

Infrastructure approval

Section 5.19 of the *Environmental Planning and Assessment Act 1979*

I grant approval to the application for carrying out the specified development associated with the Critical State Significant Infrastructure (CSSI) project referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

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.

Minister for Planning and Public Spaces

Sydney

2019

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

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

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSI 9816
Proponent:	Origin Energy Eraring Pty Ltd
Approval Authority:	Minister for Planning and Public Spaces
Land:	Lot 1 DP 780552, Lot B DP 103399, Lot 1 DP 1129355, Lot 4 DP 1129355, Lot 5 DP 1129355 and Lot 216 DP 751262
Critical State Significant Infrastructure:	Development for the Shoalhaven Hydro Expansion Project as described in schedule 5, clause 13 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i>
Project:	Shoalhaven Hydro Geotechnical Works

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSI-9816-Mod-1	7 October 2022	Director	Include one additional deep borehole

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DEFINITIONS

Construction	All physical works associated with the project, including but not limited to, construction of ancillary works areas and access tracks and borehole drilling (as described in the EIS), but excluding ongoing groundwater monitoring
Department	Department of Planning and Environment
Disturbance area	The area within the site on which the components of the project will be constructed, including indicative access tracks, indicative geotech locations and indicative work sites (shown in Appendix 1)
EIS	<p>The <i>Shoalhaven Pumped Hydro Energy Storage Expansion - Geotechnical Investigations, Environmental Impact Statement</i>, prepared by Jacobs Group (Australia) Pty Limited and dated February 2019, as modified by:</p> <ul style="list-style-type: none"> • <i>Shoalhaven Pumped Hydro Energy Storage Expansion - Geotechnical Investigations Submissions Report</i>, prepared by Jacobs Group (Australia) Pty Limited and dated April 2019; • <i>Shoalhaven Hydro – Geotechnical Works Modification Report</i>, prepared by Jacobs Group (Australia) Pty Limited and dated 28 June 2022; and • <i>Shoalhaven Hydro – Geotechnical Works Response to Submissions Report</i>, prepared by Jacobs Group (Australia) Pty Limited and dated 16 September 2022.
EPA	Environment Protection Authority
Feasible	Means what is possible and practical in the circumstances
Heavy vehicle	As defined under the Heavy Vehicle Law (NSW), but excluding light and medium rigid trucks and buses no more than 8 tonnes and with not more than 2 axles
Heritage item	An Aboriginal object or an Aboriginal place as defined under the <i>National Parks and Wildlife Act 1974</i> , or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following: the State Heritage Register under the Heritage Act 1977, a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> , or anything identified as a heritage item under the conditions of this approval
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
Material harm	<p>Is unauthorised harm that:</p> <ul style="list-style-type: none"> • involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or • 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)
Maximise	Implement all reasonable and feasible measures to achieve the specified outcome
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the project
Operation	The operation of the project, which includes ongoing groundwater monitoring but does not include rehabilitation
Over-dimensional vehicle	Over-mass and/or over-size/length vehicles
Planning Secretary	Secretary of the Department, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Project	The project as described in the EIS
Proponent	Origin Energy Eraring Pty Limited, or any person carrying out any works to which this approval applies

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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, ensuring it is safe, stable and non-polluting
RFS	Rural Fire Service
Site	All land to which the development application applies as identified in Schedule 1 and shown in Appendix 1

CONSOLIDATED CONSENT

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

TERMS OF APPROVAL

1. The Proponent must carry out the project:
 - (a) generally in accordance with the EIS; and
 - (b) in accordance with the conditions of this approval.
2. If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this approval must prevail to the extent of any inconsistency.
3. The Proponent must comply with any reasonable requirement/s of the **Planning 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 (including any stages of these documents);
 - (b) any reviews, reports 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.

LAPSE OF APPROVAL

4. This approval will lapse if the Proponent does not physically commence the project within 5 years of the date on which it is granted.

NOTIFICATION

5. The Proponent must notify the Department and WaterNSW in writing of the date of commencement of:
 - (a) construction; and
 - (b) rehabilitation.

PROTECTION OF PUBLIC INFRASTRUCTURE

6. 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 project; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

Note: This condition does not apply to any damage to roads caused by the project.

OPERATION OF PLANT AND EQUIPMENT

7. The Proponent must ensure that all plant and equipment used on site, or to monitor the performance of the project is:
maintained in a proper and efficient condition; and
operated in a proper and efficient manner.

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SCHEDULE 3 ENVIRONMENTAL CONDITIONS – GENERAL

ENVIRONMENTAL MANAGEMENT

Environmental Management Plan

1. Prior to commencing construction, the Proponent must prepare an Environmental Management Plan for the project in consultation with WaterNSW and to the satisfaction of the **Planning Secretary**. This plan must:
 - (a) provide the strategic framework for environmental management of the project;
 - (b) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (c) describe the procedures that would be implemented to:
 - prevent impacts to WaterNSW infrastructure;
 - ensure the project will not affect the operations of WaterNSW infrastructure, including maintenance or access arrangements;
 - inform local community and relevant agencies about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise;
 - respond to any non-compliance;
 - respond to emergencies;
 - (d) describe the measures that would be implemented to minimise the biodiversity impacts of the project, including:
 - minimising the impacts to flora and fauna on site;
 - protecting and managing vegetation and fauna habitat outside the approved disturbance areas;
 - rehabilitating and revegetating temporary disturbance areas;
 - (e) describe the measures that would be implemented to protect Aboriginal heritage values, including:
 - avoiding any impacts on the area with potential archaeological sensitivity to the west of borehole locations 7 and 8 (see the figure in Appendix 2);
 - the procedures that would be followed if any heritage items or skeletal remains are found on site during the project;
 - ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions;
 - (f) describe the measures that would be implemented to minimise the road safety impacts of the project at the intersection of Moss Vale Road and the Promised Land Trail;
 - (g) describe the measures that would be implemented to minimise the water quality impacts of the project; and
 - (h) describe the monitoring to be carried out during the project.

Following the **Planning Secretary's** approval, the Proponent must implement the Environmental Management Plan.

AMENITY

Construction and Rehabilitation Hours

2. Unless the **Planning Secretary** agrees otherwise, the Proponent may only carry out construction or rehabilitation on site between:
 - (a) 7 am to 6 pm Monday to Saturdays; and
 - (b) at no time on Sundays and NSW public holidays,unless the **Planning Secretary** agrees otherwise.

The following construction and rehabilitation activities may be undertaken outside these hours without the approval of the **Planning Secretary**:

- the delivery of materials as requested by the NSW Police Force or other authorities for safety reasons; or
- emergency work to avoid the loss of life, property and/or material harm to the environment.

Air

3. The Proponent must:
 - (a) minimise the dust emissions of the project; and
 - (b) minimise the surface disturbance of the site.

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Noise

4. The Proponent must:
- minimise the noise of the project, including any associated traffic noise; and
 - ensure that the noise generated by the project is managed in accordance with the best practice requirements outlined in the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version.

HAZARDS

Operating Conditions

5. The Proponent must:
- minimise the fire risks of the project;
 - assist the RFS and emergency services as much as practicable if there is a fire in the vicinity of the site; and
 - notify the relevant local emergency management committee prior to the commencement of construction of the project.

WATER

Water Pollution

6. The Proponent must ensure that the development does not cause any water pollution, as defined under Section 120 of the POEO Act.

WASTE

7. The Proponent must:
- minimise the waste generated by the project;
 - classify all waste generated on the site by the project in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
 - store and handle all waste generated on the site by the project in accordance with its classification until disposed of off-site;
 - not receive or dispose of any waste on site; and
 - ensure all waste generated by the project is either removed or disposed of at appropriately licensed waste facilities.

REHABILITATION

8. Within 12 months of the completion of geotechnical works, unless the **Planning Secretary** agrees otherwise, the Proponent must rehabilitate the site to the satisfaction of the **Planning Secretary**. This rehabilitation must comply with the objectives in Table 1.

Table 1: Rehabilitation Objectives

Feature	Objective
Project site	<ul style="list-style-type: none">Safe, stable and non-pollutingRemediate any contaminated land disturbed or caused by the projectTo be rehabilitated in accordance with the <i>Exploration Code of Practice: Rehabilitation</i>, unless the Planning Secretary agrees otherwise
Community	<ul style="list-style-type: none">Ensure public safety

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SCHEDULE 4 COMPLIANCE REPORTING

Incident Notification

1. The Planning 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 development 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 3.

Non-Compliance Notification

2. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance.
- 2A. A non-compliance notification must identify the development and the application number for it, set out the condition of consent 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.
- 2B. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

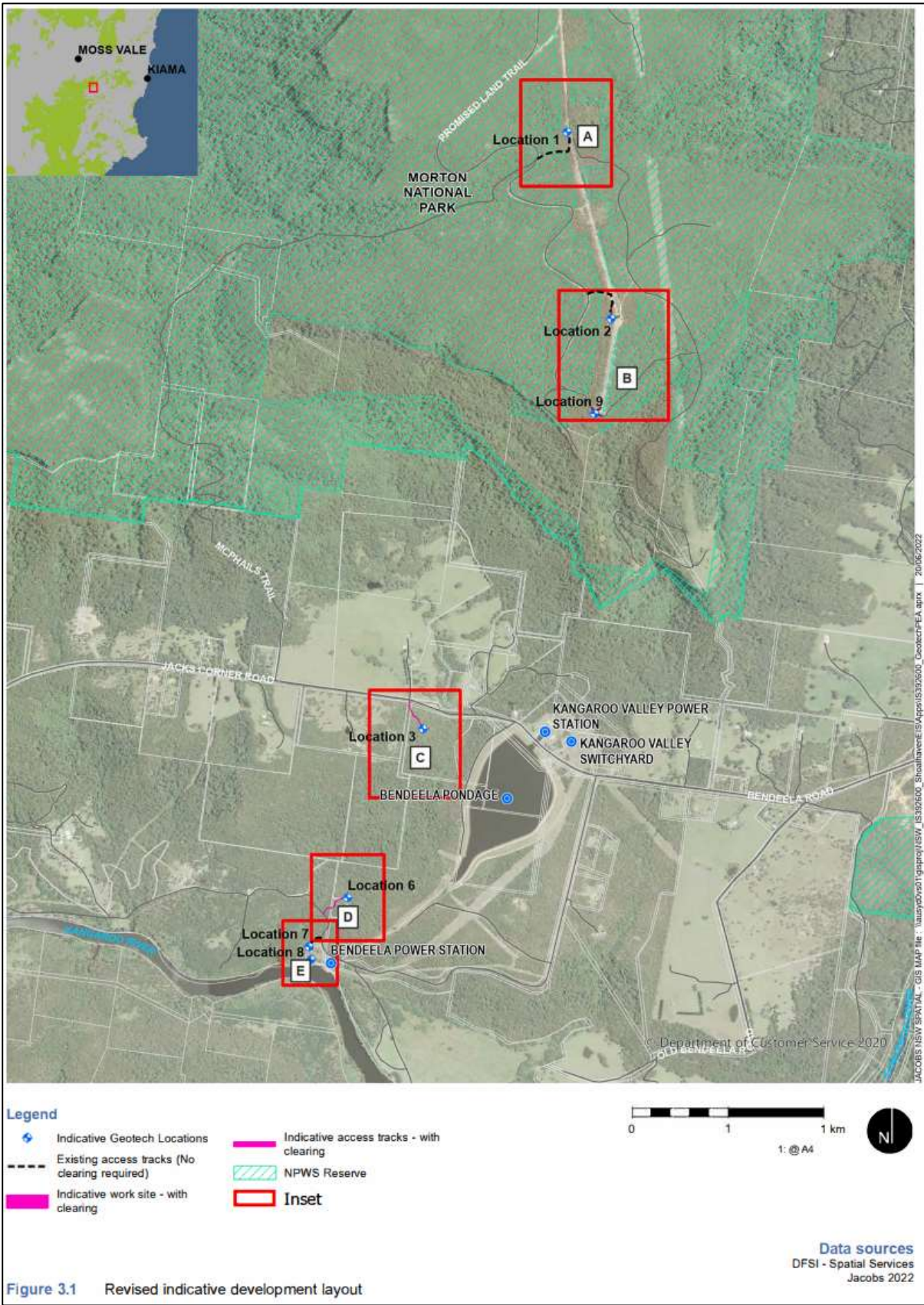
3. Unless the Planning Secretary agrees otherwise, prior to commencing the construction and rehabilitation of the project, the Proponent must submit a compliance report to the Department in accordance with the relevant *Compliance Reporting Post Approval Requirements* (DPE 2018), or its latest version

ACCESS TO INFORMATION

4. The Proponent must:
 - (a) make the following information publicly available on its website as relevant to the stage of the project:
 - the EIS;
 - the final layout plans for the project;
 - current statutory approvals for the project;
 - approved strategies or plans required under the conditions of this approval;
 - how complaints about the project can be made;
 - a complaints register;
 - compliance reports; and
 - any other matter required by the Planning Secretary; and
 - (b) keep this information up to date.

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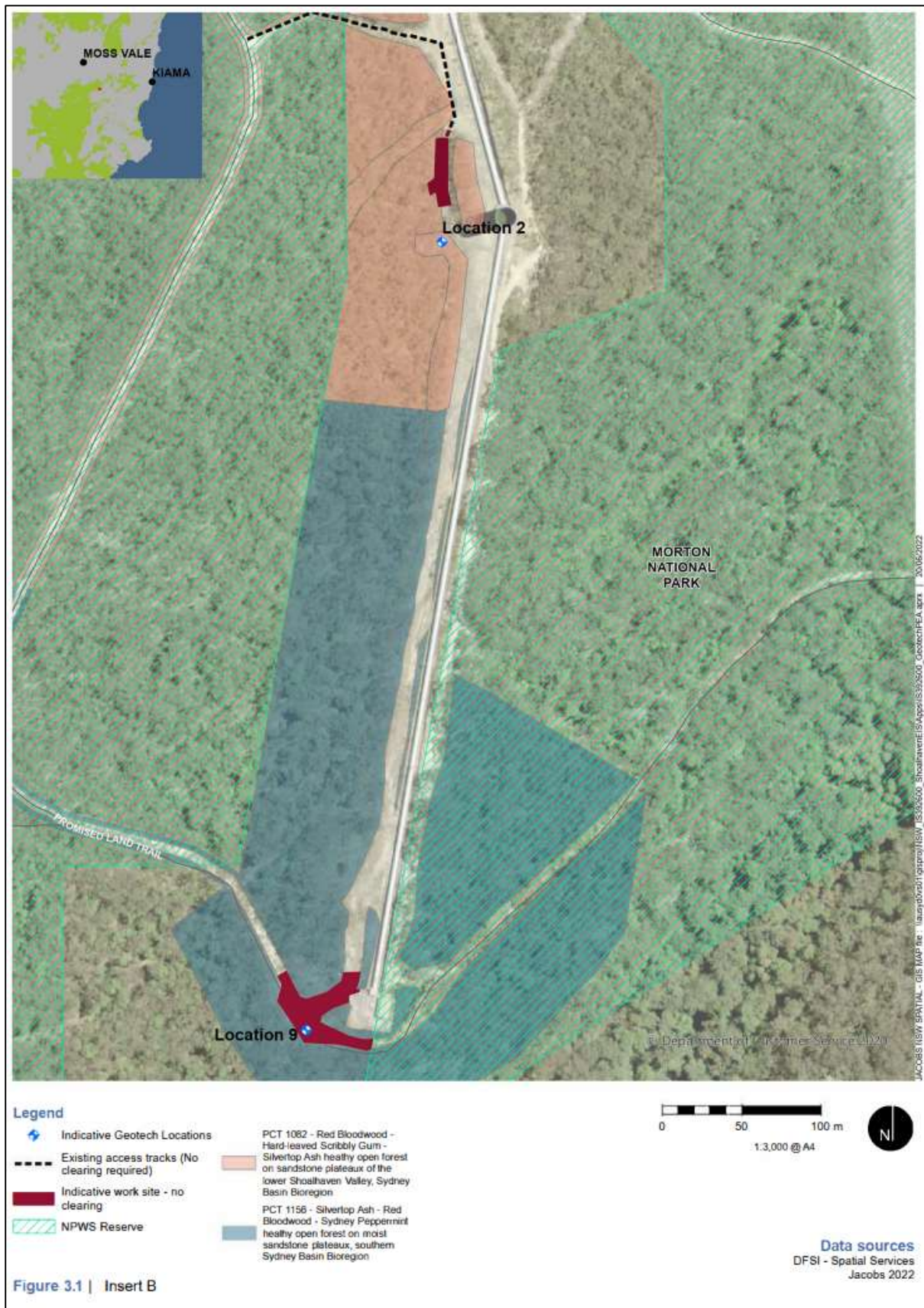
APPENDIX 1: GENERAL LAYOUT OF PROJECT AND INDICATIVE DISTURBANCE FOOTPRINT



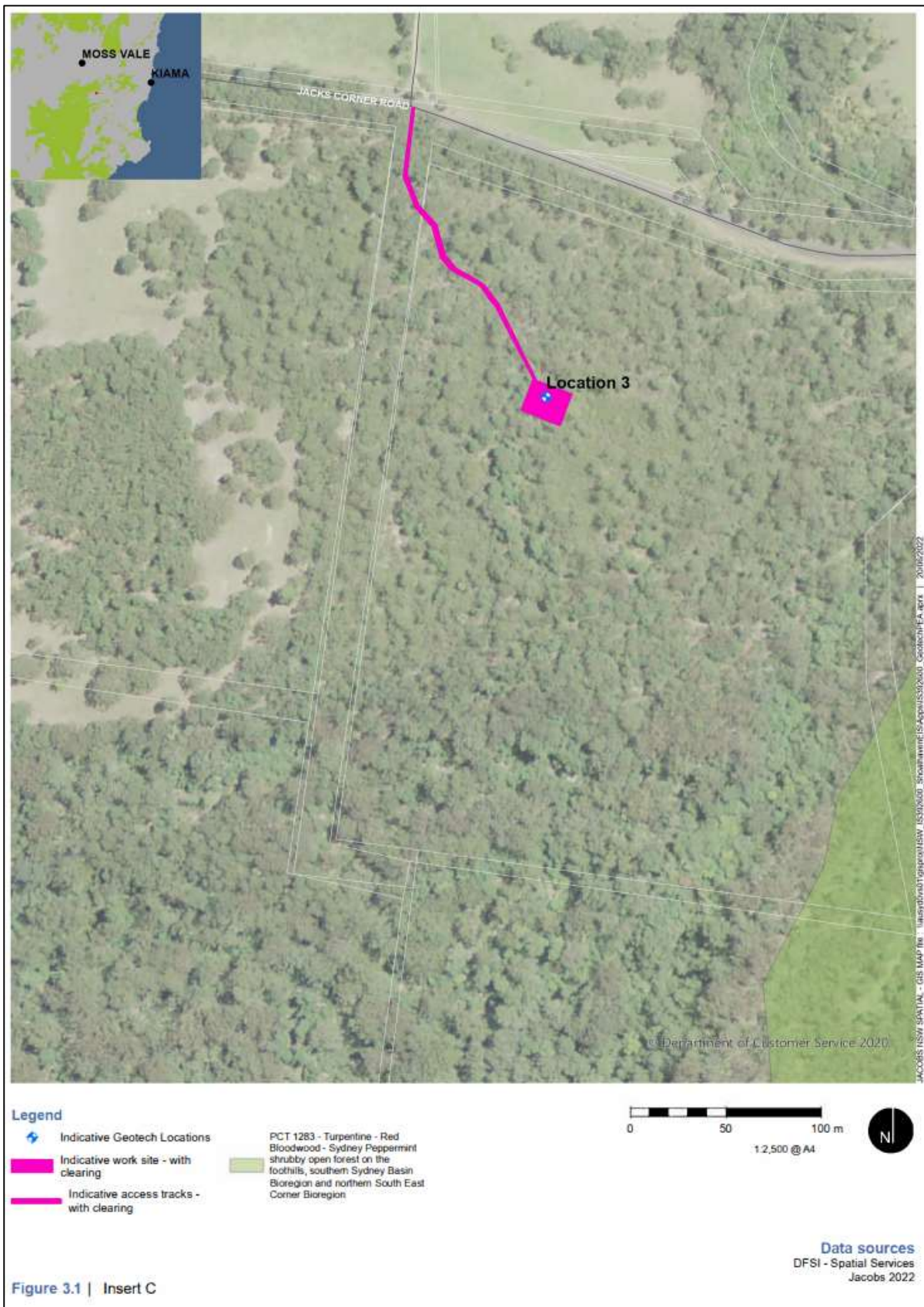
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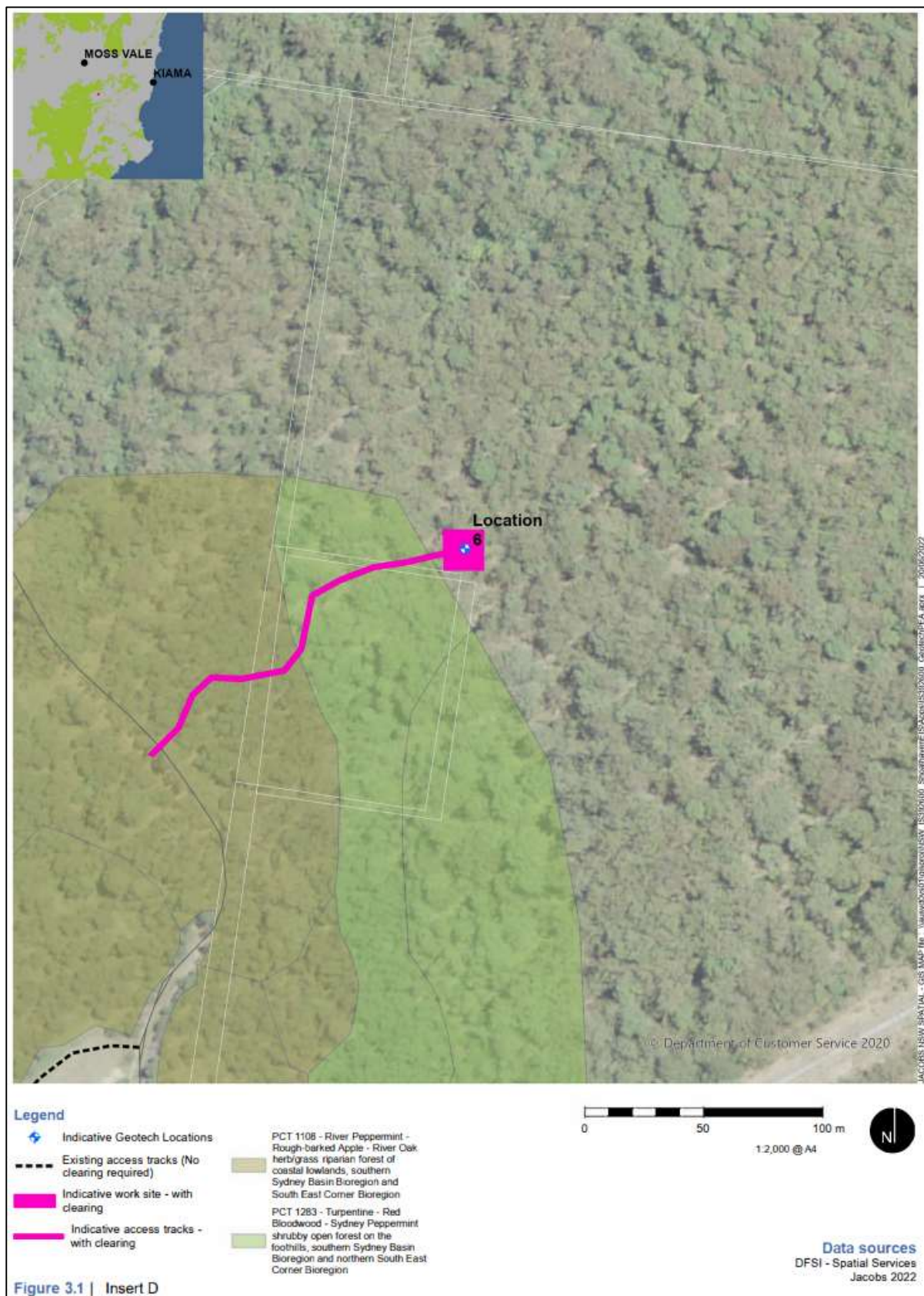
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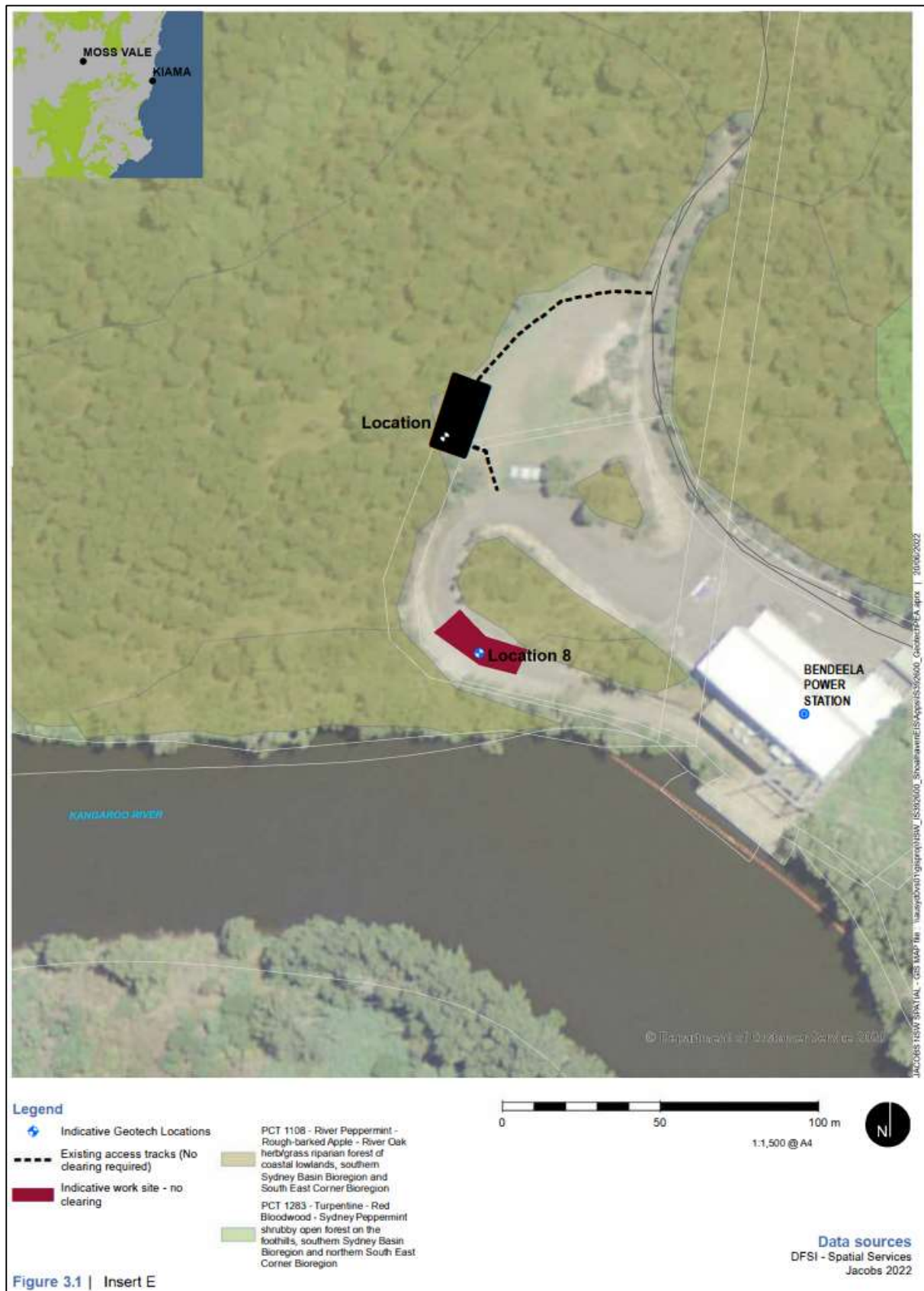
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APPENDIX 2: AREA WITH POTENTIAL ARCHAEOLOGICAL SENSITIVITY



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APPENDIX 3: 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 Planning 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 1 of Schedule 4 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 consent;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (i) summary of the incident;
 - (j) outcomes of an incident investigation, including identification of the cause of the incident;
 - (k) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (l) details of any communication with other stakeholders regarding the incident.