Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Public Spaces under delegation, I approve the development application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, 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 development.

Chris Ritchie

Executive Director (Acting), Energy, Resource and Industry Assessments

Sydney	31 January 2025

SCHEDULE 1

Application Number:	SSD-24937520
Applicant:	AGL Macquarie Pty Ltd (AGLM)
Consent Authority:	Minister for Planning and Public Spaces
Site:	The land defined in Appendix 2
Development:	Liddell Future Land Use and Enabling Works Project

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition in the *National Parks and Wildlife Act 1974*
AHIMS	Aboriginal Heritage Information Management System established under the *National Parks and Wildlife Act 1974*
Applicant	Identified as such in Schedule 1, and any other person carrying out any part of the development approved under this consent
Approved development area	As identified on the plan(s) included in Appendix 1 of this consent
Asbestos containing material	As defined by the *Work Health and Safety Act 2011*
Asbestos disposal facility	The new asbestos disposal facility constructed in accordance with the documents listed in condition A2(c)
Asbestos waste	As defined by Schedule 1 of the POEO Act
CPHR	Conservation Programs, Heritage and Regulation Group within the New South Wales Department of Climate Change, Energy, the Environment and Water
CEnvP(SC)	Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme
CPSS CSAM	Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management scheme
Conditions of this consent	Conditions contained in Schedule 2
Construction	Physical works required to enable the development to be carried out, including demolition and removal of buildings, the removal, storage or emplacement of soil and/or native vegetation (excluding native vegetation within garden beds) and erection of buildings or other infrastructure permitted by this consent Does not include preliminary works
Contaminated Land Guidelines	Guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*
Council	Muswellbrook Shire Council
Dangerous goods	As defined by the Australian Dangerous Goods Code
Date of commencement	The date notified to the Department by the Applicant under condition A10
Day	Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays
DCCEEW Water Group	Water group within the New South Wales Department of Climate Change, Energy, the Environment and Water
Department	NSW Department of Planning, Housing and Infrastructure
Development	The development described in the document/s listed in condition A2(c)
Development layout	The indicative development layout depicted in plan in Appendix 1 of this consent

Demolition	The deconstruction and removal of the structures as described in the documents listed in condition A2(c) Does not include preliminary works
Disturbance	A physical displacement of existing features that impacts those features
DS NSW	Dam Safety New South Wales
EIS	The environmental impact statement titled Liddell Future Land Use and Enabling Works Environmental Impact Statement, prepared by GHD, dated 7 March 2023; as further updated and supplemented by the Applicant's Response to Submissions, prepared by GHD, dated 15 February 2024 and the amendment report titled Liddell Future Land Use and Enabling Works Amendment Report, prepared by GHD, dated 7 June 2024; and the additional information provided by the Applicant on 16 September 2024, 24 and 29 October 2024, 4 November 2024, 2 December 2024 and 17 December 2024, 22 January 2025 and 31 January 2025 in support of the application.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental management document	Any strategy, study, system, plan, program, review, audit, notification, report required by the conditions of this consent
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPL	Environment protection licence under the POEO Act
Existing asbestos landfills	The asbestos disposal facilities constructed prior to the commencement of this development consent as described by the documents listed in condition A2(c)
Feasible	What is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and which may or may not be or cause a non-compliance
Material harm	Is harm that: • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual 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 reasonable and practicable measures to prevent, mitigate or make good harm to the environment) ***Notes:*** *This definition excludes "harm" that is either authorised under this consent or any other statutory approval.* *For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements*
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	NSW Minister for Planning and Public Spaces, or delegate

Mitigation	Activities associated with reducing the impacts of the development
National Heavy Vehicle Regulator	Regulator established by the *Heavy Vehicle National Law Act 2012 (Qld) (HVNL)*
Negligible	Small and unimportant, such as to be not worth considering
NEPM	National Environmental Protection Measure
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NSW EPA	NSW Environment Protection Authority
Operation	The carrying out of the asbestos disposal facility and borrow pit authorised by this consent upon completion of the associated construction works
PCB	Polychlorinated biphenyl
PFAS	Per- and polyfluoroalkyl substances
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	*Protection of the Environment Operations Act 1997*
Preliminary works	Development activities required for site establishment and temporary services that do not impact native vegetation (excluding native vegetation within garden beds), including environmental mitigation measures, laydown areas, emergency muster points, mobilisation of plant and personnel, removal of hazardous materials proposed for demolition delineation of assets for retention and dilapidation surveys of adjacent plant and structures to be retained
Privately-owned land	Land that is not owned by a public agency or company
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc
Reasonable	Means applying 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
Rehabilitation	Means the treatment or management of disturbed land or water for the purpose of establishing a safe and stable environment
Remediation	As defined by the *Contaminated Land Management Act 1997*
Residence	Existing or approved dwelling at the date of the grant of this consent
Site audit	As defined by the *Contaminated Land Management Act 1997*
Site auditor	As defined by the *Contaminated Land Management Act 1997*
TARP	Trigger Action Response Plan
Temporary facilities	Temporary facilities including temporary offices and compounds, material storage compounds, maintenance workshops, material stockpiles, laydown areas and parking spaces
UST	Underground storage tanks
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act

Waterfront land	Includes the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary

SUMMARY OF REQUIREMENTS

Reports and notifications that are required to be provided to the Planning Secretary under the conditions of this consent are listed in the table below. The table is for information purposes only and does not form part of the conditions of this consent.

Condition Number	Report	Notification/Timing	Purpose
Part A – Administrative Conditions			
A10	Notification of commencement of development; construction; demolition; cessation of operations; and stage 3	Prior to commencing relevant stage	Information
A12	Surrender of development consents	Within 12 months of commencing development under this consent	Approval
A16	Evidence of consultation completed for any environmental management document	Prior to submitting any environmental management document	Information
Part B – General Environmental Conditions			
B1	Environmental Management Strategy	Prior to commencing construction	Approval
B12	Out of hours work protocol	Prior to undertaking any construction work outside of the hours listed in Table 1	Approval
B15	Water Management Plan	Prior to commencing construction	Approval
B28, B29 and **B30**	Evidence of biodiversity credit retirement	Prior to impacting biodiversity values in each stage	Information
B32	Biodiversity Management Plan	Prior to commencing construction	Approval
B38 and **B39**	Rehabilitation Management Plan	Within 18 months of commencing operation	Approval
Part C – Specific Environmental Conditions			
C3	Sampling Analysis and Quality Plan (PCB contaminated material)	Prior to the re-use, recycling or burying of PCB contaminated materials on site	Information
C4 and **C5**	Detailed Site Investigation	Commenced within 12 months after the completion of demolition provided that the Site auditor has issued interim audit advice for the preceding sampling analysis and within 18 months of the completion of demolition	Information
C6 and **C7**	Human Health and Ecological Risk Assessment	Following the completion of demolition and prior to the site validation report required by condition C9	Information

Condition Number	Report	Notification/Timing	Purpose
C8 and **C9**	Remedial Action Plan	Prior to commencing remediation	Information
C10	Site Validation Report	At the completion of remediation	Information
C11 and **C12**	Long-Term Environmental Management Plan	Prior to the issue of a section A2 site audit statement	Information
C13	Section A1 or Section A2 Site Audit Statement	Within 12 months of completing remediation and no later than one month prior to any post-remediation land use within the approved development area subject to the site audit statement	Information
C15	Clearance Certificate	Prior to commencing demolition	Information
C16, **C17** and **C18**	Demolition Environmental Management Plan	Prior to commencing demolition	Approval
C24	Asbestos Facility Final Design	Prior to commencing construction of the asbestos disposal facility	Approval
C25	Construction quality assurance plan	Prior to commencing construction of the asbestos disposal facility	Information
C26	Construction quality assurance report	Prior to commencing operation of the asbestos disposal facility	Information
C29	Liddell Ash Dam Closure and Rehabilitation Plan	Within twelve months of commencing development	Approval
Part D – Reporting and Auditing			
D1	Independent Environmental Audit	Within two months of undertaking an independent audit site inspection	Information
D2	Compliance report	By the end of March each year	Information
D4	Notification of non-compliance	Within 7 days of becoming aware	Information
D5	Notification of an incident	Within 24 hours of becoming aware	Information

SCHEDULE 2

PART A. ADMINISTRATIVE CONDITIONS

Obligation to minimise harm to the environment

A1. In addition to meeting the specific performance measures and criteria established under this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from preliminary works, construction or any other part of the development including, any rehabilitation required under this consent.

Terms of consent

A2. The Applicant may only carry out the development:

(a) in compliance with the conditions of this consent;

(b) in accordance with all written directions of the Planning Secretary;

(c) generally in accordance with the EIS; and

(d) generally in accordance with the Development Layout in Appendix 1.

A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions 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 consent, 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 A3(a).

A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2(c). In the event of any inconsistency, ambiguity, or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity, or conflict.

Limits of consent

A5. Development activities may be carried out within the approved development area, until 31 December 2044.

Asbestos disposal facility

A6. A maximum of 30,000 cubic metres of asbestos waste, asbestos containing material, synthetic mineral fibre and other associated wastes authorised by the Site auditor, may be disposed of at the asbestos disposal facility, unless otherwise agreed by the Planning Secretary.

Borrow pit

A7. A maximum of 13.5 million cubic metres of material may be extracted from the Borrow Pit Area identified on Figure 1 in Appendix 1, unless otherwise agreed by the Planning Secretary.

Rock crushing

A8. A maximum of 200,000 tonnes of material from the Borrow Pit Area and Liddell Ash Dam may be crushed per annum, for a maximum total of 10 years from the commencement of extraction, unless otherwise agreed by the Planning Secretary.

Development hours

A9. The development may only be undertaken during the hours set out in Table 1.

Table 1 – Operating hours

Activity	Permissible Hours
Development activities- other than as identified separately in this table.	• 7 am to 6 pm Monday to Friday • 8 am to 6 pm Saturday • At no time on Sundays or public holidays
Blasting	• 9 am to 5 pm Monday to Saturday • No blasting on public holidays
Maintenance, security, office work, cleaning, etc	May be conducted at any time, provided that these activities are not audible at any residence on privately-owned land
Delivery or dispatch of materials as requested by Police or other public authorities Emergency work to avoid the loss of lives, property or to prevent environmental harm Delivery of oversized plant or structures	At any time, only after notifying the Department

Notification of commencement

A10. The Department must be notified, in writing, of the date of commencement of each of the following phases of the development:

(a) commencement of development under the consent;

(b) commencement of construction under the consent;

(c) commencement of demolition under the consent; and

(d) cessation of operations.

The notification must be provided at least two weeks before the commencement of each stage and no more than three months before the commencement of each stage.

A11. If the phases of the development are to be further staged, the Department must be notified in writing at least two weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Surrender of existing consents and approvals

A12. Within 12 months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the following Council development consents must be surrendered in accordance with the EP&A Regulation:

(a) DA1/2011;

(b) DA98/1995;

(c) DA90/2015;

(d) DA91/2015; and

(e) DA51/86.

Note: Condition A12 does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

A13. Upon the commencement of development under this consent, and before the surrender of existing development consents or project approvals required under condition A12, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

Application of existing environmental management documents

A14. Prior to the approval of environmental management documents under this consent, any equivalent or similar environmental management documents required under the development consents listed in condition A12 continue to apply to the satisfaction of the Planning Secretary.

Payment of reasonable costs

A15. The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced, and independent expert(s) to review the adequacy of any environmental management document required under this consent.

Evidence of consultation

A16. Prior to submitting any environmental management document required by this consent to the Planning Secretary, any consultation with an identified party must be completed. Documentary evidence and a tabulated summary of the consultation must be submitted with the subject document via the Major Projects Website, including:

(a) dates of the consultation with the identified party, copies of the identified party's response, and a summary of the issues raised;

(b) the outcome of that consultation, including how the issues have been addressed in the subject document; and

(c) details of any disagreement remaining between the party consulted and the Applicant, and how the Applicant has addressed the matters not resolved.

Applicability of guidelines

A17. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

A18. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

Staging, combining and updating environmental management documents

A19. With the approval of the Planning Secretary, any environmental management document required by this consent may be staged, combined or updated.

A20. Staging requests made to the Planning Secretary must include a clear description of the trigger for staging, the specific stage and scope of the development to be staged and any future stages planned.

A21. If the Planning Secretary agrees, an environmental management document may be staged or updated without:

(a) consultation being undertaken with all parties required to be consulted in the relevant condition in this consent; and/or

(b) addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.

A22. Any request to combine environmental management documents must demonstrate a clear relationship between the nominated documents.

Protection of public infrastructure

A23. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development (excluding damage to roads caused as a result of general road usage); and

(b) relocate, or pay the full costs associated with relocating, any public infrastructure present at the time of the determination of this application that needs to be relocated as a result of the development.

Operation of plant and equipment

A24. All plant and equipment used by the development, or to monitor the performance of the development must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

PART B - GENERAL ENVIRONMENTAL CONDITIONS

Environmental management strategy

B1. An **environmental management strategy** must be prepared for the development. The strategy must:

(a) be submitted for approval to the Planning Secretary prior to the commencement of construction;

(b) describe the environmental management context and outline the scope of the strategy, including:

  (i) the relationship of the strategy to other environmental management documents;

  (ii) relevant statutory criteria, performance measures or operational requirements including conditions of consent and other legislative or regulatory licences, guidelines, policies or standards;

  (iii) sensitive receivers;

  (iv) consideration of the consultation outcomes from the documents listed in condition A2(c) where relevant or other environmental management documents required by this consent; and

  (v) detailed plans of the development location and development, sensitive receivers and environmental monitoring locations;

(c) list the role and responsibility of all key personnel and contractors involved in the environmental management of the development;

(d) include an environmental risk assessment of the development activities and specific risk management controls and mitigations to:

  (i) comply with statutory requirements, limits or performance measures and criteria;

  (ii) manage the predicted impacts identified in the documents listed in condition A2(c); and

  (iii) manage any other environmental risk or impact that has been subsequently identified after the documents in condition A2(c) were submitted;

Note: Environmental risk assessment cannot be used to identify and assess physical changes to the development or an increase in impacts that are not described and assessed in the approved EIS. These may require a new planning approval and may need to be referred to the Department.

(e) include processes to review the environmental risk assessment annually and determine whether the measures implemented to manage the risks are effective;

(f) include an adaptive management process to be implemented if the review of the risk assessment indicates that any measure that has been implemented is not effective in managing the identified risk(s) and a process to update the measure;

(g) include a clear plan depicting all the monitoring to be carried out under the conditions of this consent;

(h) include processes to report and review environmental performance that:

  (i) provides for an annual review of the environmental risk assessment with consideration of the evaluation findings;

  (ii) respond to any non-compliance and/or incident;

(iii) address the findings of any audit undertaken for the development;
(iv) provide for adaptive management mechanisms that enable continuous improvement; and
(v) keep the local community and relevant agencies informed about the operation and environmental performance of the development;

(i) include procedures to:
(i) receive record, handle and respond to complaints;
(ii) resolve any disputes that may arise during the course of the development; and
(iii) respond to emergencies.

B2. Construction must not commence until the environmental management strategy is approved by the Planning Secretary.

B3. The environmental management strategy, as approved by the Planning Secretary, must be implemented for the development.

Aboriginal heritage

Protection of Aboriginal Objects

B4. The Applicant must not directly or indirectly harm the Aboriginal objects AHIMS 37-2-6560 and 37-2-6559, or any Aboriginal objects located outside the approved development area.

B5. Prior to carrying out any development that could directly or indirectly harm the Aboriginal objects AHIMS 37-2-6561 and 37-2-6284, the Applicant must salvage the Aboriginal objects via surface collection and relocate the items that would be impacted to a suitable alternative location, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010), or its latest version.

Air quality and Greenhouse Gas

B6. All reasonable and feasible avoidance and mitigation measures must be implemented to prevent the generation of dust from the development.

B7. All reasonable and feasible avoidance and mitigation measures must be implemented to minimise greenhouse gas emissions from the development.

Noise

B8. The operational noise generated by the development must not exceed 40 dB $_{LAeq(15min)}$ during daytime hours at residential receivers R21 and R28 shown on Figure 3 in Appendix 3.

B9. The noise limit set out in condition B8 apply under the meteorological conditions defined in Table 2.

Table 2 – Meteorological conditions

Location	Day $L_{Aeq(15min)}$
Assessment Period	**Meteorological Conditions**
Day	Stability Categories A, B, C and D with wind speeds up to and including 3 m/s at 10m above ground level from the ESE wind direction. Stability Categories A, B, C and D with wind speeds up to and including 0.5 m/s at 10m above ground level from all other wind directions.

B10. For all other meteorological conditions, operational noise from the development during the day period must not exceed the criteria in condition B8 plus 5 dB. The meteorological conditions are to be determined by monitoring at the meteorological station required under condition B22.

B11. The development may only occur outside of the hours listed in Table 1 if:

(a) noise levels are no more than 5 dB $_{LAeq(15min)}$ above the rating background level at any residence and no more than the noise management levels in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) for sensitive receivers other than residences; or

(b) works are implemented in accordance with an out-of-hours work protocol detailed in condition B12 and as approved by the Planning Secretary.

B12. An **out-of-hours work protocol** must be submitted to the satisfaction of the Planning Secretary prior to the commencement of any out-of-hours construction work (other than the exceptions listed in conditions B11(a) and B11(b). The protocol must:

(a) include noise modelling of proposed activities including consideration of noise enhancing meteorological conditions, annoying noise characteristics and implementation of reasonable and feasible noise mitigation measures;

(b) identify a process for the consideration and management of construction which is outside the hours defined in Table 1;

(c) be consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest or final version);

(d) justify why the construction needs to be undertaken as out-of-hours construction, including consideration of consultation undertaken as part of the documents listed in condition A2(c);

(e) identify low, medium and high-risk out-of-hours work, proposed mitigation and management measures; and

(f) include written notification arrangements for affected residences for approved out-of-hours work.

Water

B13. The development must comply with the performance measures in Table 3.

Table 3 – Water management performance measures

Feature	Performance measure
Water management – general	• Maintain separation between clean and dirty water management systems • Minimise the use of clean and potable water by the development • Maximise water recycling, reuse and sharing opportunities • Design, install, operate and maintain water management systems in a proper and efficient manner

Feature	Performance measure
Erosion and sediment control	• Design, install and maintain erosion and sediment controls generally in accordance with the guidance series *Managing Urban Stormwater: Soils and Construction including Volume 1: Blue Book* (Landcom, 2004), *Volume 2A: Installation of Services* (DECC, 2008), *Volume 2C: Unsealed Roads* (DECC,2008), *Volume 2D: Main Road Construction* (DECC, 2008) and *Volume 2E: Mines and Quarries* (DECC, 2008) • Design, install and maintain sediment dams generally in accordance with the guidance series Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004) and 2E Mines and Quarries (DECC, 2008)
Water diversion and storage	• Maximise the diversion of clean water around disturbed areas within the approved development area, except where clean water is captured for use by the development • Design, install and maintain water storage infrastructure to avoid unlicensed or uncontrolled discharge of water
Chemical and hydrocarbon storage	• Chemical and hydrocarbon products stored in bunded areas in accordance with the relevant Australian Standard
Aquatic and riparian ecosystems	• Negligible environmental consequences beyond those predicted in the documents listed in condition A2(c)
Alluvial aquifers	• Negligible impacts to the alluvial aquifer as a result of the development, beyond those predicted in the document/s listed in condition A2(c), including: o Negligible change in groundwater levels o Negligible change in groundwater quality o Negligible impact to other groundwater users
Works on waterfront land	• All works within waterfront land is managed in accordance with the guidance series for Controlled Activities on Waterfront Land (DPE, 2022) • Minimise disturbance of banks and implement appropriate stabilisation mitigation

B14. The performance measures in Table 3 apply to the entire approved development area, including all landforms constructed under previous development consents. However, these performance measures do not require any additional earthmoving works to be undertaken for landforms that have been approved and constructed under previous consents, except where those earthworks are required for the establishment of a stable and non-polluting landform.

B15. A **water management plan** must be prepared for the development, excluding the Liddell Ash Dam and demolition activities considered by the demolition environmental management plan. The plan must:

(a) be submitted to the Planning Secretary for approval prior to the commencement of construction;

(b) be prepared:

(i) by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; and

(ii) in consultation with the NSW EPA;

(c) include a development water balance;

(d) include a review of the water licensing strategy for the development in consultation with DCCEEW Water Group;

(e) ensure all works carried out as part of the development comply with the performance measures detailed in Table 3;

(f) address the risks identified in the environmental risk assessment undertaken in accordance with condition B1;

(g) support the implementation of the relevant mitigation measures identified in the documents listed in condition A2(c);

(h) include a monitoring and evaluation program to:

  (i) record surface water inflows and outflows from the approved development area including controlled and uncontrolled discharges;

  (ii) assess compliance with the relevant performance measures and conditions of this consent; and

  (iii) the achievement of the surface water and groundwater objectives;

(i) include a TARP to respond to any exceedances of the relevant performance measures, objectives or performance indicators including reporting requirements and repair, mitigation and/or offsetting of any adverse surface water or groundwater impacts; and

(j) include processes to review the plan, including responding to non-compliances, incidents or complaints.

B16. Construction other than demolition must not commence until the water management plan is approved by the Planning Secretary.

B17. The water management plan, as approved by the Planning Secretary, must be implemented for the development.

Dangerous goods

B18. The quantities of dangerous goods stored and handled by the development must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

B19. Dangerous goods must be stored and handled strictly in accordance with:

(a) all relevant Australian Standards; and

(b) for liquids, the *NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Manual.*

In the event of inconsistency between the requirements of condition B19(a) and B19(b), the most stringent requirement must prevail to the extent of the inconsistency.

Transport

B20. All heavy vehicle travel and transport used by the development must be undertaken in accordance with a Driver's Code of Conduct, prepared in consideration of registered industry codes of practice published by the National Heavy Vehicle Regulator.

B21. All mine overburden material excavated from the Borrow Pit must be transported using private haul roads.

Meteorological monitoring

B22. Prior to the commencement of development activities and for the life of the development, a suitable meteorological station must operate in the vicinity of the development that:

(a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007);

(b) is capable of measuring meteorological conditions in accordance with the *NSW Industrial Noise Policy* (EPA, 2000) or *NSW Noise Policy for Industry* (EPA, 2017); and

(c) unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.

Waste

B23. All waste generated by the development must be classified in accordance with the *Waste Classification Guidelines* (EPA, 2014) and disposed of at appropriately licensed waste facilities unless subject to condition B27 unless otherwise permitted by an EPL.

B24. No waste from outside the approved development area must be received, stored, treated, processed, re-processed or disposed of within the approved development area except as expressly permitted by an applicable EPL, specific resource recovery order or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*.

B25. Waste generated by the development must be secured and maintained within designated waste processing or storage areas at all times prior to disposal, re-use or recycling.

B26. Any concrete confirmed to be impacted with PCB above acceptable levels determined by the Site auditor must be disposed of at a licensed waste facility.

B27. Asbestos soils requiring disposal, asbestos containing materials, synthetic mineral fibre and other associated wastes authorised by the Site auditor must be disposed of at the asbestos disposal facility constructed within the Borrow Pit Area identified on Figure 1 in Appendix 1.

Biodiversity

B28. The biodiversity credits specified in Table 4 and Table 5 must be retired in accordance with the Biodiversity Offset Scheme of the *Biodiversity Conservation Act 2016*, including the application of any ancillary rules published under Section 6.5 of the *Biodiversity Conservation Regulation 2017,* except as otherwise permitted by conditions B30 or B31. Evidence must be provided to the Department that the correct number and class of credits has been retired prior to undertaking the disturbance associated with each stage

Table 4 – Biodiversity credit requirements – ecosystem credits

Vegetation community	Stage 1		Stage 2		Stage 3		Total	
	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits
PCT 1603: Narrow-leaved Ironbark - Bull Oak – Grey Box shrub - grass open forest of the central and lower Hunter (moderate to good condition)[1]	0.04	1	0.18	4	0.19	4	0.41	9

Vegetation community	Stage 1		Stage 2		Stage 3		Total	
	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits	Area (ha)	Credits
PCT 1603: Narrow-leaved Ironbark - Bull Oak – Grey Box shrub - grass open forest of the central and lower Hunter (low condition)	1.72	16	2.39	-	6.11	56	10.22	72
PCT 1603: Narrow-leaved Ironbark - Bull Oak – Grey Box shrub - grass open forest of the central and lower Hunter (cleared – derived grassland)	0.73	-	7.27	88	3.79	47	11.79	135
PCT 1603: Narrow-leaved Ironbark - Bull Oak – Grey Box shrub - grass open forest of the central and lower Hunter (rehab grassland)	21.95	-	2.76	-	18.62	-	43.33	-
PCT 1604: Narrow-leaved Ironbark - Grey Box - Spotted Gum shrub – grass woodland of the central and lower Hunter (moderate condition)[1]	2.32	38	0.12	2	0.16	3	2.60	43
PCT 1604: Narrow-leaved Ironbark - Grey Box - Spotted Gum shrub – grass woodland of the central and lower Hunter (planted/rehabilitation)	0.65	13	0.17	2	1.83	24	2.65	39
PCT 1692: Bull Oak grassy woodland of the central Hunter Valley (moderate condition)	0.16	3	1.23	22	3.14	55	4.53	80
PCT 1731: Swamp Oak - Weeping Grass grassy riparian forest of the Hunter Valley (moderate condition)	0.49	-	0.12	-	0.53	-	1.14	-
PCT 1071: Phragmites australis and Typha orientalis coastal freshwater wetlands of the Sydney Basin Bioregion (moderate condition)	0.42	10	4.02	64	-	-	4.44	74

Note: 1 This PCT constitutes the Central Hunter Valley Eucalypt Forest and Woodland community listed under the Environment Protection and Biodiversity Conservation Act 1999

Table 5 – Biodiversity credit requirements – species credits

Threatened Species	Stage 1	Stage 2	Stage 3	Total
	Credits	Credits	Credits	Credits
Hunter Valley Delma (*Delma vescolineata*)	198	216	334	748
Southern Myotis (*Myotis macropus*)	35	129	149	313
Squirrel Glider (*Petaurus norfolcensis*)	75	47	154	276
Brush-tailed Phascogale (*Phascogale tapoatafa)*	55	33	94	182

B29. Prior to undertaking construction or operations within the:

(a) Stage 1 impact area (as shown on Figure 4 in Appendix 4), the Applicant must retire the Stage 1 biodiversity credits as specified in Table 4 and Table 5;

(b) Stage 2 impact area (as shown on Figure 4 in Appendix 4), the Applicant must retire the Stage 2 biodiversity credits as specified in Table 4 and Table 5; and

(c) Stage 3 impact area (as shown on Figure 4 in Appendix 4), the Applicant must retire the Stage 3 biodiversity credits as specified in Table 4 and Table 5.

B30. With the agreement of the Planning Secretary, the retirement of credits for the Hunter Valley Delma (*Delma vescolineata*) as listed in Table 5 may be carried out in an alternative timeframe to the timing specified in condition B29.

Note: The option for an alternate timeframe is provided given the recent listing of the species under the Biodiversity Conservation Act 2016.

B31. The biodiversity credit requirements outlined in condition B28 may be reduced if the Applicant demonstrates, in consultation with CPHR that the biodiversity credit requirements in Table 4 and Table 5 do not accurately reflect the extent of impacts on these species as a result of the development physically avoiding areas of the PCTs assessed by the documents listed in condition A2(c). Any request made by the Applicant to reduce biodiversity credits must:

(a) be submitted prior to the commencement of any works that will impact biodiversity values within the relevant stage impact area;

(b) be in writing and addressed to the Planning Secretary; and

(c) be supported by a report outlining the requested reduction in impact to biodiversity values which has been prepared by a person accredited under the *Biodiversity Conservation Act 2016.*

B32. A **biodiversity management plan** must be prepared for the development. The plan must:

(a) be submitted to the Planning Secretary for approval prior to the commencement of construction;

(b) be prepared:

(i) by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;

(ii) in consultation with CPHR;

(iii) in accordance with the Biodiversity Assessment Method and be consistent with the avoid and minimise commitments in the Biodiversity Development Assessment Report for the development (dated 22 October 2024); and

(iv) with reference to any relevant biodiversity management plan guidance material provided by CPHR;

(c) support the enhancement and composition of any threatened ecological community found within the approved development area including, the Central Hunter Grey Box – Ironbark Woodland;

(d) implement measures to minimise the use of pesticides and herbicides within the approved development area;

(e) support the integrity of habitat for insectivorous bat and amphibian species;

(f) incorporate salt tolerant species as part of the saline discharge rehabilitation works associated with the Liddell Ash Dam as outlined in the Statement of Environmental Effects prepared by Coffey Environments and dated 18 July 2011;

(g) include a description of measures and timeframes that would be implemented to:

(i) minimise clearing and avoiding unnecessary disturbance of vegetation by the development;

(ii) minimise impacts on fauna, and implementing fauna recovery and management protocols;

(iii) maximise the salvage of vegetative and soil resources within the approved disturbance area for beneficial reuse in the enhancement of rehabilitation of the approved development area;

(iv) control weeds, feral pests, and pathogens;

(v) manage any incidental threatened species discovered within the approved development area during construction, operation, upgrading or decommissioning of the development, including a protocol to identify the avoid and/or minimise and/or offset options to be implemented if additional threatened species are discovered within the approved development area; and

(vi) retain, rehabilitate or restore vegetation connectivity and provide habitat for threatened species such as the squirrel glider.

B33. Construction must not commence until the biodiversity management plan is approved by the Planning Secretary.

B34. The biodiversity management plan, as approved by the Planning Secretary, must be implemented for the development.

Rehabilitation

B35. The approved development area must be rehabilitated progressively, that is, as soon as practicable following disturbance associated with the development, to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be implemented in areas prone to dust generation, soil erosion and weed incursion that are not yet rehabilitated.

B36. The rehabilitation of the approved development area must comply with the rehabilitation objectives in Table 6 and the conceptual final landforms shown on Figure 5 and Figure 6 in Appendix 5.

Table 6 - Rehabilitation Objectives

Feature	Objective
All areas of the approved development area affected by the development	• Safe and stable • Free draining • Fit for the intended post-closure land use/s • Negligible post-closure environmental impacts beyond predictions in the documents listed in condition A2(c)
Areas proposed for native vegetation	• Ecosystem function is self-sustaining • Vegetation composition and structure commensurate with native vegetation communities found in the local area • Habitat, feed and foraging resources for threatened fauna species established
Areas proposed for grassland	• Rehabilitated areas only requires maintenance consistent with intended post-closure land use/s
Crushed concrete	• Crushed concrete used as stabilisation material does not contain PCB above acceptable levels determined by the Site auditor
Asbestos wastes	• Asbestos containing material (excluding those contained in existing asbestos landfills subject to condition C27) and synthetic mineral fibre wastes are removed and encapsulated at the onsite asbestos disposal facility
Asbestos disposal facility	• Landfill capping completed generally in accordance with *NSW EPA Environmental Guidelines Solid Waste Landfills* (2016) requirements for special wastes
Borrow Pit and landfill area	• Rehabilitated with Woodland species commensurate with the Central Hunter Grey Box- Ironbark Woodland • Vegetation is connected to existing endangered communities, enhancing wildlife movement
Liddell Ash Dam	• Capped in-situ so that land is suitable for the intended post-closure land use • Minimise dust emissions from ash dam surface • Mitigate and manage seepage and leachate from the ash dam to surface water and groundwater
Temporary stabilisation	• Areas of land at risk of erosion due inactivity, grade or any other reason are stabilised with temporary groundcover or vegetation
Water quality	• Negligible changes in groundwater quality as a result of the development beyond those predicted in the documents listed in condition A2(c)
Community	• Ensure public safety

B37. The rehabilitation objectives in Table 6 apply to the entire approved development area, including all landforms constructed under either this consent or previous consents. However, the Applicant is not required to undertake any additional earthmoving works on landforms that have been approved and constructed under previous consents, except where those earthworks are required for the establishment of a stable, non-polluting and free-draining landform.

Rehabilitation management plan

B38. A **rehabilitation management plan** must be prepared for the approved development area, excluding the Liddell Ash Dam. The plan must:

- (a) be submitted to the Planning Secretary for approval within 12 months of commencing the development;
- (b) be prepared:
    - (i) by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; and
    - (ii) in consultation with the Site auditor, Department, Council, CPHR and the NSW EPA;
- (c) describe how rehabilitation will be integrated with other development activities occurring concurrently with rehabilitation;
- (d) provide an overview of the risks to achieving successful rehabilitation and the strategies to be implemented to address the identified risks;
- (e) include a strategic plan for the refinement and improvement of the final landform over time;
- (f) align with the rehabilitation strategy included in the documents listed in condition A2(c);
- (g) describe how the rehabilitation measures would be integrated with:
    - (i) the measures in the biodiversity management plan referred to in condition B32;
    - (ii) the management of contaminated land required by conditions C1 to C13; and
    - (iii) the Liddell Ash Dam Closure and Rehabilitation Plan required by condition C30;
- (h) include detailed plans and scheduling for progressive rehabilitation to be initiated, undertaken and/or completed over the next five years, or other suitable time period as agreed with the Planning Secretary;
- (i) set out detailed completion criteria for each rehabilitation objective included in Table 6, and any other rehabilitation objective identified in the documents listed in condition A2(c), and:
    - (i) describe the measures to be implemented within the approved development area to achieve the completion criteria; and
    - (ii) the performance indicators to be implemented to ensure compliance with each completion criteria and the rehabilitation objectives in Table 6;
- (j) include a program to monitor, independently audit and report on progress against the completion criteria and the effectiveness of the measures implemented to achieve the completion criteria;
- (k) describe an adaptive management process that will be implemented if monitoring

indicates that the measures implemented to achieve the completion criteria are not effective and/or if progress against the completion criteria is not consistent with the plan;

(l) include a program to review and update the plan every five years;

(m) include details of who would be responsible for monitoring, reviewing and implementing the plan.

B39. The rehabilitation management plan must be approved by the Planning Secretary. Following the Planning Secretary's approval, the plan must be implemented as approved by the Planning Secretary.

PART C - SPECIFIC ENVIRONMENTAL CONDITIONS

Contamination

Site audit process

C1. A multi-stage **site audit** must be undertaken for the development. The audit must:

- (a) be undertaken by a Site auditor;
- (b) be undertaken in accordance with the Contaminated Land Guidelines;
- (c) include the provision of interim audit advice by the Site auditor in relation to (as applicable):
  - (i) sampling analysis and quality plans;
  - (ii) detailed site investigation reports;
  - (iii) human health and ecological risk assessment reports;
  - (iv) remediation action plan;
  - (v) site validation reports; and
  - (vi) long-term environmental management plans;
- (d) conclude with the Site auditor issuing either a Section A1 or Section A2 audit statement for the development.

Sampling analysis and quality planning

C2. **Sampling analysis and quality plans** must be prepared for all further contamination investigations proposed within the approved development area. The plans must:

- (a) be prepared, or reviewed and approved, by consultants certified under either the CEnvP(SC) or the CPSS CSAM scheme;
- (b) be prepared:
  - (i) in accordance with the Contaminated Land Guidelines;
  - (ii) before sampling for contamination investigations is conducted;
- (c) address additional investigations identified by the Stage 2 detailed site investigation, for the proposed Stage 3 investigations and any unexpected finds;
- (d) be accompanied by interim audit advice from the Site auditor; and
- (e) be provided to the Planning Secretary and the NSW EPA for information prior to the commencement of the detailed site investigation/s required under condition C4.

C3. A **sampling analysis and quality plan** must be prepared for the PCB contaminated material for the testing and reuse of concrete and/or any other recycled/re-used material during the development. The plan must:

- (a) be prepared, or reviewed and approved, by consultants certified under either the CEnvP(SC) or the CPSS CSAM scheme;
- (b) be prepared:
  - (i) in accordance with the Contaminated Land Guidelines; and
  - (ii) prior to the re-use, recycling or burying of PCB contaminated materials within the approved development area;
- (c) be accompanied by interim audit advice from the Site auditor.

Detailed site investigations

C4. A **detailed site investigation** must be undertaken for the development. The investigation report must:

(a) be prepared, or reviewed and approved, by consultants certified under either the CEnvP(SC) or CPSS CSAM scheme;

(b) be prepared in accordance with the relevant Contaminated Land Guidelines;

(c) be accompanied by interim audit advice from the Site auditor confirming the investigation report is satisfactory;

(d) include, but not limited to, the following:

(i) all works outlined by Stage 3 detailed investigation scope included in the EIS;

(ii) a discussion on the characterisation of groundwater across the development and the ongoing groundwater monitoring of PFAS required under the existing PFAS Management Plan for the Liddell Power Station;

(iii) assessment of the background concentrations of metals and other contaminants so that the contamination associated with the former Liddell Power Station (including but not limited to the ash dam) can be distinguished from other sources and addressed in the remediation works;

(iv) assessment of the extent of PFAS in soils and groundwater in Key Areas 1 and 3 as mapped by Figure 2 in Appendix 1, noting that high concentrations have been detected in onsite groundwater so that the feasibility and benefits of PFAS treatments can be addressed in the remedial action plan/s;

(v) assessment of off-site migration of contaminants in accordance with the Guidelines for the NSW Site Auditor Scheme;

(vi) an updated conceptual site model and a discussion on contamination migration offsite and impacts to both onsite and offsite receptors; and

(vii) any other matter raised by the Site auditor;

(e) include the EPL premises on all relevant plans; and

(f) be provided to the Planning Secretary and NSW EPA for information.

Note: The detailed site investigation is required to assess areas that were inaccessible prior to the determination of the application.

C5. The detailed site investigation must commence within 12 months after the completion of demolition provided that the Site auditor has issued interim audit advice for the preceding sampling analysis and quality plan and be completed within 18 months of the completion of demolition, unless otherwise agreed by the Planning Secretary.

Human health and ecological risk assessment

C6. If required by the Site auditor, a **human health and ecological risk assessment** must be prepared for the development. The assessment must:

(a) be prepared, or reviewed and approved, by consultants certified under either the CEnvP(SC) or CPSS CSAM scheme;

(b) be prepared in accordance with the Contaminated Land Guidelines;

(c) be accompanied by interim audit advice from the Site auditor confirming the assessment is satisfactory;

(d) address the contamination assessment findings detailed in the EIS;

(e) assess the onsite and offsite environmental and human health risks associated with chemical contamination;

(f) detail any mitigations required to manage the identified risks;

(g) include a strategy detailing the actions to be taken based on the findings of the assessment; and

(h) be provided to the Planning Secretary and NSW EPA for information.

Note: The human health and ecological risk assessment is required consider areas that were inaccessible prior to the determination of the application.

C7. The human health and ecological risk assessment must be completed following the completion of demolition and prior to the site validation report required by condition C10, unless otherwise agreed by the Planning Secretary.

Remedial Action Plan

C8. If the Site auditor considers that remediation is required and feasible to make any areas of the approved development area suitable for an intended land use, a **Remedial Action Plan/s** must be prepared and implemented for the development. The plan must:

(a) be prepared, or reviewed and approved, by consultants certified under either the CEnvP(SC) or CPSS CSAM scheme.

(b) be prepared in accordance with the Contaminated Land Guidelines;

(c) include a remedial options assessment and provide the rationale for the selected remediation strategy;

(d) as a minimum, unless otherwise agreed by the Site auditor, include:

(i) an assessment of the suitability of the borrow pit material as remediation capping material

(ii) information on the leachability of contaminants in soils and assess if there is potential for contaminants to leach into groundwater;

(iii) an investigation of remediation options to mitigate and manage contaminated groundwater and ongoing seepage from the Liddell Ash Dam and within the Liddell Power Station;

(iv) an investigation of PFAS (including within Lake Liddell) to be undertaken concurrently with the remedial action plans to address onsite sources of PFAS within Key Area 1 and Key Area 3 identified by the EIS; and

(v) the remediation of previously unvalidated areas including, the former USTs in Key Area 3 and the former UST in Key Area 5.

C9. A remedial action plan must be prepared for all remediation undertaken as part of development. The remedial action plan/s must:

(a) be prepared prior to commencing the remediation identified in the plan;

(b) be submitted to the Planning Secretary and NSW EPA for information; and

(c) be accompanied by a Section B2 or B5 Site Audit Statement;

Site Validation Report

C10. A **site validation report** detailing the outcome of any remediation must be prepared at the completion of remediation works undertaken in accordance with a remedial action plan and prior to the issue of a Section A1 or A2 site audit statement. The report must:

(a) be prepared, or reviewed and approved, by consultants certified under either CEnvP(SC) or CPSS CSAM scheme;

(b) be prepared in accordance with the Contaminated Land Guidelines;

(c) be accompanied by interim audit advice from the Site auditor confirming the report is satisfactory;

(d) include the validation of the former UST pits in Key Area 3 and the former UST in Key Area 5; and

(e) be provided to the Planning Secretary and NSW EPA for information.

Long-term environmental management plan

C11. Where required by a site audit statement issued by the Site auditor, a **long-term environmental management plan/s** must be prepared for the development. The plan must:

(a) be prepared, or reviewed and approved, by consultants certified under CEnvP(SC) or CPSS CSAM scheme;

(b) be prepared in accordance with the with the Contaminated Land Guidelines;

(c) be accompanied by interim audit advice from the Site auditor confirming the plan is satisfactory;

(d) address the risks to human health and environment (onsite and offsite);

(e) include the asbestos disposal facility and other existing asbestos landfills within the approved development area;

(f) any other issue the Site auditor considers necessary; and

(g) be provided to the Planning Secretary and NSW EPA for information.

C12. If required by a Section A2 Site Audit Statement, the long-term environmental management plan must be implemented as required by the site audit statement.

Site audit statements

C13. A **Section A1** or **Section A2 Site Audit Statement** (accompanied by an Environmental Management Plan) and its accompanying Site Audit Report must be obtained for the development. The site audit statement(s) must:

(a) certify that the site is suitable for an intended land use; and

(b) be submitted to the Planning Secretary within 12 months of completing remediation and no later than one month prior to any post-remediation land use within the approved development area subject to the site audit statement.

Note: Contaminated land must not be used for the purpose approved under the terms of this the SSD until a Section A1 or Section A2 Site Audit Statement is obtained which states that the land is suitable for that purpose.

Demolition

C14. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures*.

C15. Prior to the commencement of demolition works, a clearance certificate from an occupational hygienist to certify that asbestos containing materials, PBC capacitors, and transformers have been removed before demolition work must be provided to the Department. Any hazardous materials that cannot be removed should be assessed in consultation with SafeWork NSW.

C16. A **demolition environmental management plan** must be prepared for the development. The plan must:

(a) be submitted to the Planning Secretary for approval prior to the commencement of demolition;

(b) be prepared in consultation with SafeWork NSW and the Site auditor;

(c) include a description and schedule of activities to be undertaken during demolition;

(d) include a risk assessment;

(e) addresses the commitments detailed in the documents listed in condition A2(c);

(f) include the sub-plans detailed in conditions C19 to C22; and

(g) include a TARP to respond to any exceedances of the relevant performance measures, objectives or performance indicators.

Note: The health and safety risks associated with demolition are regulated by the Work Health and Safety Regulation 2017.

C17. Demolition must not commence until the demolition environmental management plan is approved by the Planning Secretary.

C18. The demolition environmental management plan, as approved by the Planning Secretary, must be implemented for the duration of demolition.

C19. An **asbestos management sub-plan** must be prepared as part of the demolition environmental management plan. The plan must:

(a) be prepared in accordance with the *SafeWork NSW 2022 Code of practice: How to safely remove asbestos, SafeWork: guidance on managing asbestos in soil,* Schedule B2 of the NEPM and any requirements of the Site auditor;

(b) identify any known or potential areas of concern within the approved development area for asbestos containing materials and synthetic mineral fibre;

(c) include:

(i) procedures for identifying, handling and disposing of asbestos waste, asbestos containing materials and synthetic mineral fibre;

(ii) procedures for interim storage of asbestos prior to disposal and disposal of asbestos; and

(iii) outline the relevant requirements of conditions C1 to C13 for the management of asbestos waste, asbestos containing materials and synthetic mineral fibre.

C20. A **blast management sub-plan** must be prepared as part of the demolition environmental management plan. The plan must:

(a) be prepared by a suitably qualified and experienced person/s;

(b) include:

(i) an assessment of blasting impacts at sensitive receivers and infrastructure, including the Liddell Ash Dam. The assessment must include predicted airblast overpressure and ground vibration;

(ii) consultation with the relevant private landowners or infrastructure owners if the assessment predicts blasting by the development will impact sensitive receivers; and

    (iii) a strategy to monitor, assess, mitigate or compensate for the effects of blasting at sensitive receivers identified by the assessment required by condition C20(b)(i);

(c) describe the mitigation measures that will be implemented to:
    (i) comply with the conditions of this consent;
    (ii) manage the risks identified in the environmental risk assessment required by condition B1; and
    (iii) manage blast generated dust and fumes, protect public safety and manage road closures;

(d) include a monitoring, evaluation and reporting program that uses an approach that is consistent with the environmental management strategy required by condition B1.

C21. A **soil and water management sub-plan** must be prepared as part of the demolition environmental management plan. The plan must:

(a) be prepared by a suitably qualified and experienced person/s;

(b) identify the clean and dirty water management system;

(c) describe the mitigation measures that will be implemented to:
    (i) comply with the conditions of this consent, including the relevant performance measures identified in Table 3;
    (ii) manage the risks identified in the environmental risk assessment required by condition B1; and
    (iii) implement the commitments detailed in the documents listed in condition A2(c);

(d) include a monitoring, evaluation and reporting program that uses an approach that is consistent with the environmental management strategy required by condition B1.

C22. A **dust management sub-plan** must be prepared as part of the demolition environmental management plan. The plan must:

(a) be prepared by a suitably qualified and experienced person/s;

(b) describe the mitigation measures that will be implemented to:
    (i) comply with the conditions of this consent; and
    (ii) manage the risks identified in the environmental risk assessment required by condition B1;

(c) include a monitoring, evaluation and reporting program that uses an approach that is consistent with the environmental management strategy required by condition B1.

Asbestos disposal facility

C23. The asbestos disposal facility must be designed and constructed in accordance with the relevant requirements of the *NSW EPA Environmental Guidelines Solid Waste Landfills (2016),* unless otherwise agreed by the Site auditor and the Planning Secretary.

C24. A **final design** for the asbestos disposal facility must be prepared for the development. The design must:

(a) be accompanied by interim audit advice from the Site auditor;

(b) be prepared in consultation with the NSW EPA;

(c) be submitted to the Planning Secretary for approval prior to the commencement of construction of the asbestos disposal facility; and

(d) be implemented, as approved, by the Planning Secretary.

C25. A **construction quality assurance plan** must be prepared for the asbestos disposal facility. The plan must:

(a) be provided to the NSW EPA for review prior to the commencement of the construction of the asbestos disposal facility; and

(b) be prepared in accordance with the relevant requirements of the *NSW EPA Environmental Guidelines Solid Waste Landfills* (2016).

C26. A **construction quality assurance report** must be prepared for the asbestos disposal facility. The report must:

(a) be provided to the NSW EPA for review prior to the commencement of the operation of the asbestos disposal facility; and

(b) be prepared in accordance with *NSW EPA Environmental Guidelines Solid Waste Landfills* (2016).

Note: Under the POEO Act, all new landfills or landfill cells require the approval of the NSW EPA, in addition to obtaining development consent under the EP&A Act.

Existing asbestos landfills

C27. A verification of the existing asbestos landfills identified in the EIS must be undertaken for the development. The assessment must:

(a) be prepared:

(i) by a suitably qualified and experienced person/s; and

(ii) within 2 years of the date of commencement of development under this consent, unless otherwise agreed by the Planning Secretary;

(b) determine the suitability of the existing capping to achieve final closure requirements identified by the NSW EPA;

(c) be accompanied by interim advice from the Site auditor; and

(d) include any recommendations to supplement the existing capping in required by the Site auditor and an implementation plan for the recommendations.

C28. The recommendations required by the Site auditor must be implemented as outlined in the assessment required by condition C27.

Liddell Ash Dam Closure and Rehabilitation Plan

C29. The Liddell Ash Dam must be rehabilitated to the satisfaction of the Planning Secretary. Rehabilitation must comply with the objectives listed in Table 6.

C30. A **closure and rehabilitation plan** must be prepared for the Liddell Ash Dam. The plan must:

(a) be submitted to the Planning Secretary for approval within twelve months of commencing development under this consent;

(b) be prepared:

(i) by suitably qualified and experienced person/s;

(ii) in consultation with the Site auditor, NSW EPA, DS NSW and Council; and

(iii) generally in accordance with the *Australian National Committee on Large Dams (ANCOLD) Guidelines on Tailing Dams* (ANCOLD, 2019a), to the satisfaction of the Secretary:

(c) include a stakeholder consultation strategy to guide rehabilitation closure planning processes and outcomes;

(d) include detailed completion criteria for the relevant rehabilitation objectives included in Table 6;

(e) describe the measures to be implemented for the Liddell Ash Dam to achieve the completion criteria;

(f) include an overview of the risks to achieving successful rehabilitation and the strategies to be implemented to address the identified risks;

(g) describe the performance indicators to be implemented to ensure compliance with each completion criteria and the relevant rehabilitation objectives in Table 6 and triggers for remedial action;

(h) describe the program to monitor, independently audit and report on progress against the performance indicators and effectiveness of the measures implemented to achieve the completion criteria during and following closure of the ash dam;

(i) describe an adaptive management process that will be implemented if monitoring indicates that the measures implemented to achieve the completion criteria are not effective and/or progress against the completion criteria is not consistent with the plan;

(j) include details of who would be responsible for monitoring, reviewing and implementing the plan;

(k) include a process to characterise, monitor and evaluate groundwater seepage from the Liddell Ash Dam;

(l) include an air quality management sub-plan that:

(i) is prepared in accordance with the NSW EPA's best practice guidance;

(ii) ensures compliance with the conditions of this consent;

(iii) implements all reasonable and feasible mitigation measures to minimise dust emissions from the dam;

(iv) provides for air quality monitoring, undertaken in accordance with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007) to collect data that can be used to evaluate the effectiveness of the air quality mitigation measures outlined in the sub-plan; and

(v) incorporates a TARP for dust emissions.

C31. The **closure and rehabilitation plan** must be approved by the Planning Secretary. Following the Planning Secretary's approval, the plan must be implemented as approved by the Planning Secretary.

PART D - REPORTING AND AUDITING

Auditing

D1. Independent Environmental Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements* (2020), or its latest version published on the Department's website.

Compliance reporting

D2. By the end of March each year, after the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development.

D3. Compliance Reports must be prepared in accordance with the *Compliance Reporting Post Approval Requirements* (Department of Planning, Industry and Environment, 2020) or its latest version published on the Department's website and must also:

(a) identify any trends in the monitoring data over the life of the development;

(b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and

(c) describe what measures will be implemented over the next year to improve the environmental performance of the development.

Compliance

Non-compliance notification

D4. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must:

(a) be in writing;

(b) submitted via the NSW planning portal (Major Projects);

(c) identify the development (including the development application number and name);

(d) set out the condition of this consent that the development is non-compliant with;

(e) why it does not comply;

(f) the reasons for the non-compliance (if known); and

(g) what actions have been undertaken, or will be undertaken; and when, to address the non-compliance.

Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Incident notification

D5. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:

(a) date, time and location;

(b) a brief description of what occurred and why it has been classified as an incident;

(c) a description of what immediate steps were taken in relation to the incident; and

(d) identifying a contact person for further communication regarding the incident.

D6. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 6 (Incident Notification and Reporting Requirements).

Revision of environmental management documents

D7. Within three months of the following events:

(a) the submission of an incident report under conditions D5 or D6;

(b) the submission of a compliance report under condition D3;

(c) the submission of an Independent Environmental Audit under condition D1;

(d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or

(e) notification of a change in the development phase under condition A10;

The suitability of the existing environmental management documents required under this consent must be reviewed. If the review concludes an update to an environmental management document is required, or to comply with a directive, the relevant environmental management document must be revised and submitted to the Planning Secretary for approval within three months of the review.

Note: This is to ensure environmental management documents are updated regularly and to incorporate any recommended measures to improve the environmental performance of the development.

Access to information

D8. Within 12 months of the commencement of development under this consent until the completion of all rehabilitation required under this consent, the following information and documents must be publicly available on the development website as they are obtained, approved or as otherwise stipulated within the conditions of this consent:

(a) the documents listed in condition A2(c) of this consent;

(b) all current statutory approvals for the development;

(c) all approved environmental management documents required under the conditions of this consent;

(d) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;

(e) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any environmental management documents approved under the conditions of this consent;

(f) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved environmental management documents;

(g) a summary of the current phase and progress of the development;

(h) contact details to enquire about the development or to make a complaint;

(i) complaints register, updated monthly;

(j) the Compliance Reporting of the development in accordance with the Compliance Reporting Post Approval Requirements (May 2020);

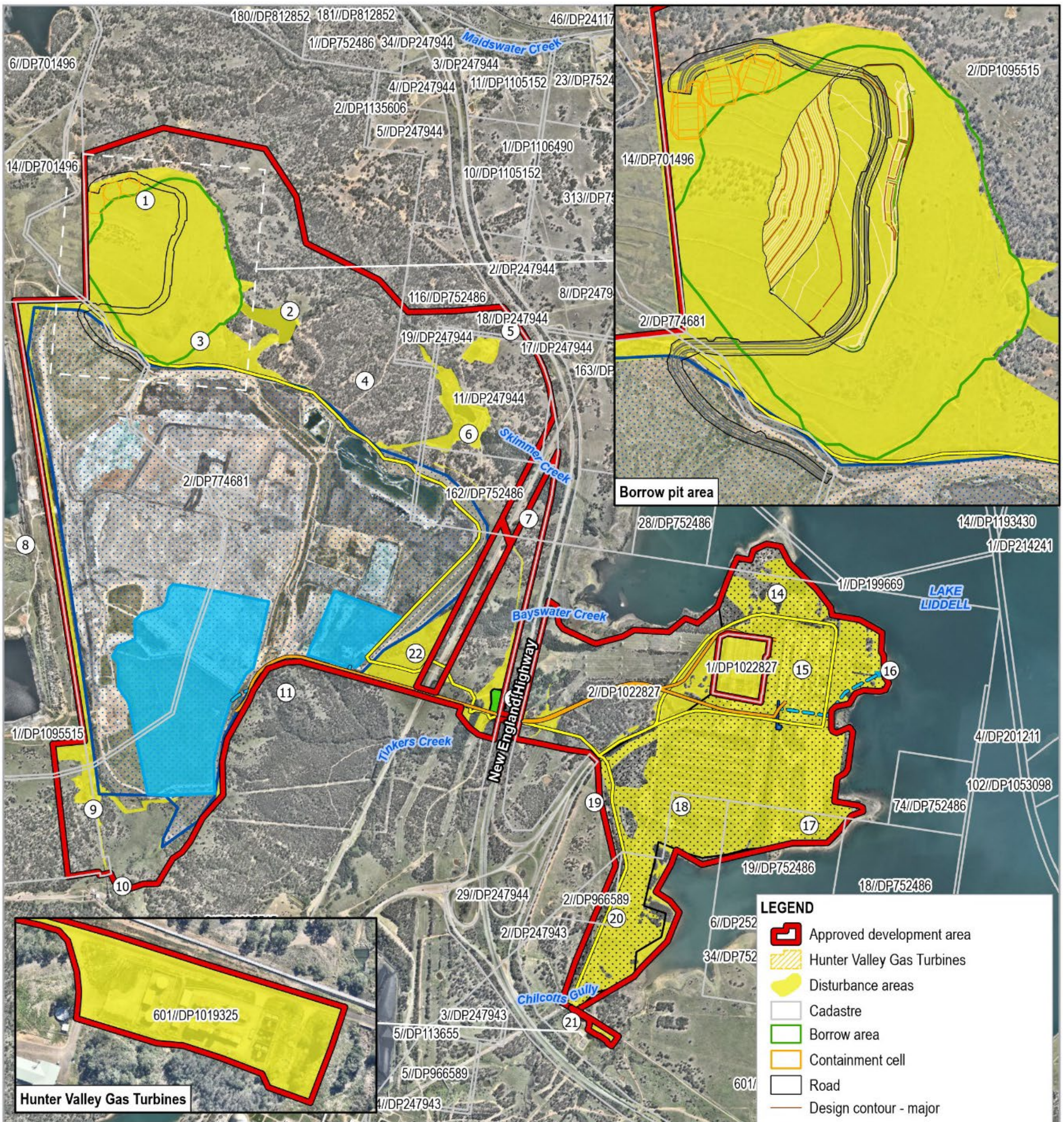
(k) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;

(l) any other matter required by the Planning Secretary; and

(m) kept such information up to date.

APPENDIX 1 DEVELOPMENT LAYOUT PLAN

Figure 1 - Development layout and disturbance areas



ID	Description	ID	Description
1	Borrow pit and asbestos landfill area	11	Ash pipeline demolition and asbestos removal, and access
2	Borrow pit water management dam	12	Tinkers Creek Dump Valve Basin works
3	Second access to the borrow area	14	Infrastructure Demolition and removal
4	Access road	15	Main station demolition area
5	Former quarry and existing asbestos landfill	16	Infrastructure demolition and water management
6	Skimmer Dam	17	Existing asbestos landfill and water management
7	Liddell Ash Dam Return Water Line and access	18	Coal Handling Plant Demolition Area, Heavy Vehicle Workshop Demolition Area
8	Liddell Ash Dam Western Ash Levee landform works, drainage works and water management works	19	Infrastructure removal and access
		20	Infrastructure Demolition and removal, water management
9	South West area drainage and water management works	21	Hunter Valley Gas Turbine Demolition Area
10	Conveyor demolition and removal	22	Liddell Ash Dam Stage 1 & 2 stability works

Paper Size ISO A4
0 0.25 0.5 0.75 1
Kilometres
Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 56

N

GHD

AGL Macquarie Pty Limited
Liddell Future Land Use and Enabling Works
Amendment Report

Project layout and disturbance areas - overview

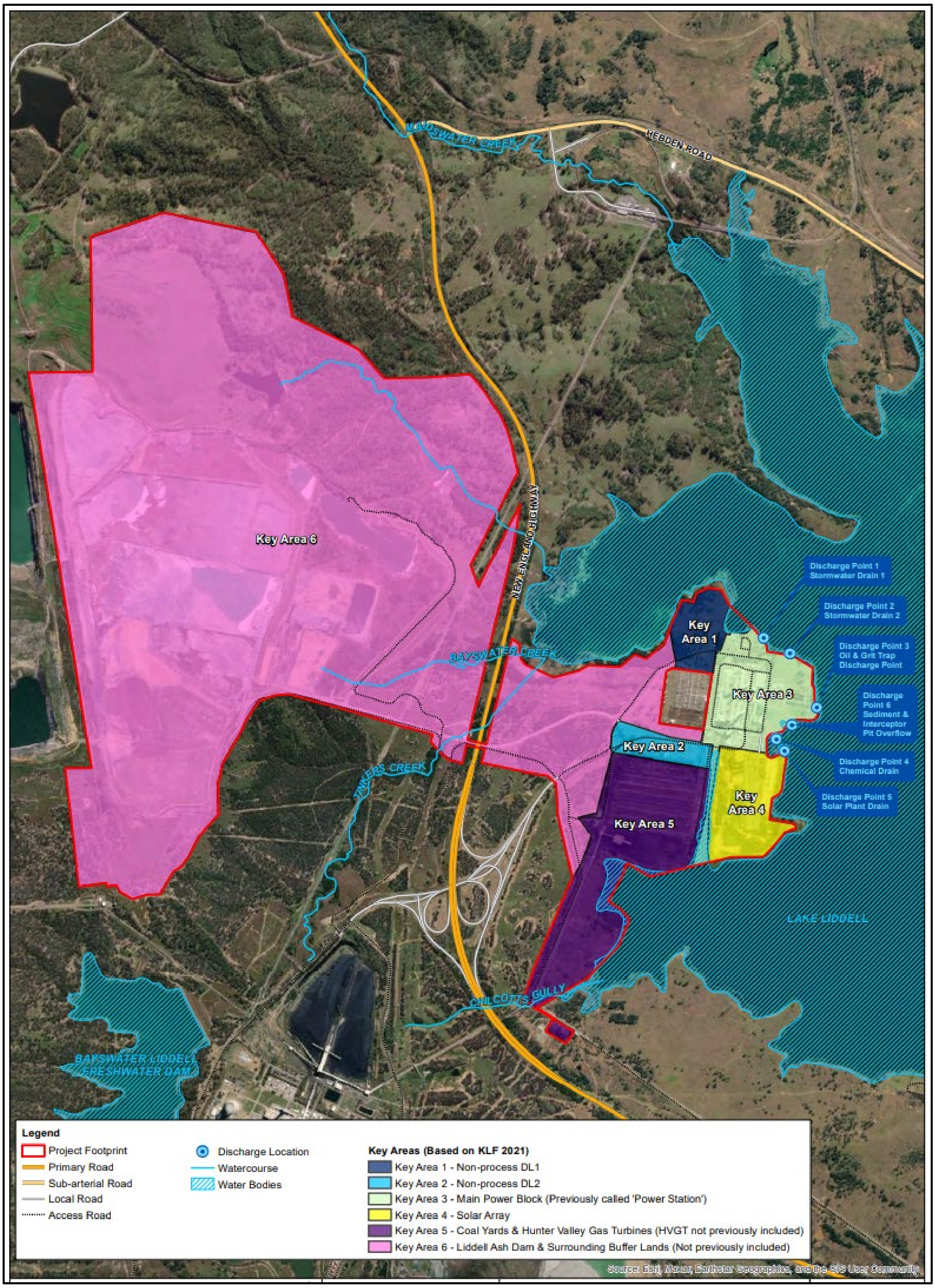
Project No. 12562257
Revision No. 0
Date 31/01/25

FIGURE X

N:\AU\Newcastle\Projects\22\12552648\GIS\Maps\Deliverables\12562257\12562257_AmendmentReport.aprx\12562257_AR_E024_ProposalDisturbance_Overview

Data source: DCS: DTDB, 2019. AGL: Project data, 2020. Nearmap WMS Server: Aerial imagery, 31/01/2025.

Figure 2 – Key areas



APPENDIX 2 SCHEDULE OF LANDS

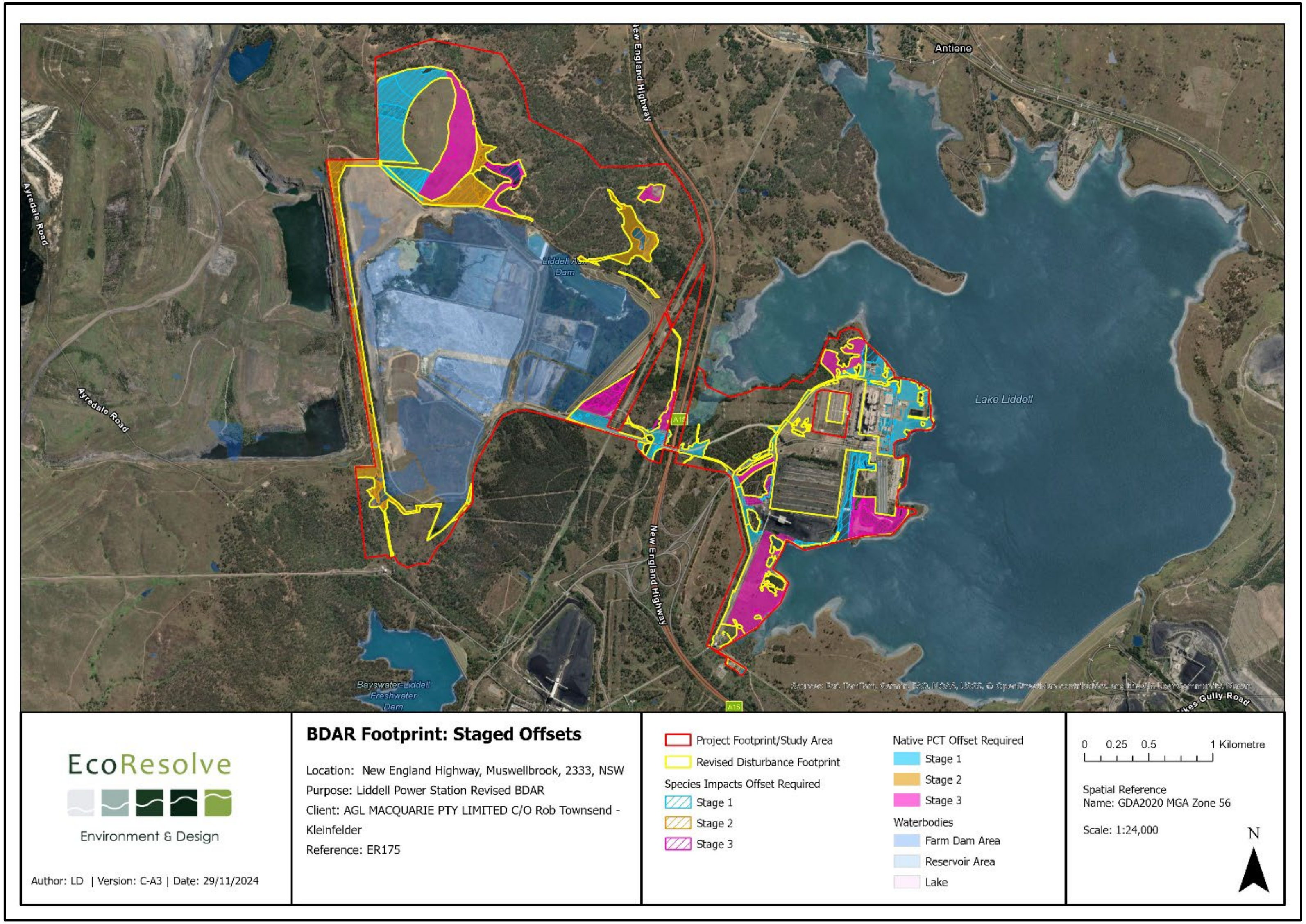
Lot	DP	Lot	DP
2	774681	29	247944
11	247944	116	752486
18	247944	162	752486
19	247944	163	752486
18	752468	601	1019325
19	752468	1	1095515
2	966589	2	1095515
2	1022827	4	1193430

APPENDIX 3 SENSITIVE RECEIVERS

Figure 3 – Sensitive receivers

APPENDIX 4 BIODIVERSITY CREDIT REQUIREMENTS

Figure 4 – Staged Retirement of Biodiversity Credits



APPENDIX 5 CONCEPTUAL FINAL LANDFORM

Figure 5 – LPS conceptual final landform

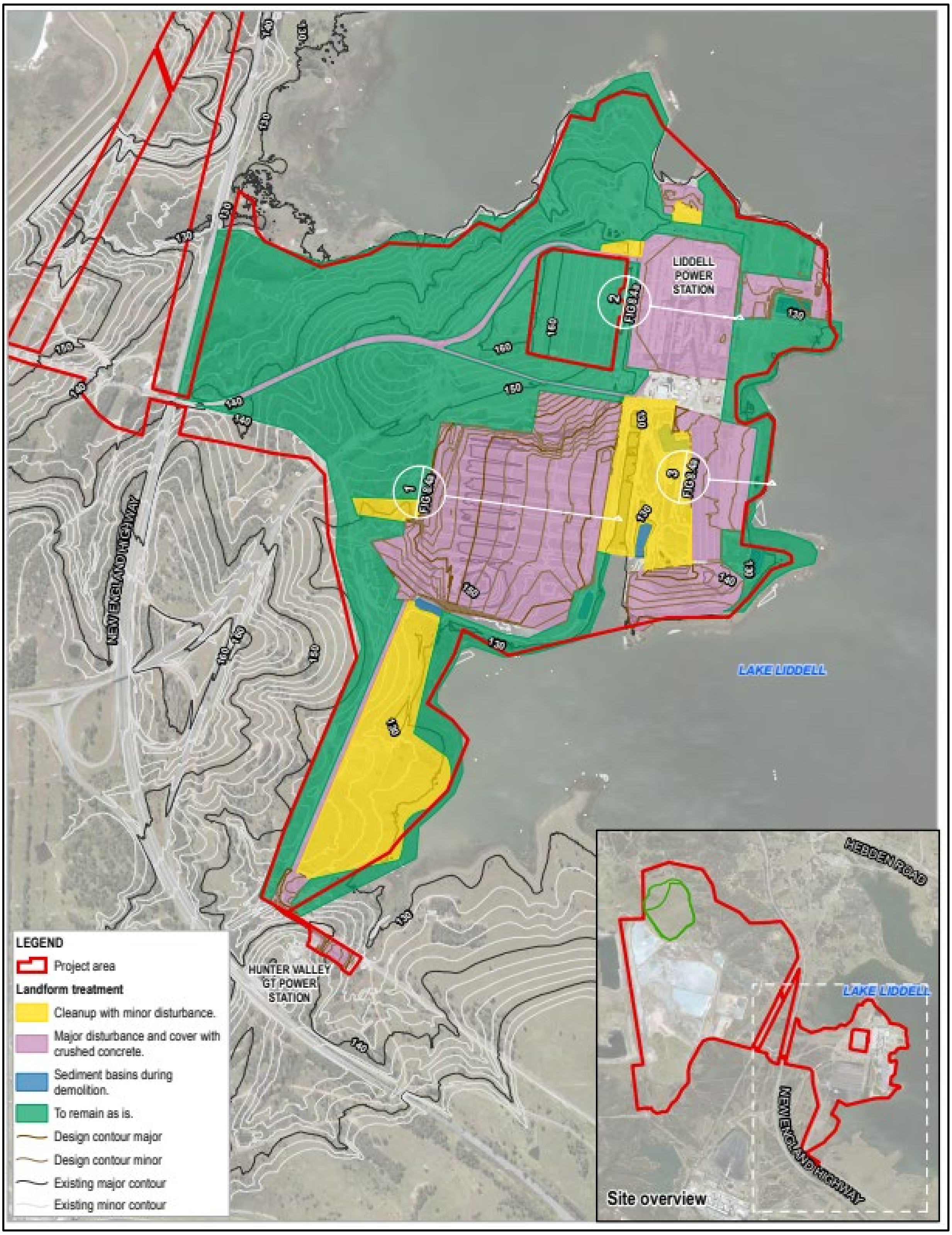
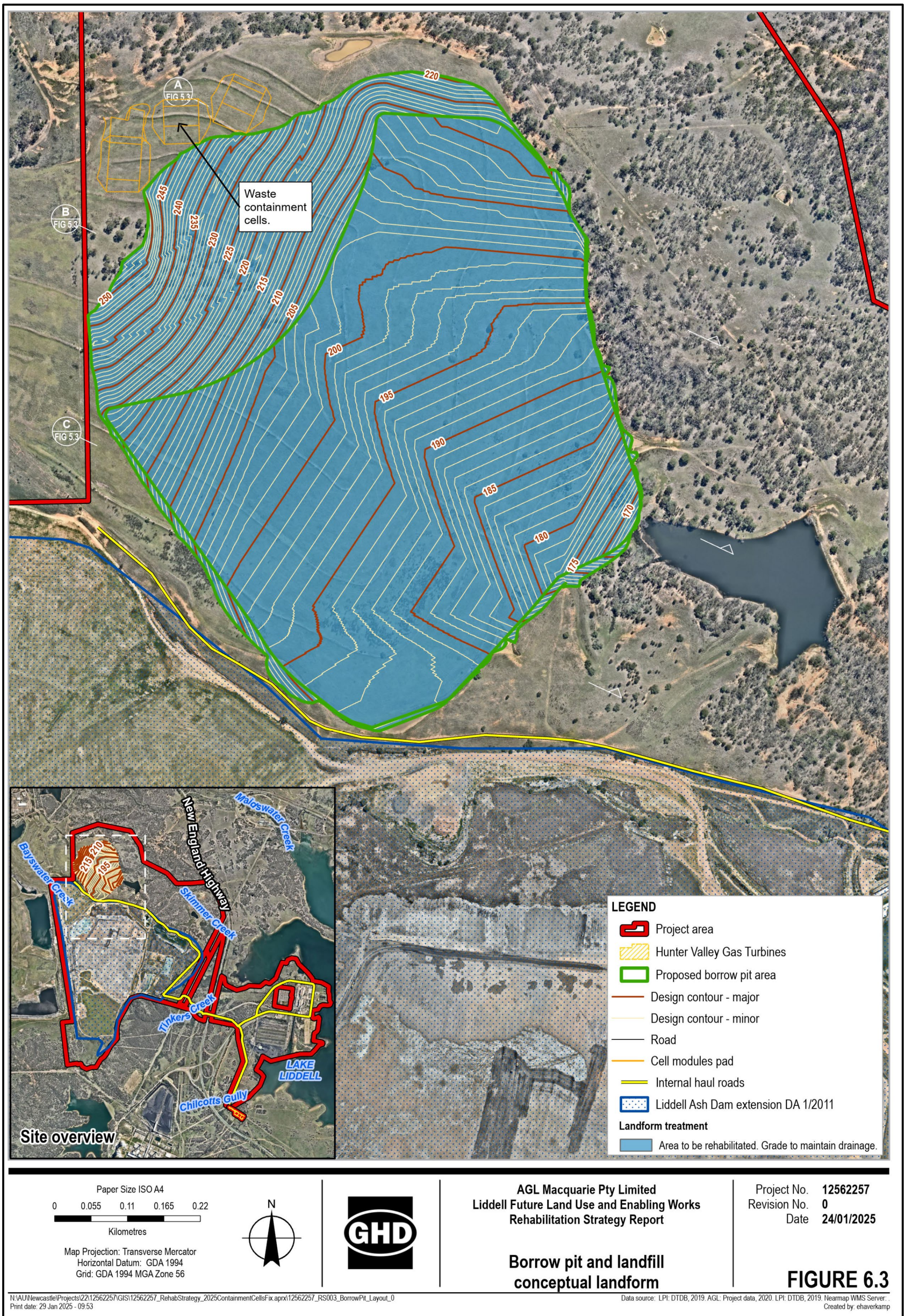


Figure 6 - Borrow pit and landfill conceptual final landform



APPENDIX 6 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition D9 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition D9), the Applicant is required to submit a subsequent incident report that:
    a. identifies how the incident was detected;
    b. identifies when the Applicant became aware of the incident;
    c. identifies any actual or potential non-compliance with conditions of consent; and
    d. identifies further action(s) that will be taken in relation to the incident;
    e. a summary of the incident;
    f. outcomes of an incident investigation, including identification of the cause of the incident;
    g. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
    h. details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.