 July to 30 June.
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## APPENDIX B1 – HAULAGE ROUTES



ROUTE 1



ROUTE 2





ROUTE 3

## APPENDIX C - INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

- C1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 5.1 or, having given such notification, subsequently forms the view that an incident has not occurred.
- C2. Written notification of an incident must:
- (a) identify the project and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the Applicant became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of approval;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a project contact for further communication regarding the incident.
- C3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
- C4. The Incident Report must include:
- (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.