

DEPARTMENT OF ENVIRONMENT AND PLANNING
OF NEW SOUTH WALES

PROPOSED MT. PIPER POWER STATION

CONSENT TO A DEVELOPMENT APPLICATION REFERRED FOR DETERMINATION
PURSUANT TO SECTION 101 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT
ACT, 1979.

APPLICANT'S NAME AND ADDRESS:

The Electricity Commission of New South
Wales

(hereinafter called the "Applicant")

T. & G. Tower,

Park and Elizabeth Streets,

SYDNEY. N.S.W. 2000

(80-10060 Part 2)

Signed at Sydney this first day of April, 1982

Eric Bedford

Minister for Planning and Environment

Red type represents the 18 March 1991 modification (Mod 1)

Gold type represents the 21 June 1996 modification (Mod 2)

Light blue type represents the 18 January 1999 modification (Mod 3 and Mod 4)

Purple type represents the 3 April 2000 modification (Mod 5)

Dark green type represents the 3 June 2006 modification (Mod 6)

Dark blue type represents the 23 March 2008 modification (Mod 7)

Pink type represents the 24 July 2019 modification (Mod 8)

DEFINITIONS

Applicant	EnergyAustralia Pty Ltd, or any person carrying out any development to which this consent applies
BCD	Biodiversity Conservation Division within the Department
Construction	All physical works to enable operation, including but not limited to, the carrying out of earthworks on site and the construction of solar panels and ancillary infrastructure (but excludes upgrades to the public roads required under this consent, geotechnical drilling and surveying).
Council	Lithgow City Council
Department	NSW Department of Planning, Industry and Environment
DPIE Water	Water Division within the Department
DRG	Division of Resources and Geoscience within the Department
EPA	NSW Environment Protection Authority
Minister	NSW Minister for Planning and Public Spaces (or delegate)
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
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
RMS	NSW Roads and Maritime Services
Secretary	Planning Secretary under the EP&A Act, or nominee
Site	Mount Piper Power Station
the Act	<i>Environmental Planning and Assessment Act 1979</i>

WHEREAS:

- (a) The Minister for Planning and Environment (hereinafter called "the Minister") gave a Direction in writing (hereinafter called "the Direction") in accordance with Section 101(1) of the *Environmental Planning and Assessment Act, 1979* (hereinafter called "the Act") dated 19 February, 1981, to the Council of the City of Greater Lithgow (hereinafter called the "Council") to refer to the Secretary of the Department for determination by the Minister any development application specified in the Direction;
- (b) A development application (hereinafter called the "application") for the development of a power station to be known as Mt. Piper Power Station (hereinafter called the "proposed development") on land delineated by red edging on the plan annexed hereto and marked with the letter "A" (hereinafter called the "land") and being an application to which the Direction applies was received by the Council from the applicant and referred to the Department in accordance with Section 101(2) of the Act; and
- (c) The persons referred to in Section 101(3) of the Act have not required to be afforded the opportunity of a hearing as provided in Section 101(4) of the Act, before the Minister determines the application.

Now I, the Minister for Planning and Environment, in accordance with Section 101(6) of the Act, do hereby determine the application for the proposed development by granting consent to that application for the proposed development as described in the Environmental Impact Statement (hereinafter called the "Statement") entitled "Mt. Piper Power Station Environmental Impact Statement", dated August, 1980, and "Mt. Piper Power Station Environmental Impact

Statement Supplementary Information”, dated August 1980, as modified by the works set out in figures 1 and 2 attached to this Notice of Amendment subject to the following conditions:

1. That the Applicant, prior to the commencement of construction of the proposed development or any subsequent modification, obtain from the Environment Protection Authority (EPA) all necessary statutory pollution control approvals and licences under the *Protection of the Environment Operations Act 1997, Waste Avoidance and Resource Recovery Act 2001* and/or any other Act as advised by the EPA.
2. That the applicant shall meet the reasonable requirements of all public authorities having statutory responsibilities in respect of the construction and operation of the power station;
3. That the applicant shall prepare and submit to the Council, development applications supported by environmental impact statements (prepared in accordance with the Environmental Planning and Assessment Act and Regulations) in respect of any new coal mines required to provide fuel for the proposed development, and any other designated development associated with the project, prior to the letting of appropriate contracts for these developments;
4. That the applicant shall prepare and submit for the approval of the Commission plans of the proposed desalination plant, including the nature of the salt residues anticipated therefrom, together with evidence of the environmental acceptability of the proposals for the disposal of same;
5. That the applicant shall submit to the DRG a report setting out the reasons for the suitability of the Neubecks Creek site for the construction of the proposed ash disposal dam with particular reference to the stability of the structure, the alienation of mineable coal and the possibility of mining such coal prior to construction of the dam;
6. That the applicant shall inform the Department should it be decided not to construct the Neubecks Creek ash disposal dam and seeks its prior approval to the development of an alternative site which will include consideration of the question of possible sterilization of coal reserves;
7. That the applicant shall submit to the Commission results of site investigations and studies of existing ground water quality and ground water flows in the catchment of the proposed Neubecks Creek ash disposal dam, together with an assessment of the potential for any increase in acid drainage to the Cox's River from changes to ground water flow that may result from the construction and operation of the dam;
8. That the applicant shall prepare and implement a monitoring programme to the satisfaction of the Commission relative to the quantity and quality of the Neubecks Creek ash disposal dam discharge water and of waters in Neubecks Creek downstream of the power station and make any arrangements required by the Commission to alleviate any significant adverse effects should they arise;
9. That the applicant shall submit to the Commission the results of studies into the pyritic content of its initial coal resources, and of the acid generating potential of run-off from its proposed coal stockpiles for the proposed development;

10. That the applicant shall, prior to commencement of construction of the proposed development, prepare and submit to the Commission comprehensive plans of work necessary, and proposed policies for the controlling of those works for the management of water flowing from the site to watercourses during the period of construction of the proposed development;
11. That the applicant shall prepare and submit to the Commission proposals environmentally acceptable to the Commission for the disposal of any carbonaceous material encountered during the preparation of the power station site;
12. That the applicant shall submit to the Department and to the Commission a report on the current status of the construction and operation of the existing developments known as the Wallerawang Reservoir and the Lilyvale Reservoir, and on action taken and proposed, having regard to the Commission's conditions of approval to the applicant's water supply scheme for its existing development known as Wallerawang Unit 8 and other power station needs;
13. That the applicant shall implement a monitoring programme to the satisfaction of the Commission, of the meteorology in respect of the land the subject of the proposed development;
14. That the applicant shall implement a monitoring programme, to the satisfaction of the Commission, relative to the ground-level concentrations of sulphur dioxide, nitrogen oxide and suspended dust resulting from the operations of the proposed development and the applicant's existing development known as Wallerawang Power Station. Such monitoring programme shall be commenced at least one year before the commissioning of the proposed development;
15. That the applicant shall prepare and implement to the satisfaction of the Commission, a monitoring programme relative to the sulphur dioxide content of the flue gas and opacity of the stack emissions;
16. That the applicant shall, to the satisfaction of the Commission, carry out an appropriate study programme into the meteorology of the area the subject of the proposed development to assist in the final determination of the stack height;
17. That the applicant shall carry out, to the satisfaction of the Commission, wind tunnel tests modelling buildings; cooling towers and terrain to assist in final determination of the stack height;
18. That the applicant shall prepare and implement, to the satisfaction of the Commission, relative to air particulate concentrations consequent to the coal stockpile and make suitable arrangements to alleviate any significant adverse effects should they arise;
19. That the applicant shall, prior to any site works being carried out, submit to **DRG**, its proposals for the restoration and rehabilitation of any coal mining operations on the lands the subject of the proposed development which mines are the responsibility of the applicant;

20. That the applicant shall undertake to preserve vegetation on the escarpment to the south of the lands the subject of the proposed development and on the rocky outcrops and canyons in the north of the proposed Neubecks Creek ash disposal area;
21. That the applicant shall, prior to any site works being carried out, submit to the National Parks and Wildlife Service, the archaeological, flora and fauna reports referred to in the Statement. Further, the applicant shall consider, in conjunction with the Blue Circle Southern Cement Company, implementing any reasonable advice that that Service may provide;
22. That the applicant shall obtain the approval of RMS to proposals for;
 - (a) intersections of the power station access road and Boulder Road;
 - (b) crossings for water supply;
 - (c) furnace and fly ash disposal pipelines; and
 - (d) cool conveyor crossing with Trunk Road No.55;
23. That the applicant shall negotiate with the Council and any other public authority having an interest in the proposed development with a view to meeting any reasonable requirements relative to the proposed development, and shall refer any disputed matters to the Department before determining them. In particular, the applicant shall meet the requirements of the Council as set out in Appendix 2 of the Department's Environmental Impact Assessment Report dated March, 1981, except for those matters involving the provision of an appropriate monetary contribution from the applicant which shall be the subject of negotiations between the Council and the applicant and which shall take into account the value of relevant preinvestment by the applicant;
24. That the applicant shall co-operate with the Inter-Departmental Committee formed to oversee the social impact studies relevant to Local Environmental Studies and to Local Environmental Plans for Greater Lithgow and which will include a review of the social impacts of development proposals in the Lithgow area;
25. That the applicant shall report to the Department, as soon as it is able, to confirm the accommodation, infrastructure and transport requirements of personnel engaged in the construction and operation of the power station in order that appropriate action can be taken to plan and provide for all necessary facilities required;
26. That the applicant shall provide evidence to the Department that the location of the buildings of the proposed development and associated facilities will not without good reason alienate part of the coal reserves of Clutha Development Pty. Ltd. and that it has satisfied all reasonable claims of the Company in that regard;
27. That the granting of this consent to the proposed development shall not relieve the applicant from any future condition or contribution which may be required by the Council in respect of any of the following:
 - (a) the development of coal mines by the applicant for the purposes of or in association with the generation of electricity at the proposed development;
 - (b) an expansion of the proposed development; or
 - (c) any other development by the applicant;

28. That the applicant shall:

a) forthwith, take all necessary steps to effect the expeditious transfer to the Council of:

- (i) all those pieces or parcels of land situate at Wallerawang in the City of Greater Lithgow, Parish of Lidsdale and County of Cook, being part of Lot 2, in Deposited Plan 618280, as delineated by red edging on the plan annexed hereto and marked with the letter "B", being part of the estate known as the "Barton Estate", and having an area of 67.38 hectares or thereabouts, and being known as the "Wallerawang East Site"; and
- (ii) all those pieces or parcels of land situate at Wallerawang in the City of greater Lithgow, Parish of Lidsdale and County of Cook, being part of Lot 2, in Deposited Plan 618280, as delineated by red and yellow edging on the plan referred to in (i) above and having an area of 124.4 hectares or thereabouts, and being known as the Wallerawang South site; and

(b) upon the transfer to it by the Council of all those pieces or parcels of land situate at Wallerawang in the City of Greater Lithgow, Parish of Lidsdale, and County of Cook, being the land shown in Deposited Plan 443235 (but excluding thereout right of easements for electricity transmission line resumed by Government Gazette of 6th March, 1959, Folio 665), as delineated by orange edging on the plan referred to in (i) above and having an area of 4.279 hectares, or thereabouts, and described as the "Heel Street Site", make that site available to the Council

Provided that the transactions referred to in (a)(i), (ii), and (b) above shall be in accordance with the terms and conditions agreed to between the applicant and the Council as set forth in letters dated 20th October, 1981, and 5th November, 1981, respectively, copies of which are annexed hereto and marked with the letters "C" and "D" respectively;

29. That the applicant shall, to the Council's satisfaction, provide access roads, parking areas, landscaping, and boat ramps at the Wallerawang Dam generally in accordance with the Council's Development Plan, a copy of which is annexed hereto and marked with the letter "E".

Provided that the applicant shall use its best endeavours to complete such works and facilities in order that they may be available for use not later than 1st December, 1982, or such further time as the Council may agree.

30. That the applicant shall, upon the preparation and adoption by the Council of a Development Plan for the Lilyvale Dam Foreshores, negotiate with the Council the carrying out of works in accordance with the Development Plan, as required by the Council;

31. That the applicant shall carry out to the satisfaction of the Council all necessary works to effect the upgrading of the Boulder Road from its intersection with the Mudgee Road to the point of deviation of preferred route for the crossing of the Wallerawang-Gwabegar Railway line;

32. That the applicant shall contribute the sum of \$350,000.00 towards the upgrading of the Wallerawang-Gwabegar Railway line crossing and the extension of such upgrading from that crossing to the intersection of Wallerawang Road and Cullen Street, Portland. Such money to be advanced to match the Council's design and construction programme in respect of all works west of the north-eastern extremity of Portland;

33. Temporary Brine Waste Disposal – The applicant shall construct the temporary brine waste disposal facilities in conformity with the environmental protection measures and

general specifications set out in Section 2 of the “Supporting Environmental Information Document” accompanying the application.

34. Deleted

35. The storage capacity of the brine storage ponds shall not be exceeded at any time. Brine reduction initiatives and monitoring of the brine production rate and remaining storage capacity must be undertaken as appropriate to ensure this condition is met.

36. The applicant shall forward a summary progress report and field test results of the long term brine management investigation to the Catchment Services Unit of Sydney Water Corporation annually prior to finalisation of the long term brine management solution.

37. Deleted

38. The Applicant shall carry out modifications to the development generally in accordance with the Statement of Environmental Effects (SEE) dated August 1999, prepared by Environmental Services, Pacific Power International for Delta Electricity, and as modified by the following conditions. Any alteration, variation or extension of the development shall require the further consent of the **Secretary**.

EXTENSION OF THE EXISTING BRINE AND ASH CO-PLACEMENT AREA

38 A Notwithstanding the provisions of Condition No. 38, the brine and ash co-placement area may be extended and shall be undertaken generally in accordance with the *Statement of Environmental Effects: Mount Piper Power Station Extension of Brine Conditioned Ash Placement Area*, prepared by Connell Wagner Pty Ltd and dated June 2007. This includes:

- (i) The extended area must lie within the existing ash placement area;
- (ii) Co-placement activities in the proposed extended area must use existing facilities and methods;
- (iii) The placement of brine conditioned ash may only occur between the levels of RL 946 metres (the end-point of the water conditioned ash layer) and RL 980 metres.

38 B The groundwater and surface water monitoring programs required by Condition No. 40 and 41 apply to the extension of the brine and ash co-placement area, permitted by Condition 38 A.

38 C The Applicant must update the Water Management Plan (WMP) required by Condition No. 43, and obtain the approval of the **Secretary** for the update, prior to undertaking any works permitted by Condition No. 38 A. In determining whether to grant approval, the **Secretary** must consult with the **BCD**, **WaterNSW**, **DPIE Water**, and Council.

38 D The spray irrigation system of the ash disposal area must be automated to operate when conditions indicate the potential for dust movement to occur, with a manual override function, in order to reduce the likelihood of non-compliant dust emissions from the ash placement area. The implementation of the automated system must occur no later than 30 June 2008 or as otherwise agreed by the **Secretary**.

39. The Applicant shall, prior to the first placement of brine-conditioned flyash, apply to the EPA for a modification to the EPA licence for the Site. The licence modification shall address conditions for the continued on-site storage of brine, the placement of brine-conditioned flyash, and any reasonable requirements of the EPA.

WATER MONITORING PROGRAMS

40. The Applicant shall, at least one month prior to the first placement of brine-conditioned flyash, consult with the EPA, **DPIE Water** and **WaterNSW** to establish the requirements for Water Monitoring Programs for groundwater and surface water. The Water Monitoring Programs shall:
- (i) be based on the monitoring programs presented in the Statement of Environmental Effects for this modification;
 - (ii) include water quality testing at a minimum frequency of every three months;
 - (iii) be at the expense of the Applicant.
41. The Applicant shall expand the groundwater and surface water monitoring programs, including, if so required, the establishment of additional groundwater monitoring bores and surface water sampling points, in accordance with any reasonable requirements of the EPA, **DPIE Water** or **WaterNSW**.
42. The Applicant shall, prior to the construction or operation of any monitoring bore on or in the vicinity of the development, consult with **DPIE Water** regarding the licensing of any bore on or in the vicinity of the development, under the provisions of the *Water Act 1912* or *Water Management Act 2000*.

WATER MANAGEMENT PLAN

43. At least one month prior to the placement of brine-conditioned flyash, or within such further period as the **Secretary** may agree, the Applicant shall prepare and submit for the approval of the EPA, **WaterNSW**, **DPIE Water**, Council, and the **Secretary**, a Water Management Plan (WMP) which shall include, but not be limited to:
- (a) Details of the monitoring programs for surface water and groundwater required under conditions 40 and 41.
 - (b) Details of measures to be employed to control surface water run-off from the site.
 - (c) Contingency plans for the mitigation of environmental impacts should run-off or leachate from the site be found to be negatively impacting on natural surface water or groundwater.
 - (d) Brine management objectives and strategies, with specific reference to measures aimed at reducing the volume of brine produced at the Mount Piper Power Station.
- 43A. The Applicant must update the Water Management Plan required by Condition 43 to the satisfaction of the Secretary, prior to commissioning the storage pond associated with Modification 8.

The Applicant must implement the approved Water Management Plan.

ENVIRONMENTAL MONITORING REPORT

44. The Applicant shall provide to the **Secretary**, EPA, **DPIE Water**, **WaterNSW** and Council, an Environmental Monitoring Report (EMR) on a yearly basis, with the first EMR to be submitted no later than six months after the first placement of brine-conditioned flyash on-site. The Applicant shall agree to Council making the Environmental Monitoring Reports available on request for public inspection.
45. The Environmental Monitoring Report shall include, but not be limited to:
- (a) a summary and discussion of all available results and analyses from Water Monitoring Programs;
 - (b) a discussion of the aims of the Water Management Plan and to what degree these aims have been attained in the context of results and analyses of the Water Monitoring Programs;
 - (c) actions taken, or intended to be taken, if any, to mitigate any adverse environmental impacts; and to meet the reasonable requirements of the **Secretary**, EPA, **DPIE Water**, **WaterNSW** or Council.

GROUNDWATER MODELLING

46. The **Secretary**, EPA, **DPIE Water**, **WaterNSW** or Council may, based on the results and analyses presented in the Environmental Monitoring Report, or any other information that may be reasonably interpreted as indicating significant impacts on the groundwater quality in the vicinity of the Site as a result of the placement of brine-conditioned flyash, request the preparation of a Groundwater Modelling Report.
47. The Groundwater Modelling Report shall be an update of the groundwater modelling presented in the Mount Piper Power Station Extension of Brine Conditioned Ash Placement Area - Statement of Environmental Effects (dated June 2007). The report must also employ the results and analyses of the Water Monitoring Programs to calibrate the groundwater contaminant transport model. The Groundwater Modelling Report shall be prepared by a qualified person approved by the **Secretary** or relevant Authority.
48. The Applicant shall comply with any reasonable requirement of the **Secretary**, **DPIE Water**, EPA, **WaterNSW** or Council with regard to the content or scope of the Groundwater Modelling Report, or actions to be taken in response to the results of the report.
49. This approval does not relieve the applicant of the obligation to obtain any other approval required under the *Local Government Act, 1919*, as amended, or the Ordinances (including approval of building plans) or any other Act.
50. The Applicant is permitted to upgrade and expand the development in two stages:
- (a) stage 1 being the operation of the development at a capacity factor of up to 90%, to generate up to a nominal capacity of 1400 megawatts; and
 - (b) stage 2 being the implementation of equipment upgrade works or replacements to provide a nominal capacity of 1500 megawatts when operating at a capacity factor of up to 90%.

51. Expansion and upgrade of the development, as defined under condition 50 of this consent shall be undertaken generally in accordance with *Statement of Environmental Effects: Mount Piper Power Station Units 1 and 2 Upgrade*, prepared by Connell Wagner PPI and dated December 2005.

AIR QUALITY IMPACTS

52. The Applicant shall design, construct, commission, operate and maintain the expanded and upgraded development to ensure that the concentration of each pollutant listed in Table 1 does not exceed the maximum allowable discharge concentration for that pollutant when measured at discharge monitoring point 2 and 3 (as defined under the Environment Protection Licence (No. 13007) for the site). For the purpose of monitoring and determining compliance with this condition, "dioxins and furans" shall be polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (PCDF), presented as 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) equivalent and calculated in accordance with the procedures included in Part 4, clause 29 of the *Protection of the Environment Operations (Clean Air) Regulation 2002*.

Table 1 – Maximum Allowable Discharge Concentration Limits (Air)

Pollutant	Maximum Allowable Discharge Concentration Limit	Reference Conditions
Nitrogen dioxide (NO _x) or nitric oxide (NO) or both	1500 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Sulfuric acid mist (H ₂ SO ₄) or sulfur trioxide (SO ₃), or both, as (SO ₃)	100 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Solid particles	50 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Total fluoride	50 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Chlorine	200 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Hydrogen chloride	100 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Total of Sb, As, Cd, Pb, Hg, Be, Cr, Co, Mn, Ni, Se, Sn and V	1 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Cadmium	0.2 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Mercury	0.2 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Dioxins and furans	0.1 ngm ⁻³	I-TEQ, dry, 273K, 101.3 kPa, 11% O ₂
Total volatile organic compounds	40 mgm ⁻³ (as VOC) or 125 mgm ⁻³ (as CO)	dry, 273K, 101.3 kPa, 7% O ₂

53. The Applicant shall determine the pollutant concentrations and emission parameters specified in Table 2 below, at discharge monitoring points 2 and 3 (as defined under the Environment Protection Licence (No. 13007) for the site), and employing the sampling and analysis method specified. Monitoring shall be undertaken at the frequency specified in the Table.

Table 2 –Pollutant and Parameter Monitoring (Air)

Pollutant/ Parameter	Units of Measure	Frequency	Method
Nitrogen oxides	gm ⁻³	continuously	CEM-2
Sulfur dioxide	mgm ⁻³		CEM-2
Solid particles	mgm ⁻³		TM-15

Sulfuric acid mist and sulfur trioxide (as SO ₃)	mgm ⁻³	quarterly during the first 12 months following commissioning of Stage 1 and Stage 2, then annually or as otherwise specified by Environment Protection Licence conditions thereafter	TM-3
Chlorine	mgm ⁻³		TM-7 & TM-8
Total fluoride	mgm ⁻³		TM-9
Hydrogen chloride	mgm ⁻³		TM-7 & TM-8
Total of Sb, As, Cd, Pb, Hg, Be, Cr, Co, Mn, Ni, Se, Sn and V	mgm ⁻³		TM-12, TM-13 & TM-14
Cadmium	mgm ⁻³		
Mercury	mgm ⁻³		TM-12, TM-13 & TM-14
Copper	mgm ⁻³		TM-12, TM-13 & TM-14
Dioxins and furans	ngm ⁻³		TM-18
Carbon dioxide	%		TM-24
Oxygen	%		CEM-3
Dry gas density	kgm ⁻³		TM-23
Moisture content	%		TM-22
Molecular weight of stack gases	gmol ⁻¹		TM-23
Temperature	°C		TM-2
Velocity	ms ⁻¹		TM-2
Volumetric flowrate	m ³ s ⁻¹		TM-2

54. Notwithstanding conditions 52 and 53, nothing in this consent relieves the Applicant from the requirement to comply with the Environment Protection Licence for the site issued under the *Protection of the Environment Operations Act 1997*. In the event that the Environment Protection Licence for the site is modified from time to time to be inconsistent with or more stringent than the requirements of this consent, the requirements of the Licence shall prevail over this consent to the extent of any such inconsistency.

AIR QUALITY PERFORMANCE VERIFICATION

55. Within 90 days of commissioning Stage 2 of the expanded and upgraded development, or as may be directed by the **Secretary**, and during a period in which the upgraded and expanded development is operating under design loads and normal operating conditions, the Applicant shall undertake a program to confirm the air emission performance of the development and update air quality modelling. The program shall include, but not necessarily be limited to:
- point source emission sampling and analysis subject to the requirements listed under condition 54;
 - an update of the air quality impact assessment presented in *Statement of Environmental Effects: Mount Piper Power Station Units 1 and 2 Upgrade*, prepared by Connell Wagner PPI and dated December 2005, using actual air emission data collected under a). The assessment shall be undertaken strictly in accordance with the methods outlined in *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales* (DEC, 2005) and to meet the requirements of the **EPA** with respect to updating the air quality impact assessment;
 - a comparison of the results of the air quality impact assessment required under b) above, and the predicted air quality impacts detailed in *Statement of Environmental Effects: Mount Piper Power Station Units 1 and 2 Upgrade*, prepared by Connell Wagner PPI and dated December 2005; and
 - a comparison of the results of the air quality impact assessment required under b) above, and the impact assessment criteria detailed in *Approved Methods and*

Guidance for the Sampling and Analysis of Air Pollutants in New South Wales (EPA, 2005).

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

56. Prior to the commencement of construction of each Stage of the expanded and upgraded development, the Applicant shall prepare and implement a Construction Environmental Management Protocol to outline environmental management practices and procedures to be followed during the construction of the development. The Protocol(s) shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall focus on the management of erosion and sedimentation, dust, heavy vehicle movements and noise during the construction works.
57. Prior to the commencement of construction associated with Modification 8, the Applicant must prepare and implement a Construction Environmental Management Plan (CEMP) to the satisfaction of the Secretary. The CEMP must be prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) to outline environmental management practices and procedures to be followed during construction, including:
- (a) erosion and sediment controls;
 - (b) an unexpected finds protocol for contamination;
 - (c) noise management measures;
 - (d) air quality management measures; and
 - (e) traffic and access management measures.

The Applicant must implement the approved CEMP.