

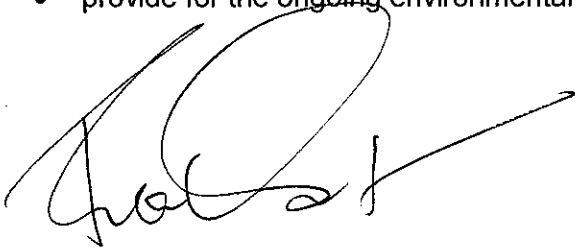
Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project 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 project.



Frank Sartor MP
Minister for Planning

Sydney

22 May 2007

File No: S07/00079

SCHEDULE 1

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| Application No: | 06_0259 |
| Proponent: | Macquarie Generation |
| Approval Authority: | Minister for Planning |
| Land: | Lot 91 DP 234544, Lot 1 DP 616024, Lot 110 DP 625973, Hunter River and adjacent land to Plashett Dam, Singleton local government area |
| Project: | Bayswater Power Station Water Pumping Station Upgrade to increase Water Extraction Capacity |
| Major Project: | The proposal is declared a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is a development of a kind described in clause 24 of Schedule 1 to <i>State Environmental Planning Policy (Major Projects) 2005</i> . |

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SCHEDULE 2

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| Act, the | <i>Environmental Planning and Assessment Act, 1979</i> |
| Conditions of Approval | The Minister's conditions of approval for the project. |
| Council | Singleton Shire Council |
| DECC | Department of Environment and Climate Change |
| Department, the | Department of Planning |
| Director-General, the | Director-General of the Department of Planning (or delegate) |
| Director-General's Approval | <p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p> |
| Director-General's Report | The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act. |
| DWE | Department of Water and Energy |
| Dust | any solid material that may become suspended in air or deposited |
| EA | <i>Macquarie Generation Hunter River Pump Station Augmentation Environmental Assessment</i> (prepared by Connell Wagner Pty Ltd and dated 16 January 2007). |
| EPA | Environment Protection Authority as part of the Department of Environment and Climate Change |
| EPL | Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i> |
| Minister, the | Minister for Planning. |
| Proponent | Macquarie Generation |
| Publicly Available | Available for inspection by a member of the general public (for example available on an internet site or at a display centre). |
| Site | Land to which Major Projects Application 06_0259 applies. |

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
 - a) Major Projects Application 06_0259;
 - b) *Macquarie Generation Hunter River Pump Station Augmentation, Environmental Assessment*, prepared by Connell Wagner Pty Ltd and dated 16 January 2007;
 - c) the conditions of this consent.
- 1.2 If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
 - a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans or correspondence

Limits of Approval

- 1.4 This approval shall lapse five years after the date on which it is granted, unless the works subject of this approval are physically and substantially commenced on or before that time.
- 1.5 The pumping station component of the project shall consist of up to 20 submersible pumps with a total extraction capacity of 800 ML/day.
- 1.6 The Proponent shall only extract water from the Hunter River in accordance with the Water Management Licence.

Statutory Requirements

- 1.7 The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this consent removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this consent and all relevant environmental approvals are available on the site at all times during the project.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Air Quality Impacts

- 2.1 The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.

Flora and Fauna Management

- 2.2 The pumping station component of the project and associated construction works shall be confined to the heavily disturbed section of the bank immediately upstream of the existing plant. The Proponent shall erect temporary fencing around the River-Flat Eucalypt Forest and adjacent river bank up to the section requiring disturbance as part of construction activities. Orange mesh and reflective markers are to be attached to the fence along its perimeter. The fence is to be maintained for the duration of site clearing, preparation and construction works.
- 2.3 All construction works associated with the pumping station component that may impact on the local platypus population may only commence between the period from mid-March to mid-September inclusive unless it has been demonstrated, in consultation with the DECC

and to the satisfaction of the Director-General, that the temporary removal, care and eventual return of the fauna will not adversely affect the local platypus population.

- 2.4 The Proponent shall not remove any hollow-bearing trees potentially affected by the construction of the pipeline and shall undertake all practicable measures to ensure the retention of existing native trees.

Water Management

- 2.5 Except as may be expressively provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- 2.6 Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities, in accordance with Landcom's *Managing Urban Stormwater: Soils and Conservation*.

Waste Generation and Management

- 2.7 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

The Proponent shall maximise the treatment, reuse and/ or recycling on the site of any waste oils, excavated soils, slurries, dusts and sludges associated with project, to minimise the need for treatment or disposal of those materials outside the power station. To remove any doubt, this condition does not allow the use of any of the materials listed above as potential fuel sources.

- 2.8 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2.9 The Proponent shall ensure that all liquid and/ or non-liquid waste generated and/ or stored on the site is assessed and classified in accordance with *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (DECC, 2004), or any future guideline that may supersede that document.

Hazards and Risk

- 2.10 The Proponent shall demolish all relevant structures strictly in accordance with *Australian Standard 2601-1991: The Demolition of Structures*, as in force at 1 July 1993.
- 2.11 The Proponent shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
- a) all relevant Australian Standards;
 - b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c) the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

Aboriginal Cultural Heritage

- 2.12 In the event that an Aboriginal object is identified during construction of the project, the Proponent shall adopt management strategies to ensure that such Aboriginal objects are subjected to partial or nil impact. The Proponent shall ensure that the cultural heritage management strategies are developed in conjunction with the Aboriginal community.

3. ENVIRONMENTAL MONITORING AND AUDITING

Environmental Auditing

- 3.1 Twelve months after the commencement of operation of the project, or within such period as otherwise agreed by the Director-General, the Proponent shall commission an independent person or team to undertake an Environmental Audit of the project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit. The Audit shall:
- a) be carried out in accordance with *ISO 14010 - Guidelines and General Principles for Environmental Auditing* and *ISO 14011 - Procedures for Environmental Auditing*;
 - b) assess compliance with the requirements of this approval, and other licences and approvals that apply to the project;
 - c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this approval; and
 - d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works; and
 - e) review the effectiveness of the Ecology Management Plan referred to under condition 6.4.

The Director-General may require the Proponent to undertake works to address the findings or recommendations presented in the Environmental Audit Report. Any such works shall be completed within such time as the Director-General may agree. The Environmental Audit Report shall be made available for public inspection on request.

4. COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

- 4.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Program shall include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of the project against the requirements of this approval;
 - b) provisions for periodic reporting of compliance status to the Director-General;
 - c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*; and
 - d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.

5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 5.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

Complaints Procedure

- 5.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
- a) a telephone number on which complaints about construction and operational activities at the site may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be displayed on the Proponent's website and on a sign near the site, in a position that is clearly visible to the public from the river, and which clearly indicates the purposes of the sign.

- 5.3 The Proponent shall record details of all complaints received through the means listed under condition 5.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

6. ENVIRONMENTAL MANAGEMENT

Environmental Representative

- 6.1 Prior to the commencement of construction of the project, the Proponent shall nominate a suitably qualified and experienced Environmental Representative(s) for the approval of the Director General. The Proponent shall employ the Environmental Representative(s) on a full-time basis, or as otherwise agreed by the Director General, during the construction of the project. The Environmental Representative shall be:
- a) the primary contact point in relation to the environmental performance of the project;
 - b) responsible for ensuring that all Management Plans and commitments made by the Proponent under this approval are implemented;
 - c) responsible for considering and advising on matters specified in the conditions of this approval, and all other licences and approvals related to the construction impacts of the project; and
 - d) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

Construction Environmental Management Plan

- 6.2 Prior to the commencement of construction of the project, the Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the construction of the project. The Plan shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:
- a) an **Erosion and Sedimentation Management Plan** to detail measures to minimise erosion during site preparation, construction and demolition works associated with the project. The Plan shall include, but not necessarily be limited to:
 - i) results of investigations into soils associated with the site, in particular the stability of the soil and its susceptibility to erosion;
 - ii) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the project, with specific measures outlined for minimising bank sedimentation and erosion;
 - iii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements of the Regional Erosion and Sediment Control Policy and Code of Practice adopted by Council;
 - iv) design specifications for diversionary works, banks and sediment basins;
 - v) an erosion monitoring program during construction and demolition works associated with the project; and

- vi) measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the site.
- b) a **Flora and Fauna Management Plan** to detail measures to minimise impacts on flora and fauna during site preparation, construction and demolition works associated with the project. The Plan shall be consistent with section 5 of the EA and shall be formed in consultation with the DECC. The Plan shall include, but not necessarily be limited to:
 - i) detailed maps clearly indicating the relative locations of construction areas and sensitive flora and fauna habitat areas;
 - ii) comprehensive procedures and work methodologies to minimise adverse impacts on flora and fauna habitat with specific attention given to platypus habitat and River-Flat Eucalyptus Forest;
 - iii) specific measures, such as fencing to ensure that the removal of hollow bearing trees are avoided; and
 - iv) a description of methods for ensuring the retention and separation of topsoil from other soils for the purposes of site rehabilitation.
- c) a **Chemical Management Plan** to detail measures to prevent any oil or chemical spills associated with the construction of the project from contaminating the river. The Plan shall be in accordance with the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

Operation Environmental Management Plan

- 6.3 Prior to the commencement of operation, the Proponent shall develop an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the project and existing plant. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall be formed in consultation with DECC and DWE. The Plan shall include, but not necessarily be limited to:
- a) identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the project, including all approvals, licences, approvals and consultations;
 - b) a description of the roles and responsibilities for all relevant employees involved in the operation of the project;
 - c) overall environmental policies and principles to be applied to the operation of the project;
 - d) standards and performance measures to be applied to the project, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;
 - e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval;
 - f) the additional plans listed under condition 6.4 of this approval; and
 - g) the environmental monitoring requirements outlined under condition 3.1.

Ecology Management Plan

- 6.4 Prior to the commencement of construction the Proponent shall, in consultation with the DECC, prepare and implement a **Ecology Management Plan** which will outline measures and a monitoring regime to ensure that the long term impacts of the project on flora and fauna are effectively managed. The Plan shall be submitted to the Director-General for approval and shall include, but not necessarily be limited to:
- a) a system framework that allows management practices and monitoring regimes to be regularly reviewed and adapted as appropriate, such that any adverse impacts are avoided or rectified;
 - b) a long-term management plan detailing a monitoring regime and specific measures that will be undertaken to conserve the local platypus population and the River-Flat Eucalypt Forest;
 - c) a monitoring program to regularly assess the functionality of the fishway before and after the operation of the project with specific attention given to the impact of the project on the fishway during breeding season;

- d) a detailed rehabilitation schedule describing areas to be rehabilitated, rehabilitation methods and maintenance regimes; and
- e) a program to monitor the health of rehabilitation areas and to ensure that the occurrence of weeds and pests in areas adjacent to the project are controlled.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the project, or within such period otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General.

7. ENVIRONMENTAL REPORTING

Incident Reporting

- 7.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.
 - 7.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 7.1 of this approval, within such period as the Director-General may require.
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