

13 February 2022

NSW Department of Planning and Environment

Attention: Stephen O'Donoghue

Dear Stephen

**Re: Eraring Power Station - Ash Dam Expansion - Proposed Modification 2 (MP07_0084-Mod-2)
Request for additional information**

I refer to your letter dated 9 February 2022 requesting additional information in regard to MP07_0084-Mod-2. This letter responds to the DPE RFI.

clarify the existing and proposed ash recycling capacity for:
o infrastructure subject to MP07_0084; and
o third party infrastructure.

Table 1 in the Modification Report (reproduced below) shows existing (historic) and proposed future ash recycling at Eraring Power Station (EPS):

Table 1 Summary of Existing and Proposed Ash Recycling Throughput Capacities

Operation	Existing / Proposed Facilities	Existing Capacity (tpa) (approx.)	Future Capacity (tpa) (approx.)
EPS CCP Plant	Existing - 2 x 1000t silos No change	300,000	300,000
Flyash Australia	No change	500,000	500,000
Daracon fly ash classifying plant and storage silos (modification area 1)	Existing - 1 x 90t silo, 3 x 100t silo, 1 x classifier	100,000	300,000
	Proposed – additional 3 x 450t storage silos		
Bottom Ash Recovery Area	No change	150,000	150,000
New storage silos (modification area 2)	Existing - none existing	0	150,000
	Proposed – additional up to 4 x 600t silos		
Total		1,050,000	1,400,000

The ash recycling shown in the orange boxes are the subject of MP07_0084. Flyash Australia have their own Council DA, as does the existing Daracon operations. Ash recycled from the ash dam, i.e. Bottom Ash Recovery Area is an existing power station operation. Note the bottom ash makes up approximate 10% of all ash produced, and the stated capacity at 150,000 tpa is based on an expected maximum ash production capacity of 1.5Mtpa as set out in the *2021 Annual Report Long Term Ash Management Strategy (LTAMS) – Progress of reuse and recycling of ash*.

describe the anticipated extent of haulage during the night-time period.

Eraring Power Station (EPS) operates continuously and ash such produces ash on a continuous basis. Ash recycling including haulage also occurs continuously (24/7) subject to market demand and it is proposed to retain 24/7 operations with the increased ash recycling infrastructure that are the subject of MOD2.

In terms of the expected breakdown of night and day ash haulage, as outlined Section 7.1.4 *60% of all (ash) truck movements will occur during a five-hour period in the morning.* This 5-hour period is from 5am to 10am. A traffic survey undertaken in January 2021 showed that 25% of all heavy vehicles entered and exited site during the night-time hours of 2200 to 0700. Note this includes all heavy vehicles not just ash trucks but is considered reasonable estimate for ash trucks. This is an average and actual night-time ash haulage fluctuates subject to market conditions.

Where the purpose of MOD2 is to increase ash recycling and move towards consistently achieving an 80% (financial year basis) ash recycling target, ash haulage needs to be maintained continuously on a 24/7 basis without restriction.

provide an assessment of conditions from DA/1937/2014 required to be included in MP07_0084.

Refer to Attachment A.

Yours sincerely

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Attachment A – DA1937/2014 Conditions – Assessment of Status

ID No.	Condition	Status
1	<p>Prescribed Conditions</p> <p>(a) The work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>(b) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.</p> <p>(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:</p> <p>(i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and</p> <p>(ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and</p> <p>(iii) stating that unauthorised entry to the work site is prohibited.</p> <p>Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p>(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:</p> <p>(i) in the case of work for which a principal contractor is required to be appointed:</p> <p>a. the name and licence number of the principal contractor, and</p> <p>b. the name of the insurer by which the work is insured under Part 6 of that Act,</p> <p>(ii) in the case of work to be done by an owner-builder:</p> <p>a. the name of the owner-builder, and</p> <p>b. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.</p> <p>If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under (d) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.</p>	Completed

ID No.	Condition	Status
2	<p>Approved Documentation (Modification D) The development consent incorporates this schedule of conditions and the plans and documents referenced and stamped -</p> <p>Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:</p> <p>(i) Any amendments made by Council on the approved plans or documents; (ii) Any notes, markings, or stamps on approved plans or documents, and (iii) Any conditions contained in this consent.</p>	Completed
3	<p>Construction Certificate Prior to the commencement of building work or subdivision work, a Construction Certificate shall be obtained. Note: If the Construction Certificate is issued by a Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval. (Clause 142(2) EPA Regulation 2000).</p>	Completed
4	<p>Occupation Certificate The development shall not be occupied or used prior to the issuing of a Final Occupation Certificate or Interim Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.</p>	Completed
5	<p>Commencement of the Use of the Land The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and a Final or Interim Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.</p>	Completed
6	<p>Floor Levels – Flooding Council records indicate that the development site is likely to be or has been affected by flooding. The proposed development has been assessed against Councils flood planning levels and shall meet the following Flood Planning Level criteria. The batching plant and all unsealed electrical installations associated with the proposed development, eg. switches, power points, etc. shall be placed above 2.36m AHD. This shall not impact upon the overall height of the development.</p>	Completed

ID No.	Condition	Status
7	<p>Height (Modification B)</p> <p>The maximum height of the proposed development shall be 27.10 metres measured from existing ground level.</p>	Completed – for the Daracon development. The proposed new silos exceed this height as addressed in the Response to Submissions (RtS).
8	<p>Fix Damage Caused by Construction Works</p> <p>Any damage or injury caused to a public road or associated structures including footpaths, drains, kerb and gutter and utility services caused as a consequence of the construction works shall be made good at the cost of the person with the benefit of the consent.</p> <p>Any disused kerb and gutter and footpath crossing shall be removed and replaced with full kerb and gutter in accordance with Council's standards to match finished adjoining kerb and gutter. All replacement works are to be completed to the satisfaction of Council prior to the issue of an Occupation Certificate at the cost of the person with the benefit of the consent.</p>	Completed
9	<p>Hoarding and Construction Site Safety Fencing</p> <p>Construction site safety fencing and/or hoarding shall be provided in accordance with WorkCover requirements. Such fencing and/or hoarding shall be erected wholly within the property boundary unless prior approval from Council is obtained.</p> <p>Council approval is required to install hoarding, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a Public Reserve. No work shall commence until written approval is obtained.</p>	Completed
10	<p>External Material Colours and Reflection</p> <p>The exterior colour scheme shall be limited to "Colourbond Rivergum" only.</p> <p>External materials shall have low-reflective properties.</p>	Completed
11	<p>Building Waste</p> <p>Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.</p> <p>The enclosure or bin shall be maintained for the term of the construction to the completion of the development.</p> <p>The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site.</p> <p>Appropriate provision is to be made to prevent wind blown rubbish escaping from the containment.</p>	Completed

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12	<p>Site Amenities</p> <p>Throughout the course of building or demolition works on the site, toilet facilities shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet shall be installed as follows:</p> <p>(a) in a sewerred area, connect the temporary builder's toilet facility to the Hunter Water Corporation's sewerage system in accordance with such authority's requirements prior to commencing any building work.</p> <p>(b) where the connection of the toilet facility to the Hunter Water Corporation's sewer is impractical, an application to approve the use of a chemical closet is to be made to Council accompanied with the appropriate fee for approval. Such approval shall be obtained prior to the issue of a Construction Certificate.</p>	Completed
13	<p>Dial Before You Dig</p> <p>Prior to commencement of work, the free national community service "Dial Before You Dig" shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.</p>	Completed
14	<p>Noise - Construction Sites</p> <p>The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication "Interim Construction Noise Guideline" July 2009.</p> <p>Approved Construction Times</p> <p>The approved hours for construction of this development are –</p> <p>Monday to Friday - 7.00am to 6.00pm.</p> <p>Saturday – 8am to 1pm.</p> <p>No construction work shall take place on Sundays or Public Holidays.</p> <p>Construction Periods in Excess of 26 Weeks</p> <p>If the construction period is in excess of 26 weeks, a Noise Management Plan (NMP) shall be provided to Council prior to the issue of the first construction certificate. Such plan shall be prepared with the assistance of a suitably qualified acoustic engineer, indicating whether the use of machinery, plant and equipment during those operations can be completed without causing offensive noise (as defined in the Protection of the Environment Operations Act 1997) in the neighbouring area. The NMP shall be complied with at all times during the construction period and shall identify any mitigation measures to control noise,</p>	Completed

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	<p>noise monitoring techniques and reporting methods, likely potential impacts from noise and a complaints handling system.</p> <p>Operational times may be amended with the written advice of Council's General Manager or delegate.</p>	
15	<p>Noise – Ongoing Operation of Machinery, Plant and Equipment</p> <p>The Laeq (15 minute) operating noise level of machinery, plant and equipment when measured at the boundary of the nearest residential premises shall comply with either the amenity or intrusiveness criteria calculated in accordance with the NSW Office of Environment and Heritage Industrial Noise Policy. For assessing amenity criteria, the area shall be categorised in accordance with the guidelines outlined in Chapter 2 of that Policy.</p> <p>Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification from a suitably qualified acoustic consultant shall be submitted to the Principal Certifying Authority, demonstrating compliance with the above.</p>	Completed
16	<p>Bunded Spillage Areas</p> <p>Chemicals and grease stored in bulk form, or work areas where spillages are likely to occur, shall be bunded in accordance with the NSW Office of Environment and Heritage Protection Manual – “Bunding and Spill Management.”</p>	Ongoing

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17	<p>Emissions</p> <p>There shall be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise" as defined in the Protection of the Environment Operations Act 1997, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development.</p>	Ongoing
18	<p>Mine Subsidence Board</p> <p>Evidence of an approval from the Mine Subsidence Board must be provided to the certifying Authority prior to the issue of the first Construction Certificate.</p>	Completed
19	<p>Air Quality Management Plan (Modification B)</p> <p>Council request the proponent prepare an Air Quality Management Plan (AQMP), prior to the commissioning of the facility, for the operation of the facility. The AQMP must be developed to ensure compliance with statutory provisions in the Protection of the Environment Operations Act 1997, the Protection of the Environment Operations (Clean Air) Regulation 2010, and relevant standards. The AQMP shall address the management of air pollutants from the facility during routine operation, scheduled maintenance, and for emergency works. The AQMP shall, where feasible and appropriate, be developed in accordance with current air quality management procedures for fly-ash handling at the power-station site.</p>	Completed