

# Infrastructure Approval

## Section 5.19 of the *Environmental Planning & Assessment Act 1979*

I grant approval to the application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

**Minister for Planning and Public Spaces**

Sydney

2021

### SCHEDULE 1

<b>Application Number:</b>	12590060
<b>Proponent:</b>	Snowy Hydro Limited
<b>Approval Authority:</b>	Minister for Planning and Public Spaces
<b>Land:</b>	See Appendix 1
<b>Development:</b>	Hunter Power Project (Kurri Kurri Gas-Fired Power Station)
<b>Critical State Significant Infrastructure:</b>	On 12 December 2020, the Hunter Power Project (Kurri Kurri Gas-Fired Power Station) was declared as a critical State significant infrastructure project by order under Clause 12 of Schedule 5 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i>

**Red type represents the February 2023 Modification (MOD 1)**

**Blue type represents the November 2023 Modification (MOD 2)**

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

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

# CONSOLIDATED APPROVAL

TABLE OF CONTENTS	
DEFINITIONS	3
PART A ADMINISTRATIVE CONDITIONS	5
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT	5
TERMS OF APPROVAL	5
LAPSE OF APPROVAL	5
LIMITS ON APPROVAL	5
LIMITS ON OPERATIONS	5
STATUTORY REQUIREMENTS	6
NOTIFICATION	6
STRUCTURAL ADEQUACY	6
DEMOLITION	6
PROTECTION OF PUBLIC INFRASTRUCTURE	6
OPERATION OF PLANT AND EQUIPMENT	6
ENVIRONMENTAL REPRESENTATIVE	6
PLANNING AGREEMENT	7
TEMPORARY ADDITIONAL CONSTRUCTION AREA	7
TEMPORARY WORKFORCE ACCOMMODATION FACILITY	7
PART B ENVIRONMENTAL CONDITIONS – GENERAL	8
AIR QUALITY	8
HAZARDS AND RISKS	10
TEMPORARY WORKFORCE ACCOMMODATION FACILITY	11
AVIATION SAFETY	12
NOISE	12
BIODIVERSITY	14
WATER AND SOIL	15
HERITAGE	16
WASTE	17
CONTAMINATION	17
TRAFFIC AND TRANSPORT	17
VISUAL AND LIGHTING	18
PART C ENVIRONMENTAL MANAGEMENT AND REPORTING	19
ENVIRONMENTAL MANAGEMENT	19
COMPLIANCE	20
NOTIFICATIONS	20
INDEPENDENT ENVIRONMENTAL AUDIT	21
ACCESS TO INFORMATION	21
UPDATING AND STAGING OF STUDIES, STRATEGIES AND PLANS	21
APPENDIX 1: SCHEDULE OF LAND	23
APPENDIX 2: GENERAL LAYOUT OF DEVELOPMENT	24
APPENDIX 3: PLANNING AGREEMENT TERMS	27
APPENDIX 4: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	28

# CONSOLIDATED APPROVAL

## DEFINITIONS

The definitions below apply to terms used in this approval, unless otherwise stated or the context indicates otherwise.

Term	Definition
AEMO	Australian Electricity Market Operator
BAM	The Biodiversity Assessment Method established under the <i>Biodiversity Conservation Act 2016</i>
BCA	Building Code of Australia
BCS	Biodiversity, Conservation and Science Directorate within the Department
BCT	Biodiversity and Conservation Trust
Capacity factor	The proportion of actual energy generated by the development, compared with its potential output if operated at full load for every hour of the year
Calendar Year	A period of 12 months from 1 January to 31 December
Conditions of this approval	Conditions contained in Schedules 1 to 4 inclusive
Construction	All physical works associated with the development, including but not limited to demolition and removal of buildings or works, erection or installation of buildings and infrastructure, road upgrades, and the carrying out of works; but excludes minor pre-construction and preliminary works such as road dilapidation surveys, installation of fencing, geotechnical drilling and/or surveying)
Council	Cessnock City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The demolition and/or removal of buildings, infrastructure and works installed for the development and/or rehabilitation of the site
Department	Department of Planning and Environment (DPE)
Development	The development described in the EIS and Submissions Report as modified by the conditions of this approval
Development footprint	The area identified as “development footprint” in Figure 2 in Appendix 2
<b>DPE Water</b>	Water Group within the Department
EIS	The environmental impact statement titled <i>hunter power project – environmental impact statement</i> dated 22 April 2021, as modified by the submissions report titled <i>hunter power project response to submissions</i> dated 4 August 2021: <p style="margin-left: 40px;">a) <b>Modification 1 Report</b>, titled ‘<i>Environmental Impact Statement – Precinct 3B: Modification</i>’ dated 18 November 2022 and additional information provided by the Proponent to support the modification application and included in Appendix A of the Department’s assessment report on Modification 1; and</p> <p style="margin-left: 40px;">b) <b>Modification 2 Report</b>, titled ‘<i>Environmental Impact Statement – Modification 2: Temporary Workforce Accommodation (TWA) facility</i>’ dated 12 September 2023 and additional information provided by the Proponent to support the modification application and included in Appendix A of the Department’s assessment report on Modification 2.</p>
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build or to implement
FRNSW	Fire and Rescue NSW
Gas receipt station	Gas receipt station that would be delivered as part of a separate project connected to the development
Heritage NSW - ACH	Heritage NSW – Aboriginal Cultural Heritage
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> </ul>

## CONSOLIDATED APPROVAL

Term	Definition
	<ul style="list-style-type: none"> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
Maximise	Implement all reasonable and feasible measures to achieve the specified outcome
Minimise	Implement all reasonable and feasible 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 prior to or during those impacts occurring
Night	The period from 10 pm to 7 am Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Proponent	Snowy Hydro Limited, or any person carrying out the development to which this approval applies
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, irrigation channels, drainage channels
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	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Remediation	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact
Secretary	Planning Secretary under the EP&A Act, or nominee
Secretary's Approval	A written approval from the Secretary and/or delegate
Site	As listed in Appendix 1 and shown in Appendix 2
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i> (NSW)
Stormwater basin	The construction sediment basin and operational water quality basin and stormwater detention basin
<b>Temporary Workforce Accommodation Facility</b>	The facility to house up to 200 personnel during construction of the development on land identified in the Schedule of Land (Appendix 1) and shown in Figure 3 of Appendix 2.
TfNSW	Transport for NSW

## SCHEDULE 2 PART A ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance criteria established under this approval, the Proponent must implement all feasible and reasonable measures to prevent, and if prevention is not feasible and reasonable, minimise any material harm to the environment that may result from the construction, operation, decommissioning or rehabilitation required under this approval.

### TERMS OF APPROVAL

- A2. The Proponent must carry out the development:
- (a) generally in accordance with the EIS;
  - (b) in accordance with all written directions of the Secretary; and
  - (c) in accordance with the conditions of this approval.
- Note: The general layout of the development is shown in Appendix 2.*
- A3. If there is any inconsistency between the documents in condition A2 above, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this approval prevail to the extent of any inconsistency.
- A4. The Proponent must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval;
  - (b) any reports, reviews or audits undertaken or commissioned by the Department regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in these documents.
- A5. Any document that must be submitted within a timeframe specified in or under the terms of this approval may be submitted within a later timeframe agreed with the Secretary. This condition does not apply to the immediate written notification required in respect of an incident under condition C6.

### LAPSE OF APPROVAL

- A6. This approval will lapse five years after the date on which it is granted, unless construction has physically commenced on or before that time.

### LIMITS ON APPROVAL

- A7. The development must be a dual fuel power station using natural gas and/or liquid fuel (diesel) and shall comprise of two open cycle gas turbine power plants with a total nominal output capacity of up to 750 megawatts.

### LIMITS ON OPERATIONS

- A8. Fuel burning equipment must not be operated for the purpose of generating electrical power at the premises for more than 1,100 cumulative hours per calendar year.
- A9. Fuel burning equipment must not be fired on diesel for the purpose of generating electrical power at the premises for more than 175 cumulative hours per calendar year.
- A10. Diesel fuel used in the power station must comply with the *Australian Government's Fuel Quality Standards (Automotive Diesel) Determination 2019* made under the *Fuel Quality Standards Act 2000*.
- A11. The Proponent is permitted to exceed the maximum hours specified in A8 and A9 in the event that operation, or continued operation, is required if:
- (a) the AEMO, or a person authorised by AEMO, directs the Proponent, under the National Electricity Law and the National Electricity Rules, to take relevant actions to maintain or restore the security or reliability of the electricity network;
  - (b) the relevant AEMO direction referred to above remains in force; and
  - (c) the Proponent takes all practical measures to prevent or minimise air pollution.
- A12. The Proponent must notify the Secretary and the EPA of any and all limit exceedances of conditions A8 to A10 or activation of condition A11.

## STATUTORY REQUIREMENTS

- A13. The Proponent must ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the development. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent must ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the life of the development.
- A14. [The relevant provisions of section 188 of the EP&A Regulation apply to this approval.](#)

## NOTIFICATION

- A15. At least two weeks prior to the commencement of the following activities, unless otherwise agreed by the Secretary, the Proponent must notify the Department in writing of the date of commencement of:
- (a) construction of the development;
  - (b) commissioning of the gas power station;
  - (c) operations; and
  - (d) the decommissioning of the development and rehabilitation of the site.

## STRUCTURAL ADEQUACY

- A16. The Proponent must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.

## DEMOLITION

- A17. The Proponent must ensure that all demolition work on site is carried out in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version.

## PROTECTION OF PUBLIC INFRASTRUCTURE

- A18. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

## OPERATION OF PLANT AND EQUIPMENT

- A19. The Proponent must ensure that all plant and equipment used on site, or in connection with the development, is:
- (a) maintained in a proper and efficient condition; and
  - (b) operated in a proper and efficient manner.

## ENVIRONMENTAL REPRESENTATIVE

- A20. Prior to commencing the development, an environmental representative (ER) must be approved by the Secretary and engaged by the Proponent.
- A21. The Secretary's approval of an ER must be sought no later than one (1) week before commencing the development.
- A22. The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the documents listed in condition A2, and is independent from the design and construction of the development. The ER must meet only the requirements set out in sections 2.2, 2.3, 2.4 and 3 in the *Environmental Representative Protocol* (Department of Planning and Environment, October 2018).
- A23. From commencing the development, until commencing operation, or as agreed with the Secretary, the approved ER must:
- (a) review the documents identified in conditions B5, B8, B12, B13, B19, B29, B33, B40, B43, B48 and C1 and any other documents that are identified by the Secretary, to ensure they are consistent with requirements in or under this approval and if so:
    - (i) make a written statement to this effect before submission of such documents to the Secretary (if those documents are required to be approved by the Secretary); or
    - (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Department for information or are not required to be submitted to the Department);

## CONSOLIDATED APPROVAL

- (b) as may be requested by the Secretary, assist the Department in the resolution of community complaints; and
- (c) consider any minor amendments to be made to the plans / strategies in conditions B5, B8, B12, B13, B19, B29, B33, B40, B43, B48 and C1 that involve updating or are of an administrative nature and do not increase impacts to nearby sensitive receivers, and ensure they are consistent with the terms of this approval and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval.

A24. The Proponent must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in condition A23, as well as the complaints register for any complaints received (on the day they are received)

### PLANNING AGREEMENT

A25. Within 6 months of the date of commencement of development under this approval, or other timeframe agreed by the Secretary, the Proponent must enter into a Planning Agreement with Council:

- (a) in accordance with Division 7.1 of Part 7 of the EP&A Act; and
- (b) the terms of the Proponent's offer to Council in Appendix 3.

A26. If the Proponent and Council do not enter into a Planning Agreement within the timeframe under condition A25, then prior to the commencement of operation of the development, the Proponent must make a Section 7.12 of the EP&A Act contribution to Council of \$880,000. The amount to be indexed in accordance with the provisions of the Council's *City Wide Infrastructure Contributions Plan 2020*.

A27. If there is any dispute between the Proponent and Council in regards to conditions A25 and A26 then either party may refer the matter to the Secretary for resolution.

### TEMPORARY ADDITIONAL CONSTRUCTION AREA

A28. Prior to the operation of the development, unless otherwise agreed by the Secretary, the Proponent may utilise the temporary additional construction area identified as Precinct 3B in Figure 2 of Appendix 2 of this approval for construction activities.

### TEMPORARY WORKFORCE ACCOMMODATION FACILITY

A29. The Proponent may utilise the temporary additional area identified as Temporary Workforce Accommodation Facility in Figure 3 of Appendix 2 of this approval during construction only.

**PART B ENVIRONMENTAL CONDITIONS – GENERAL**

**AIR QUALITY**

**General operating conditions**

- B1. The premises must be maintained and operated in a manner that minimises or prevents dust emissions from the premises.
- B2. The Proponent must carry on any activity, or operate any plant, in or on the premises by such reasonably practicable means as may be necessary to prevent or minimise air pollution.
- B3. Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.
- B4. The Proponent shall not permit any offensive odour to be emitted beyond the boundary of the site.

**Final Design Verification**

- B5. Prior to the commencement of the installation of the gas turbines, the Proponent must provide a revised Air Quality Impact Assessment (AQIA) to the Secretary and EPA that is based on the detailed design of the plant and includes emission specifications (emission rates and concentrations) based on manufacturer performance guarantees. Should the plant design and emissions characteristics differ from what was assessed previously (Hunter Power Project, Air Quality Impact Assessment, Jacobs, 30 July 2021), the revised AQIA must include remodelling of emissions based on final design and reassessment of impacts.
- B6. The final design, installation and operation of the power station must not preclude the ability for air pollution emissions controls to be retrofitted.

**Air Quality Verification**

- B7. Within six months of commissioning the power station (unless otherwise agreed by the Secretary in consultation with the EPA) and during a period in which the development is operating under high design loads, the Proponent must undertake a monitoring program to confirm the air emission performance of the power station. The monitoring program must include, as a minimum (or as otherwise permitted by the applicable EPL):
  - (a) two rounds of post-commissioning monitoring of the pollutants and parameters in Table 1 below for each discharge point;
  - (b) consideration of the dual-fuel and peaking operability of the power station in capturing representative air pollutant emission concentrations and normal operating parameters; and
  - (c) sampling methods as per the NSW EPA's *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* (latest version).

**Table 1: Air Quality Verification Monitoring**

<b>Pollutant/Parameter</b>	<b>Units of measure</b>	<b>Frequency</b>	<b>Sampling Method</b>
Total solid particles	Milligrams per cubic metre	Special Frequency 1	TM-15
Oxides of nitrogen	Milligrams per cubic metre	Continuous	CEM-2 and USEPA Procedure 1
Sulphur dioxide	Milligrams per cubic metre	Special Frequency 1	TM-4
Volatile organic compounds (VOCs)	Milligrams per cubic metre	Special Frequency 1	TM-34
PAHs (as benzo[a]pyrene)	Milligrams per cubic metre	Special Frequency 1	California Air Resources Board Method 429
Oxygen	Percent	Continuous	CEM-3
Moisture content	percent	Special Frequency 1	TM-22
Molecular weight of stack gases	Grams per gram mole	Special Frequency 1	TM-23
Temperature	Degrees Celsius	Special Frequency 1	TM-2
Velocity	Metres per second	Continuous	CEM-6
Dry gas density	Kilograms per cubic metre	Special Frequency 1	TM-23
Volumetric flow rate	Cubic metres per second	Continuous	CEM-6

*Note: Special Frequency 1 means two rounds of post-commissioning monitoring.*

B8. Within six weeks of completing post-commissioning testing (unless otherwise agreed by the Secretary in consultation with the EPA), the Proponent must submit a Post-Commissioning Verification Report (the Report) to the EPA. The Report must:

- (a) include all analytical results of post-commissioning monitoring required for all discharge points. Any external report must be reproduced in full;
- (b) include all the information listed in section 4 of the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* (latest version);
- (c) describe all the operational parameters during post-commissioning testing;
- (d) compare analytical results from post-commissioning monitoring against final design emission specifications and modelled emission parameters (emission rates and concentrations) in the AQIA required under condition B5 (final design verification assessment); and
- (e) should any comparison under B8(d) identify monitored discharge concentrations or emission rates above the emissions characteristics in the revised AQIA or the *Protection of the Environment Operations (Clean Air) Regulation 2021* standards of concentration, the Proponent must:
  - (i) re-assess and evaluate both the emissions concentrations against the *Protection of the Environment Operations (Clean Air) Regulation 2021* standards of concentration and the impacts against the relevant impact assessment criteria in the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (latest version); and/or
  - (ii) identify actions and measures to be implemented to reduce emissions of air pollutants to no greater than those predicted in the AQIA. Details of the actions and measures and a timetable for implementation must be submitted to the Secretary and the EPA for approval.

### Monitoring/Discharge Points

B9. The following points referred to in Table 2 below (or alternative points as permitted by the applicable EPL) are identified for the purposes of monitoring and/or setting of limits for the emission of pollutants to the air from the point.

**Table 2: Monitoring points**

Emission point	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Air emissions monitoring	Discharge to Air	Gas turbine Stack 1 - exact location to be confirmed
2	Air emissions monitoring	Discharge to Air	Gas turbine Stack 2 - exact location to be confirmed

### Discharge Limits

B10. For each monitoring/discharge point specified by Table 3 below (or alternative points as permitted by the applicable EPL) the concentration of a pollutant discharged at that point, must not exceed the concentration limits specified for that pollutant in the table (or alternative limits as permitted by the applicable EPL).

**Table 3: POINTS 1 and 2, all gas turbine stacks**

Pollutant	Fuel type	100 percentile limit (mg/m <sup>3</sup> )	Reference Conditions	Averaging Period
Nitrogen dioxide (NO <sub>2</sub> ) or nitric oxide (NO) or both, as NO <sub>2</sub> equivalent	Natural gas	51	Dry, 273 °K, 101.3 kPa, 15% O <sub>2</sub>	1 hour
	Diesel	86		
Carbon monoxide (CO)	Natural gas	12.5	Dry, 273 °K, 101.3 kPa, 15% O <sub>2</sub>	1 hour
	Diesel	63		

Notes:

- The limits contained in Table 3 do not apply during a period of start up or shut down, as defined by the *Protection of the Environment Operations (Clean Air) Regulation 2021*.
- While the concentration limits do not apply under the specified periods, the Proponent will still be subject to the requirements of Section 128(2) of the POEO Act.

### Monitoring Conditions

B11. The Proponent must, for each air monitoring/discharge point, determine the pollutant concentrations and emission parameters specified in Table 4 below. For each pollutant, the Proponent must use the sampling method, units of measure, and sample at the frequency specified opposite in the other columns. Sampling methods as per the NSW EPA's *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* (latest version) (or alternative methods as permitted by the applicable EPL).

**Table 4: Periodic Pollutant and Parameter Monitoring**

Pollutant/Parameter	Units of measure	Frequency	Sampling Method
Nitrogen dioxide (NO <sub>2</sub> ) or nitric oxide (NO) or both, as NO <sub>2</sub> equivalent	mg/m <sup>3</sup>	Continuous	CEM-2 and US EPA Procedure 1
Carbon monoxide (CO)	mg/m <sup>3</sup>	Continuous	CEM-4 and US EPA Procedure 1
Moisture	%	Continuous	Special Method 1 and US EPA Procedure 1
Oxygen	%	Continuous	CEM-3 and US EPA Procedure 1
Temperature	°C	Continuous	TM-2 and US EPA Procedure 1
Velocity	m/s	Continuous	CEM-6 and US EPA Procedure 1
Volumetric flow rate	m <sup>3</sup> /s	Continuous	CEM-6 and US EPA Procedure 1
Selection of sampling positions	-	-	TM-1

Note: For the purpose of Table 4 above, Special Method 1 means any moisture monitoring method approved in writing by the EPA, and USEPA Procedure 1.

## HAZARDS AND RISKS

### Pre-construction

- B12. Prior to the commencement of the installation of the gas turbines, unless otherwise agreed by the Secretary, the Proponent must prepare and submit to the satisfaction of the Secretary:
- (a) A **Fire Safety Study** based on the detailed design of the development. This study must cover the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study'* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The study must be prepared in consultation with NSW Rural Fire Service to verify the required Asset Protection Zone (APZ) in view of up to 14 MPa gas releases from the gas receiving station. The study must also be submitted for the approval of Fire and Rescue NSW.
  - (b) A **Hazard and Operability Study** based on the detailed design of the development, chaired by a qualified person independent of the development, approved by the Secretary prior to the commencement of the study. The study must be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented. The scope of the study must include and not be limited to:
    - (i) components and processes associated with the power station, including the storage, handling and use of diesel fuel; and
    - (ii) the supply tie-in at the gas receipt station.
  - (c) A **Final Hazard Analysis** based on the detailed design of the development, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*. The scope of the study must include and not be limited to specifying all design variations between the final detailed design and the conceptual design described in the EIS.

### Pre-commissioning

- B13. Prior to the commencement of operations, unless otherwise agreed to by the Secretary, the Proponent must prepare and submit to the satisfaction of the Secretary:
- (a) A comprehensive **Emergency Plan** and detailed emergency procedures for the development. The Emergency Plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.
  - (b) A document setting out a comprehensive **Safety Management System**, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*. The Safety Management System must also include Safety and Operating Plans required under AS 2885.

### Pre-startup

- B14. One month prior to the commencement of operation of the development, the Proponent must submit to the Secretary, a **Pre-Startup Compliance Report** detailing compliance with conditions B12 and B13, including:

## CONSOLIDATED APPROVAL

- (a) dates of study/plan/system submission, approval, commencement of installation of the gas turbines and commissioning;
- (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and
- (c) responses to any requirement imposed by the Secretary under condition A2 of Schedule 2.

### Post-startup

- B15. Three months after the commencement of operation of the development, the Proponent must submit to the Secretary, a **Post-Startup Compliance Report** verifying that:
- (a) the Emergency Plan required under condition B13(a) is effectively in place and that at least one emergency exercise has been conducted; and
  - (b) the Safety Management System required under condition B13(b) has been fully implemented and that records required by the system are being kept.

### Post commissioning requirements

- B16. Twelve months after the commencement of operations of the development and every three years thereafter or at such intervals as the Secretary may agree, the Proponent must carry out a comprehensive **Hazard Audit** of the development and within two months of each audit submit a report to the satisfaction of the Secretary for approval. The audits must be carried out at the Proponent's expense by a qualified person or team, independent of the development and approved by the Secretary prior to commencement of the audit. Hazard Audits must be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit'*. The audit must include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented.

### General

- B17. The Proponent must store and handle all chemicals, fuels and oils in accordance with:
- (a) the requirements of all relevant Australian Standards;
  - (b) within a bunded area with a minimum bund capacity of 110% of the volume of the largest single stored vessel within the bund; and
  - (c) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Handbook* if the chemicals are liquids.
- In the event of an inconsistency between the requirements in (a) to (c) above, the most stringent requirement shall prevail to the extent of the inconsistency.
- B18. For the purpose of condition B17, any tanks or other storage vessels that are interconnected and may distribute their contents either by gravity or automated pumps must be considered a single vessel.

### TEMPORARY WORKFORCE ACCOMMODATION FACILITY

#### B18A. The Proponent must:

- (a) minimise the fire risks of the development, including managing vegetation fuel loads on-site;
- (b) ensure that the development
  - (i) complies with the relevant asset protection requirements in the Rural Fire Service's *Planning for Bush Fire Protection 2019* (or equivalent) and Standards for Asset Protection Zones. The entire site must be managed as an Inner Protection Area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*; and
  - (ii) is suitably equipped to respond to any fires on site, including connection to the Hunter Water reticulated system or provision of a 20,000 litre water supply tank fitted with a 65 mm Storz fitting and a Fire and Rescue NSW compatible suction connection;
- (c) ensure that the Temporary Workforce Accommodation Facility is designed and constructed to ensure that:
  - (i) all accommodation units are located within the 10 kW/m<sup>2</sup> setback from bushfire prone land;
  - (ii) all other building structures within the facility site are located within the 12.5 bush fire attack level and are constructed to the relevant construction standard of Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas*;
  - (iii) there is an on-site shelter located within the 12.5 bush fire attack level capable of housing all potential occupants that is constructed to a minimum of a BAL-12.5 construction standard of Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas*,

## CONSOLIDATED APPROVAL

- (iv) there is a 10 metre defensible space around the perimeter that permits unobstructed vehicle access and is managed as an asset protection zone (including the defensible space). The vehicular access to the site must be compliant with Table 6.8C of *Planning for Bush Fire Protection 2019*; and
  - (v) a minimum 2.1 metre high radiant heat shield made of non-combustible materials must be constructed along the eastern and southern boundary of the limit of significant vegetation. All posts and rails must be constructed of steel. The bottom of the fence is to be in direct contact with the finished ground level or plinth; and
- (d) assist the Rural Fire Service and emergency services as much as practicable if there is a fire in the vicinity of the site; and
  - (e) notify the relevant local emergency management committee following construction of the development, and prior to commencing operations.
- B18B. Prior to occupying the Temporary Workforce Accommodation Facility, the Proponent must prepare a Bush Fire Emergency Management and Evacuation Plan for the Temporary Workforce Accommodation Facility consistent with the NSW Rural Fire Service document *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*. The plan must:
- (a) be prepared by a suitably qualified bushfire planning and design accredited level 3 bushfire expert;
  - (b) include contact details for the local Rural Fire Service District Office;
  - (c) include procedures for co-ordinated evacuation of the site in consultation with local emergency services;
  - (d) include procedures for the use of an on-site shelter in the case where evacuation routes cannot be accessed; and
  - (e) adopt an early evacuation approach and include detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in *AS 3745 Planning for emergencies in facilities*, are clearly displayed.
- B18C. A copy of the Bush Fire Emergency Management and Evacuation Plan must be provided to the Local Emergency Management Committee and the Secretary prior to occupying the Temporary Workforce Accommodation Facility.

### AVIATION SAFETY

- B19. Prior to the commencement of installation of the gas turbines, the Proponent must provide an updated plume rise assessment report based on the final generator design to the satisfaction of the Secretary. The report must:
- (a) be prepared in consultation with Civil Aviation Safety Authority, Department of Defence and RAAF Base Williamtown;
  - (b) demonstrate that the critical plume extent is consistent with the predictions in the EIS; and
  - (c) demonstrate that reasonable and feasible at source mitigation measures have been applied to further minimise the critical plume extent.
- B20. Prior to the commencement of installation of the gas turbines, the Proponent must submit final design drawings to the following organisations:
- (a) Department of Defence – Land Planning and Regulation Branch;
  - (b) RAAF Base Williamtown;
  - (c) Aeronautical Information Service – Air Force;
  - (d) Air Services Australia;
  - (e) Newcastle Airport Pty Ltd;
  - (f) Cessnock Airport; and
  - (g) Maitland Airport.

Evidence of notification/ provision of detailed design drawings must be submitted to the Secretary prior to the commencement of installation of the gas turbines.

### NOISE

#### Noise Limit Conditions

- B21. Operational noise generated at the premises must not exceed the noise limits at the times and locations in Table 5 below (or alternative limits as permitted by the applicable EPL).

**Table 5:** Noise Limits

## CONSOLIDATED APPROVAL

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LAFmax
103 Bishops Bridge Rd, Sawyers Gully	50	48	41	52
10 Dawes Ave, Loxford	45	45	43	53
20 Bowditch Ave, Loxford	43	43	38	52
464 Cessnock Rd, Gillieston Heights	40	35	35	52
59 Sawyers Gully Rd, Sawyers Gully	42	42	38	52

B22. The noise limits set out in condition B21 apply under the meteorological conditions described in Table 6.

**Table 6: Meteorological Conditions**

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3 m/s at 10 m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3 m/s at 10 m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3 m/s at 10 m above ground level; or Stability category E and F with wind speeds up to and including 2 m/s at 10 m above ground level.

B23. For those meteorological conditions not referred to in condition B22, the noise limits that apply are the noise limits in condition B21 plus 5 dB(A).

B24. For the purposes of condition B22, the meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station (point to be established) and the stability category shall be determined using the sigma-theta data method (section D1.4) from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017), or latest version.

B25. For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017), or latest version, must be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

### Meteorological Monitoring

B26. Prior to the commencement of the installation of the gas turbines, unless otherwise agreed by the Secretary, the Proponent must ensure there is a suitable meteorological weather station operating located on the premises or at a location approved by the EPA that:

- (a) complies with the NSW EPA's *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (or latest version);
- (b) is capable of continuous real-time measurement of wind speed, wind direction, sigma theta, air temperature, rainfall and relative humidity; and
- (c) is capable of measuring meteorological conditions in accordance with the *Noise Policy for Industry* (EPA 2017 or latest version).

### Noise Monitoring

B27. Within six months of full operation post commissioning attended noise validation monitoring must be undertaken during a period of full load and must:

- (a) occur at each receiver location listed in condition B21;
- (b) occur annually in a reporting period;
- (c) occur during day, evening and night period as defined in the *Noise Policy for Industry* (or latest version) over two 15- minute compliance measurements during each period;
- (d) occur for three consecutive operating days.

B28. On completion of post commissioning attended noise validation monitoring required in condition B27, that shows compliance with conditions B21 and B23, ongoing attended noise monitoring must be undertaken to the satisfaction of the EPA.

### Noise Monitoring Report

B29. A noise compliance assessment report must be submitted to the EPA and the Secretary within 30 days (or an alternative timeframe agreed by the Secretary) of the completion of the post commissioning validation monitoring and any annual monitoring. The assessment must be prepared by a qualified person and include:

- (a) an assessment of compliance with noise limits presented in conditions B21 and B23; and

- (b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in conditions B21 and B23.

## Hours of Construction

B30. All construction work at the premises must be conducted between 7 am and 6 pm Monday to Friday and between 8 am and 1 pm Saturdays and at no time on Sundays and public holidays.

## Exceptions to Construction Hours

- B31. The following activities may be carried out outside the recommended construction hours:
- (a) construction that causes  $L_{Aeq(15\text{minute})}$  noise levels that are:
    - (i) no more than 5 dB above Rating Background Level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009); and
    - (ii) no more than the Noise Management Levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses; or
  - (b) for the delivery of materials required by the police or other authorities for safety reasons; or
  - (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
  - (d) as approved through the process outlined in condition B32 of this approval.

## Variation of Construction Hours

- B32. The hours of construction activities specified under condition B30 of this approval may be varied with the prior written approval of the Secretary. Any request to alter the hours of construction shall be:
- (a) considered on a case-by-case or activity-specific basis;
  - (b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
  - (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of relevant Council(s) (and other relevant agencies) has been and will be undertaken;
  - (d) all feasible and reasonable noise mitigation measures have been put in place; and
  - (e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECCW, 2009), or latest version.

## BIODIVERSITY

### Biodiversity Management Plan

- B33. Prior to commencement of construction, unless otherwise agreed by the Secretary, the Proponent must prepare a Biodiversity Management Plan to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced biodiversity expert/s;
  - (b) be prepared in consultation with the BCS;
  - (c) describe the short, medium and long-term measures to be undertaken to manage vegetation and fauna habitat on the site;
  - (d) describe how biodiversity offsets required in condition B34 will be retired;
  - (e) describe measures to be implemented within the site to minimise:
    - (i) the amount of clearing;
    - (ii) impacts on fauna, including undertaking pre-clearance surveys and maximising the salvage of resources for habitat enhancement;
    - (iii) impacts on threatened flora and fauna species or ecological communities within the development footprint and its surrounds;
    - (iv) the spread of weeds and fungal pathogens;
    - (v) the generation and dispersion of sediment to watercourses; and
    - (vi) light spill from night works; and
  - (f) include a program to monitor, evaluate and report on the effectiveness of the measures.

The Proponent must implement the approved Biodiversity Management Plan.

### Biodiversity Offsets

- B34. Prior to the commencement of any construction activity that would impact on any of the vegetation communities or species identified in Tables 7 and 8 below, the Proponent must retire biodiversity credits of a number and class specified in Tables 7 and 8 below in consultation with the BCS and to the satisfaction of BCT.

## CONSOLIDATED APPROVAL

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- (b) making payments into an offset fund that has been developed by the NSW Government; or
- (c) funding a biodiversity conservation action that benefits the threatened entity impacted by the development, consistent with the '*Ancillary Rules: Biodiversity conservation actions*'.

Written evidence of the retirement of these credits must be provided to the Department prior to commencing construction activity.

**Table 7: Ecosystem Credit Requirements**

Vegetation Community	PCT ID	Credits Required
Parramatta Red Gum – Narrow-leaved Apple – Prickly-leaved Paperbark shrubby woodland in the Cessnock-Kurri Kurri area	1633	13

**Table 8: Species Credit Requirements**

Species	Credits Required
Earp's Gum	74
Southern Myotis	9
Regent Honeyeater	14
Common Planigale	9

### WATER AND SOIL

#### Water Supply

- B35. The Proponent must ensure it has sufficient water for the development; and if necessary, adjust the scale of development on site to match its available water supply.

*Note: Under the Water Management Act 2000, the Proponent must obtain the necessary water licences for the development.*

#### Water Quality

- B36. The Proponent must ensure that all surface discharges from the site comply with all relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL.

- B37. All process operational wastewater generated by the activity must:

- (a) be discharged to the sewer network subject to a trade waste agreement with Hunter Water Corporation; or
- (b) captured and stored at the premises and must only be disposed of by tanker transport to a licensed wastewater facility.

- B38. Prior to the commencement of any construction the Proponent must install and maintain suitable sediment and erosion controls onsite, in accordance with the relevant requirements of *Managing Urban Stormwater: Soils and Construction – Volume 2A Installation of Services* (DECC 2008).

#### Acid Sulphate Soils

- B39. The Proponent must ensure that any construction activities in identified areas of acid sulphate soil risk are undertaken in accordance with the *Acid Sulphate Soil Manual* (Acid Sulphate Soil Management Advisory Committee, 1998).

#### Water Management Plan

- B40. Prior to the commencement of construction, unless the Secretary agrees otherwise, the Proponent must prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:

- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
- (b) be prepared in consultation with EPA, DPE Water, Hunter Water Corporation, and Council;
- (c) include a:
  - (i) **Site Water Balance** that includes details of:
    - a) predicted annual inflows to and outflows from the site;

- b) sources and security of water supply, including reasonable and feasible measures to minimise potable water demand through detailed design and operations;
  - c) water and wastewater storage capacity;
  - d) water use and management on site including demineralisation water treatment and wastewater transfer; and
  - e) reporting procedure;
- (ii) **Surface Water Management Plan** that includes:
- a) baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development;
  - b) a detailed description of the surface water management system; including
    - erosion control measures and pollution control measures which do not require an open basin excavated below the water table where practicable; and
    - measures to manage spills, off site flood impacts and stream erosion flows;
  - c) a program to monitor and evaluate:
    - disturbance of acid sulphate soils;
    - surface water discharges, stormwater and storage volumes;
    - rainfall and flooding events; and
    - the effectiveness of the surface water management systems to minimise erosion and sediment impacts;
  - d) reporting procedures for the results of the monitoring program; and
  - e) a plan to mitigate any adverse surface water impacts of the development;
- (iii) **Groundwater Management Plan** that includes:
- a) detailed baseline data of hydrogeology and groundwater levels and quality of groundwater resources potentially impacted by the development;
  - b) water licencing requirements;
  - c) a detailed description of the groundwater management and monitoring system, including measures to reduce potential for contamination or take of groundwater and estimated groundwater take, if the base of the pollution and surface water management basin is located less than 1 m above the water table;
  - d) a program to monitor and evaluate groundwater flows, groundwater quality and the effectiveness of groundwater management systems, including
  - e) reporting procedures for the results of the monitoring program;
  - f) a plan to respond to any probable or actual exceedances of the groundwater performance criteria and repair, mitigate and/or offset any adverse groundwater impacts of the development.

The Proponent must implement the approved Water Management Plan.

## HERITAGE

### Protection of Heritage Items

- B41. The Proponent must ensure the development does not cause any direct or indirect impacts on heritage items located outside the approved development footprint.
- B42. If Aboriginal archaeological heritage items are unexpectedly discovered during construction of the development, all works must cease, and a suitably qualified and experienced archaeologist be brought in to assess the find. Depending on the nature of the discovery, additional assessment, recording and management measures may be required prior to the recommencement of works in the affected area. Heritage NSW - ACH and/or members of the relevant Local Aboriginal Land Council must be notified of this discovery in writing.

### Aboriginal Cultural Heritage Management Plan

- B43. Prior to the commencement of construction, unless the Secretary agrees otherwise, the Proponent must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. The plan must:
- (a) be prepared by suitably qualified and experienced persons;
  - (b) be prepared in consultation with Registered Aboriginal Parties and Heritage NSW - ACH;
  - (c) be submitted to the Secretary for approval prior to carrying out construction under this approval;
  - (d) describe the measures to be implemented on the site to:
    - (i) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;

- (ii) protect, monitor and/or manage Aboriginal objects, including an archaeological monitoring program which includes a methodology for test and/or salvage excavations of intact alluvial deposits, and measures for the long-term management of Aboriginal objects if discovered during construction;
  - (iii) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;
  - (iv) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development; and
  - (v) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site;
- (e) an unexpected finds protocol;
- (f) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.

The Proponent must implement the approved Aboriginal Cultural Heritage Management Plan.

### WASTE

- B44. Any waste materials exposed or created in association with the constructions works and proposed to be disposed of to an offsite location, must be classified in accordance with the EPA's *Waste Classification Guidelines*.
- B45. Chemicals, fuels and oils used on-site must be kept in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environment Protection- Participants Manual* (Department of Environment and Climate change, 2007).

### CONTAMINATION

- B46. Construction cannot commence until a copy of the Site Audit Statement that covers the site subject to the development is provided to the Secretary. The Site Audit Statement must demonstrate the site is suitable for the development.

*Note: This condition has been included because the remediation of the site subject to the development is being carried out under a separate consent.*

### TRAFFIC AND TRANSPORT

#### Traffic Management Requirements

- B47. The Proponent must:
- (a) maintain all roads and utility-related infrastructure on site in a safe and serviceable condition;
  - (b) provide sufficient parking on site for all vehicles;
  - (c) ensure heavy vehicles entering and leaving the site have loads covered or contained;
  - (d) minimise dust and/or sediment being tracked onto Hart Road and the public road network;
  - (e) minimise the traffic noise impacts of the development;
  - (f) keep the public informed of any road or infrastructure upgrades, disruptions to traffic, the closure of roads or other infrastructure, oversize overmass vehicle use, peak construction periods, and any emergencies; and
  - (g) manage traffic flow around the work sites, construction compounds and the Temporary Workforce Accommodation Facility.

#### Traffic Management Plan

- B48. Prior to the commencement of construction, unless the Secretary agrees otherwise, the Proponent must prepare a Traffic Management Plan in consultation with Council and TfNSW for the development and to the satisfaction of the Secretary. This plan must:
- (a) describe the measures that would be implemented to comply with the transport management requirements in condition B47 above;
  - (b) include details of the transport route to be used for all construction and operational traffic;
  - (c) include details of the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route/s during construction and operations;
  - (d) include oversize overmass requirements and management;
  - (e) include a driver's code of conduct that addresses:
    - (i) travelling speeds;
    - (ii) driver fatigue;
    - (iii) procedures to ensure that drivers adhere to the designated transport routes; and
    - (iv) procedures to ensure that drivers implement safe drive practise;
  - (f) include a program to:

- (i) record and track vehicle movements; and
- (ii) monitor the effectiveness of these measures;
- (g) include a protocol for undertaking independent dilapidation surveys to assess the existing condition of Hart Road, prior to and following construction and decommissioning activities;
- (h) include measures to ensure that there are no more than 80 light vehicle movements per hour through the Main Road and Hunter Expressway interchange associated with the development in the morning and afternoon peak periods respectively during the construction period, including a protocol for the monthly verification of the origin of light vehicle movements in the morning and afternoon peak period; and
- (i) describe measures to investigate opportunities to promote the use of shuttle buses and car-pooling during the construction period.

The Proponent must implement the approved Traffic Management Plan.

### VISUAL AND LIGHTING

B49. The Proponent must:

- (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;
- (b) ensure the visual appearance of infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- (c) not mount any commercial advertising signs or logos on site, except where this is required for identification or safety purposes.

B50. The Proponent must:

- (a) minimise the off-site lighting impacts of the development; and
- (b) ensure that any external lighting associated with the development:
  - (i) is installed as low intensity lighting (except where required for safety or emergency purposes);
  - (ii) does not shine above the horizontal; and
  - (iii) complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

**PART C ENVIRONMENTAL MANAGEMENT AND REPORTING****ENVIRONMENTAL MANAGEMENT****Environmental Management Strategy**

- C1. Prior to commencing construction, the Proponent must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
  - (b) identify the statutory approvals that apply to the development;
  - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (d) describe the procedures that would be implemented to:
    - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - (ii) receive, handle, respond to, and record complaints;
    - (iii) resolve any disputes that may arise;
    - (iv) respond to any non-compliance;
    - (v) respond to emergencies; and
  - (e) include:
    - (i) the following subplans:
      - construction air quality management plan prepared in consultation with the EPA;
      - construction noise management plan prepared in consultation with the EPA; and
      - construction and operational waste management plan, incorporating management of any contaminated materials disturbed during construction
    - (ii) references to any strategies, plans and programs approved under the conditions of this approval; and
    - (iii) a clear plan depicting monitoring to be carried out under the conditions of this approval.

The Proponent must implement the approved Environmental Management Strategy.

**Net Zero Power Generation Plan**

- C2. Prior to the commencement of operations, the Proponent must prepare a Net Zero Power Generation Plan for the development, to the satisfaction of the Secretary. The plan must:
- (a) be prepared by a suitably qualified, experienced and independent person approved by the Secretary;
  - (b) be prepared in consultation with the EPA and the Department's Climate and Atmospheric Science Group;
  - (c) investigate opportunities to achieve Net Zero greenhouse gas emissions from the development including consideration of:
    - (i) contemporary best practice and continuous improvement measures;
    - (ii) applicable Commonwealth and State greenhouse gas emissions targets and policies including a commitment to Net Zero by 2050, and 50% reduction compared to 2005 levels by 2030;
    - (iii) latest technology for displacing natural gas or diesel as the fuel supply, such as use of green hydrogen;
  - (d) describe measures to displace or offset greenhouse gas emissions having regard to:
    - (i) the investigations undertaken under condition C2(c); and
    - (ii) the following Net Zero targets by calendar year:
      - from the commencement of operations until 2029: 10% of total Scope 1 greenhouse gas emissions;
      - from 2030 until 2039: all Scope 1 greenhouse gas emissions resulting from generating electrical power at the premises for more than 175 cumulative hours per calendar year (or 2% of the year); and
      - from 2040 onwards: all Scope 1 greenhouse gas emissions.
- C3. Every three years following the approval of the plan, or other timeframe agreed by the Secretary, a report shall be submitted to the Secretary to update the outcomes of the investigations and measures described in condition C2.
- C4. The Proponent must implement the approved Net Zero Power Generation Plan.

## Revision of Strategies, Plans and Programs

- C5. Within 3 months, unless the Secretary agrees otherwise, of:
- (a) the submission of an incident report under condition C6 below;
  - (b) the submission of an audit report under conditions C15 to C19 below; and
  - (c) the approval of any modification to the conditions of this approval; or
  - (d) a direction of the Secretary under condition A2 of Schedule 2;

the Proponent must review and, if necessary, revise the studies, strategies or plans required under the conditions of approval to the satisfaction of the Secretary.

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

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

## COMPLIANCE

### Incident Notification, Reporting and Response

- C6. The Secretary must be notified in writing via the Major Projects website immediately after the Proponent becomes aware of an incident. The notification must identify the development (including the application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 4.

### Non-Compliance Notification

- C7. The Secretary must be notified in writing via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance.
- C8. A non-compliance notification must identify the development and the application number for it, set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C9. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Compliance Reporting

- C10. Compliance Reports of the development must be carried out in accordance with the Compliance Reporting Requirements outlined in the *Compliance Reporting Post Approval Requirements (2020)* or its latest version.
- C11. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the *Compliance Reporting Post Approval Requirements (2020)* or its latest version, unless otherwise agreed to by the Secretary.
- C12. The Proponent must make each Compliance Report publicly available within 60 days of submitting it to the Secretary, unless otherwise agreed by the Secretary.
- C13. Notwithstanding the requirements of the *Compliance Reporting Post Approval Requirements (2020)* or its latest version, the Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

## NOTIFICATIONS

### Notification of Department

- C14. Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Proponent must notify the Department via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.

If any of these phases of the development are to be staged, then the Proponent must notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.

## INDEPENDENT ENVIRONMENTAL AUDIT

- C15. Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (2020)* or its latest version.
- C16. Proposed independent auditors must be agreed to in writing by the Secretary prior to the commencement of an Independent Audit.
- C17. The Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the *Independent Audit Post Approval Requirements (2020)* or its latest version, upon giving at least 4 weeks' notice (or timing) to the Proponent of the date upon which the audit must be commenced.
- C18. Independent Audit Reports and the Proponent's response to audit findings must be submitted to the Secretary within 2 months of undertaking the independent audit site inspection, as outlined in the *Independent Audit Post Approvals Requirements (2020)* or its latest version, unless otherwise agreed by the Secretary.
- C19. Notwithstanding the requirements of the *Independent Audit Post Approvals Requirements (2020)* or its latest version, the Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

## ACCESS TO INFORMATION

- C20. Before the commencement of construction until the completion of all rehabilitation required under this approval, the Proponent must:
- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this approval) publicly available on its website:
- (i) the EIS;
  - (ii) all current statutory approvals for the development;
  - (iii) all approved strategies, plans and programs required under the conditions of this approval;
  - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
  - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval;
  - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
  - (vii) a summary of the current phase and progress of the development;
  - (viii) contact details to enquire about the development or to make a complaint;
  - (ix) a complaints register, updated monthly;
  - (x) the Annual Reviews of the development;
  - (xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Proponent's response to the recommendations in any audit report;
  - (xii) any other matter required by the Secretary; and
- (b) keep such information up to date, to the satisfaction of the Secretary.

## UPDATING AND STAGING OF STUDIES, STRATEGIES AND PLANS

- C21. To ensure the studies, strategies and plans for the development are updated on a regular basis and incorporate any required measures to improve the environmental performance of the development, the Proponent may submit revised studies, strategies or plans required for the development under the conditions of approval at any time. With the agreement of the Secretary, the Proponent may also submit any study, strategy or plan required under the conditions of this approval on a staged basis.
- C22. The Secretary may approve a revised strategy or plan required under the conditions of approval, or the stage submission of these documents, at any time. With the approval of the Secretary, the Proponent may prepare the revised or staged strategy or plan without undertaking consultation with all parties nominated under the applicable conditions in this approval.

### Notes:

- While any study, strategy or plan may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable studies, strategies or plans at all times.

## CONSOLIDATED APPROVAL

- *If the submission of any study, strategy or plan is to be staged, then the relevant study, strategy or plan must clearly describe the specific stage to which the study, strategy or plan applies, the relationship of this stage to any future stages, and the trigger for updating the study, strategy or plan.*

FOR INFORMATION

## CONSOLIDATED APPROVAL

### APPENDIX 1: SCHEDULE OF LAND

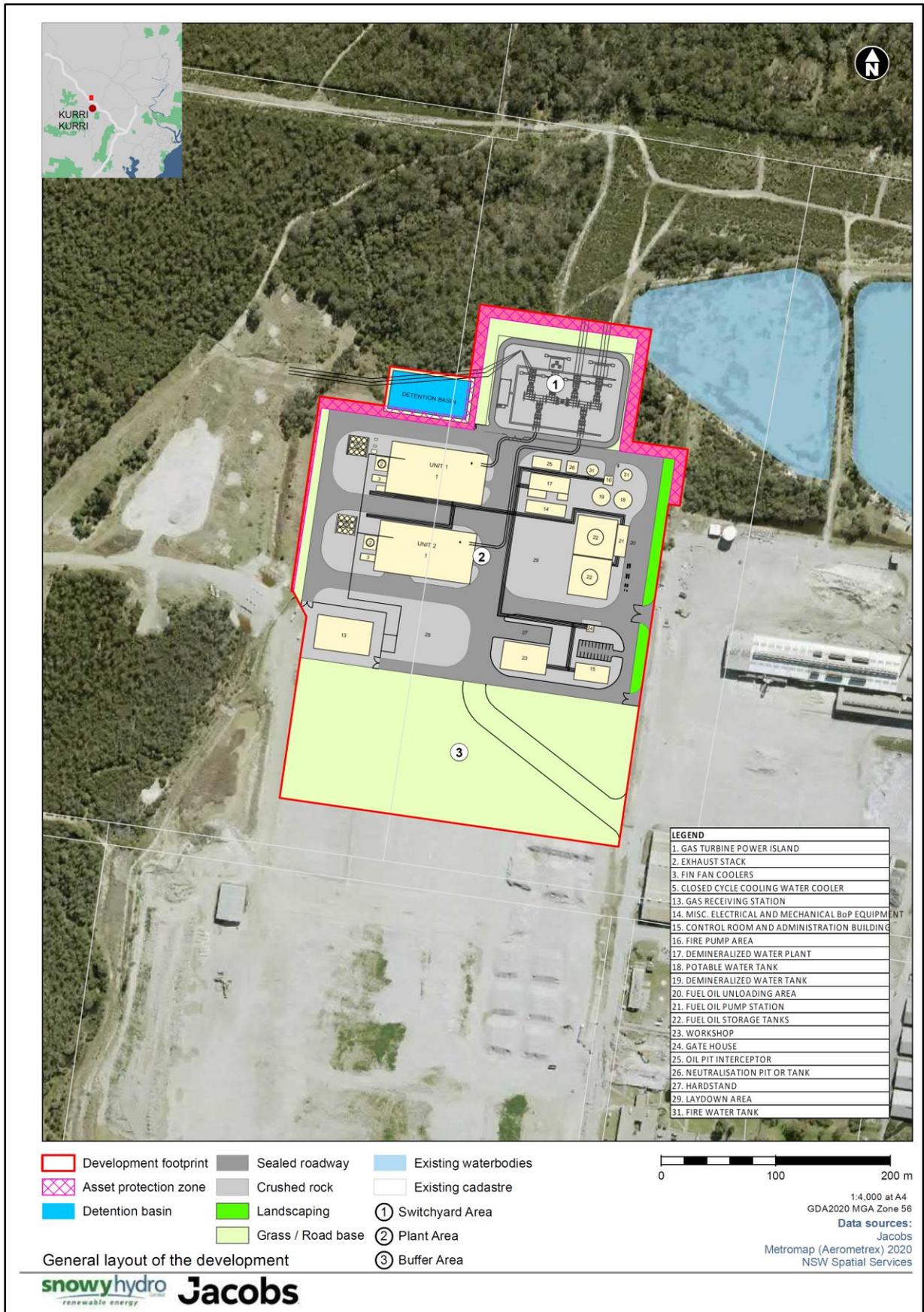
Development Site	
Lot	Deposited Plan
Part Lot 319	DP755231
Part Lot 769	DP755231
Part Lot 3 <sup>1</sup>	DP456769 <sup>1</sup>
Part Lot 420 <sup>2</sup>	DP 755231 <sup>2</sup>

Note:

<sup>1</sup> The use of this land is subject to Condition A28.

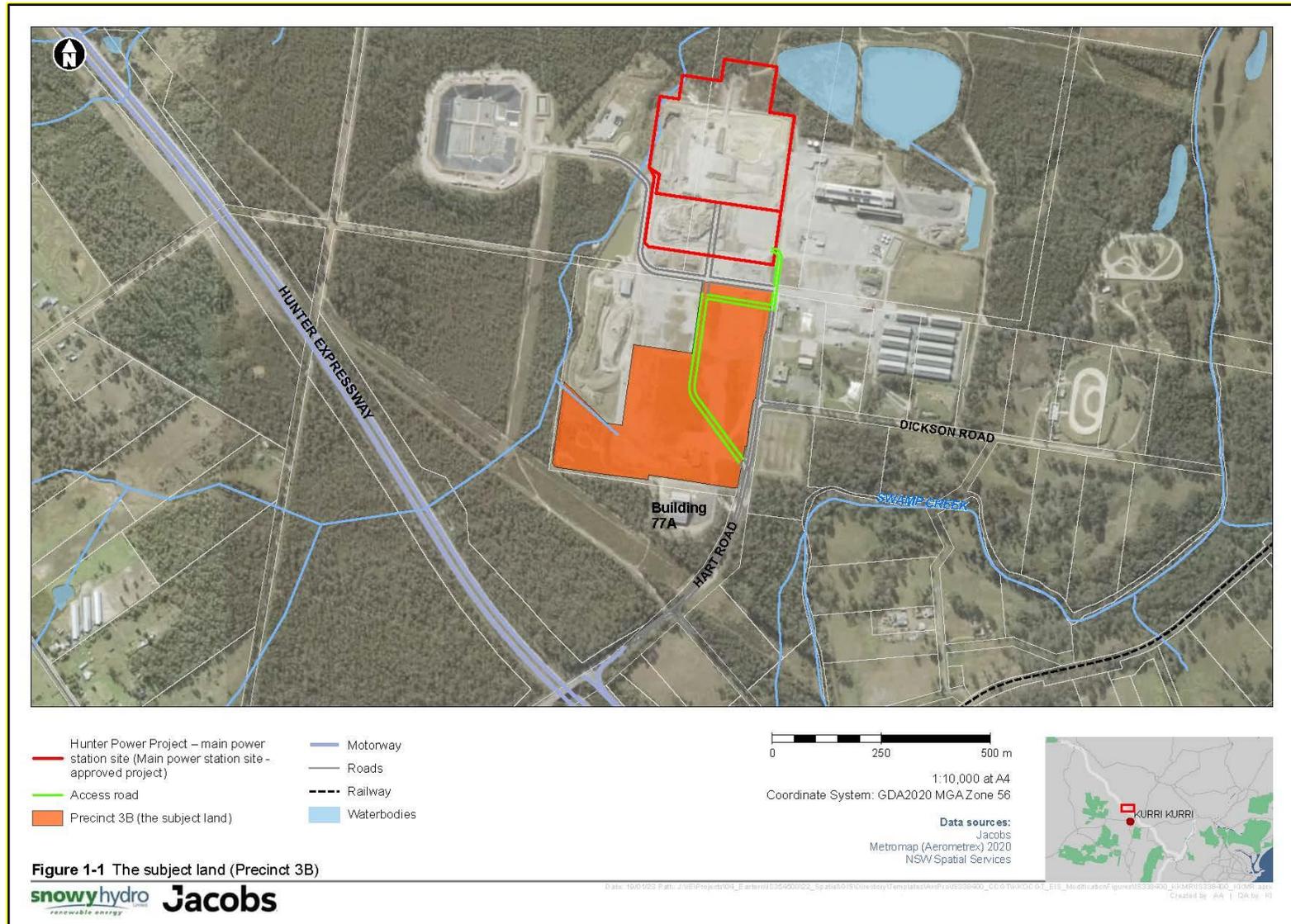
<sup>2</sup> The use of this land is subject to Condition A29.

**APPENDIX 2: GENERAL LAYOUT OF DEVELOPMENT**



**Figure 1: General layout of the development**

# CONSOLIDATED APPROVAL



# CONSOLIDATED APPROVAL

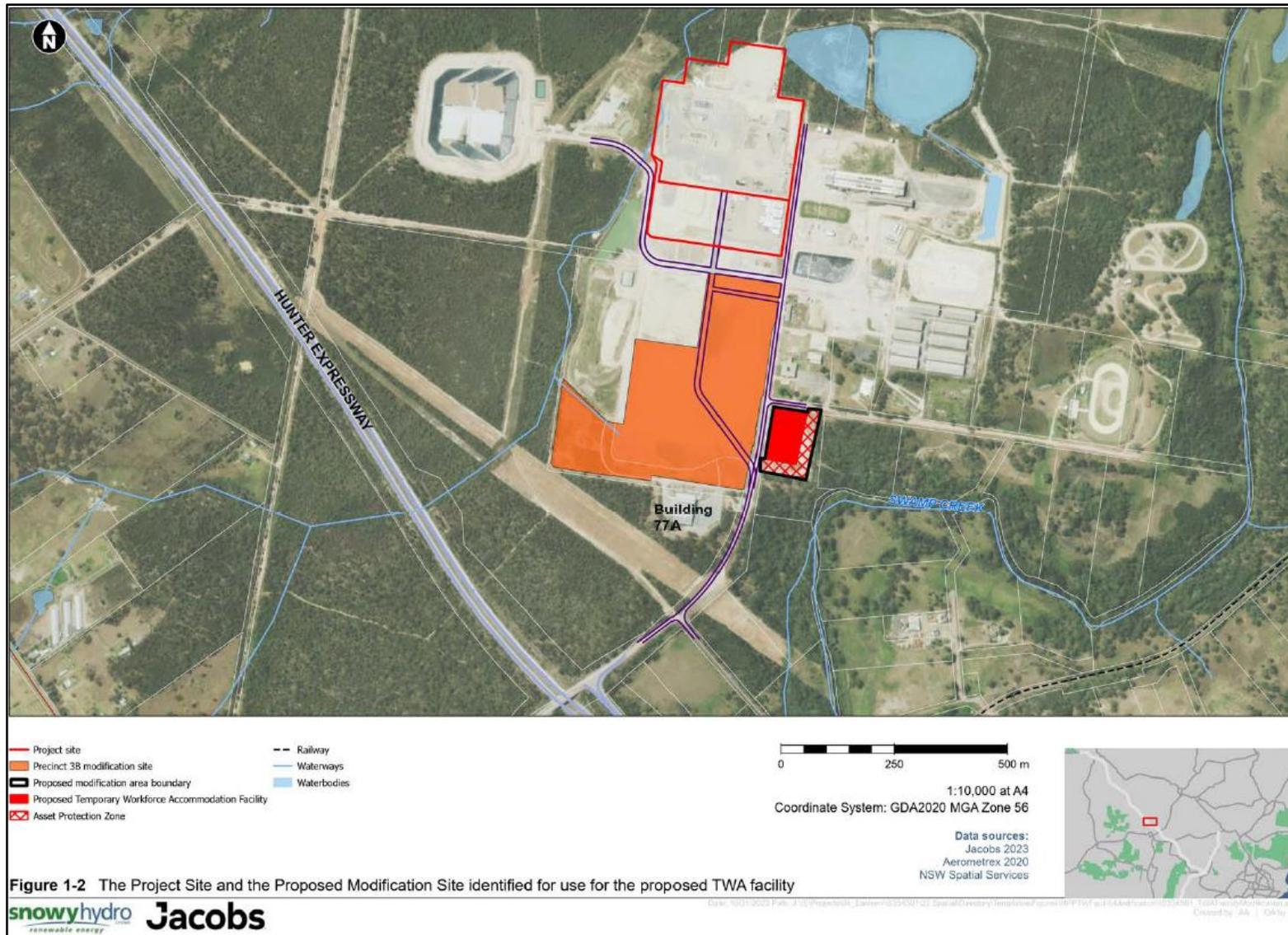


Figure 3: Temporary Additional Area for the Temporary Workforce Accommodation Facility

## CONSOLIDATED APPROVAL

### APPENDIX 3: PLANNING AGREEMENT TERMS

Funding area	Total Proponent contribution	Timing
Project(s) agreed between Council and the Proponent that have a community benefit and demonstrated link to the development	\$880,000	To be finalised in the executed agreement

FOR INFORMATION

## APPENDIX 4: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Secretary via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition C6 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - (a) identify the development and application number;
  - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - (c) identify how the incident was detected;
  - (d) identify when the Proponent became aware of the incident;
  - (e) identify any actual or potential non-compliance with conditions of approval;
  - (f) describe what immediate steps were taken in relation to the incident;
  - (g) identify further action(s) that will be taken in relation to the incident; and
  - (h) identify a development contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Proponent must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - (a) a summary of the incident;
  - (b) outcomes of an incident investigation, including identification of the cause of the incident;
  - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - (d) details of any communication with other stakeholders regarding the incident.