


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.



The Hon Kristina Keneally MP
Minister for Planning

Sydney

4 / 3 / 09

2009

File No: S06/01062

SCHEDULE 1

Application No: 06_0315

Proponent: ERM Power

Approval Authority: Minister for Planning

Project: Construction and operation of a gas-fired peaking power station at Wellington, including:

- construction and operation of four gas-fired turbines to generate a nominal total capacity of between 600 and 660 MW;
- construction and operation of a natural gas pipeline connecting the power station to the Central West Gas Pipeline near Parkes; and
- associated electricity transmission infrastructure.

Major Project: On 25 November 2006, the Minister for Planning formed the opinion pursuant to clause 6 of *State Environmental Planning Policy (Major Projects) 2005* that the proposal is for the purpose of development described in Schedule 1 to that Policy (clause 24(a) "Development for the purpose of an electricity generation facility that has a capital investment value of more than \$30 million for coal-fired generation). The proposal is thus declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies.

Critical Infrastructure: The project is declared to be a critical infrastructure project under section 75C of the *Environmental Planning and Assessment Act 1979* by virtue of an Order made by the Minister for Planning on 26 February 2008 with respect to certain developments for the purpose of electricity generation facilities with capacity to generate at least 250 MW.

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Commissioning	Hot commissioning of the first unit of the project
Conditions of Approval	The Minister's conditions of approval for the project.
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.
Dust	Any solid material that may become suspended in air or deposited
EA	<i>Wellington Gas-fired Peaking Power Station: Environmental Assessment</i> prepared by Parsons Brinckerhoff Australia Pty Limited and dated May 2008
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
Operation	Commercial operation of the first unit of the project
Proponent	ERM Power
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_0315 applies.
Submission report	<i>Wellington Gas-fired Peaking Power Station: Environmental Assessment – Submissions Report</i> prepared by Parsons Brinckerhoff Australia Pty Limited and dated September 2008

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- a) Major Project Application 06_0315;
 - b) *Wellington Gas-fired Peaking Power Station: Environmental Assessment* prepared by Parsons Brinckerhoff Australia Pty Limited and dated May 2008;
 - c) *Wellington Gas-fired Peaking Power Station: Environmental Assessment – Submissions Report* prepared by Parsons Brinckerhoff Australia Pty Limited and dated September 2008; and
 - d) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from condition 1.1a) and 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document 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 project approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time.
- 1.5 The project shall only utilise natural gas (including coal seam methane) as a fuel for the generation of electricity.
- 1.6 The general route for the gas pipeline component shall be as marked in red in Figure 6-3 of the document referred to under condition 1.1b) of this approval. This approval does not permit "Alternative pipeline Route A" or "Alternative pipeline Route B" as indicated in that Figure.

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 approval 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 approval and all relevant environmental approvals are available on the site at all times during the project.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Air Quality Impacts

Dust Generation

- 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.

Odour

- 2.2 The Proponent shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site.

Discharge Limits

- 2.3 The Proponent shall design, construct, operate and maintain the project to ensure that for each turbine stack discharge point and the compressor station discharge point, the concentration of each pollutant listed in Table 1 is not exceeded. This condition only applies to the operation of the project, and to avoid any doubt, does not apply during start-up or shut-down.

Table 1 - Maximum Allowable Discharge Concentration Limits (Air)

Pollutant	100 Percentile limit (mgm ⁻³)	Reference conditions
Nitrogen dioxide (NO ₂) or nitric oxide (NO), or both (as NO ₂)	70	dry, 273 K, 101.3 kPa, and 15 % O ₂

Noise Impacts

Vibration Impacts

- 2.4 The Proponent shall ensure that the vibration resulting from construction and operation of the project does not exceed the preferred values for vibration (for low probability of adverse comment) presented in *Assessing Vibration: A Technical Guideline* (DECC, February 2006), at any affected residential dwelling.

Construction Noise

- 2.5 The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises during the following hours:
- 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
 - 8:00 am to 1:00 pm on Saturdays; and
 - at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

- 2.6 The hours of construction activities specified under condition 2.5 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.5 shall be:
- considered on a case-by-case basis;
 - accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
 - accompanied by any information necessary for the Director-General to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receivers in the vicinity of the relevant construction site.

Operation Noise

- 2.7 The Proponent shall design, construct, operate and maintain the project to ensure that the noise contributions from the project to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 2, at those locations and during those periods indicated. The maximum allowable noise contributions apply under wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level), and under temperature inversion conditions of up to 3 °C/ 100 metres.

Table 2 - Maximum Allowable Noise Contribution

Location	Day 7:00am to 6:00pm Mondays to Saturdays 8:00am to 6:00pm Sundays and public holidays	Evening 6:00pm to 10:00pm on any day	Night 10:00pm to 7:00am Mondays to Saturdays 10:00pm to 8:00am Sundays and public holidays	
	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{A1} (1 \text{ minute})$
Mount Nanima	39	39	39	45
Cadonia Subdivision	35	35	35	45
Keston Rose Garden Café	37	37	37	45
Mount View, Alectown	35	35	35	45
Property A (refer to Figure 3-5 of the document listed under condition 1.1b))	35	35	35	45

- 2.8 For the purpose of assessment of noise contributions specified under condition 2.7 of this approval, noise from the project shall be:
- measured at the most affected point within the residential boundary or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary to determine compliance with the $L_{Aeq}(15 \text{ minute})$ noise limits;
 - measured at 1 metre from the dwelling façade to determine compliance with the $L_{A1} (1 \text{ minute})$ noise limits; and
 - subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000), where applicable.

Notwithstanding, should direct measurement of noise from the project be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the DECC (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.

At-Receiver Noise Mitigation

- 2.9 The Proponent shall, at the request of the owner of the Mount Nanima property or the Keston Rose Garden Café property, provide and bear the full cost of architectural acoustic treatments (such as, but not necessarily limited to, double-glazing) to the residential premises on that property. Such a request may be made in writing by the owner of the Mount Nanima property or the Keston Rose Garden Café property within five years from the commencement of operation, and architectural acoustic treatments agreed between the parties must be implemented and completed within 12 months of such an agreement. Should the parties not be able to reach agreement on the scope of architectural acoustic treatments, then either party may refer the matter to the Director-General for resolution. The Director-General's decision on such a referral shall be final and binding on the parties.

Land Acquisition Criteria

- 2.10 If, after the implementation of all reasonable and feasible source controls, the noise generated by the project exceeds an $L_{Aeq}(15 \text{ minute})$ of 40dB(A) (at any time) or an $L_{A1} (1 \text{ minute})$ of 45 dB(A) (during the night-time period) at Nanima House or any other location referred to under condition 2.7, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 2.11 to 2.13 of this approval. The landowner waives its right to land acquisition if it enters into an alternative negotiated agreement with the Proponent with respect to noise impacts and mitigation, only if such an agreement expressly provides for the waiving of such rights.
- 2.11 Within three months of receiving a written request from a landowner with acquisition rights under condition 2.10 of this approval, the Proponent shall make a binding written offer to the landowner based on:

- a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the project which is the subject of the project application, having regard to the:
 - i) existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
 - ii) presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date;
- b) the reasonable costs associated with:
 - i) relocating within the Wellington local government area, or to any other local government area determined by the Director-General;
 - ii) obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and
- c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution.

Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.

Within 14 days of receiving the independent valuer's determination, the Proponent shall make a written offer to purchase the land at a price not less than the independent valuer's determination.

If the landowner refuses to accept this offer within six months of the date of the Proponent's offer, the Proponent's obligations to acquire the land shall cease, unless otherwise agreed by the Director-General.

- 2.12 The Proponent shall bear the costs of any valuation or survey assessment requested by the independent valuer or the Director-General and the costs of determination referred to above.
- 2.13 If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.

Soil and Water Quality Impacts

- 2.14 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.
- 2.15 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 *Managing Urban Stormwater: Soils and Conservation* (Landcom, 2004)
- 2.16 This approval only permits the Proponent to source and utilise water from the project from the Wellington Town Water Supply and from the collection of rainfall on the site. Should the Proponent propose to access water from other sources, those sources shall be the subject of separate assessment and approval in accordance with the *Environmental Planning and Assessment Act 1979* and other relevant legislation.
- 2.17 The project shall be designed, constructed, operated and maintained to ensure that there is no discharge of wastewater from the site, other than through discharge to sewer or transport

to a licensed waste management facility. The Proponent shall ensure that the project is operated to maximise the reuse of water within the project. Measures to ensure compliance with this condition shall be detailed in the relevant sections of the Operation Environmental Management Plan required under condition 6.5 of this approval.

- 2.18 The project shall be designed, constructed, operated and maintained to ensure that the project does not lead to an increase in peak stormwater flows from the site. The Proponent shall demonstrate to the satisfaction of the Director-General and DWE, through the submission of detailed designs, that the project has been designed to achieve this outcome, prior to the commencement of construction. Measures to ensure compliance with this condition shall be detailed in the relevant sections of the Operation Environmental Management Plan required under condition 6.5 of this approval.
- 2.19 Prior to the commencement of construction of the gas pipeline component of the project, the Proponent shall submit to the Director-General detailed designs for all watercourse crossings. The detailed designs shall be prepared having regard to *Guidelines for Controlled Activities: Laying Pipes and Cables in Watercourses* (DWE, 2008), *Guidelines for Controlled Activities: In-Stream Works* (DWE, 2008), *Guidelines for Controlled Activities: Riparian Corridors* (DWE, 2008), *Policy and Guidelines for Fish Friendly Waterways* (DPI, 2004) and *Why Do Fish Need to Cross a Road* (DPI, 2004). The detailed designs shall be accompanied by written endorsement of the designs by DWE and DPI and shall be reflected in the relevant parts of the Construction Environmental Management Plan referred to under condition 6.2 of this approval.
- 2.20 Notwithstanding condition 2.19, the Macquarie River, Little River and Buckinbah Creek shall only be traversed using directional drilling techniques.

Hazards and Risk

- 2.21 The gas pipeline component of the project and associated works shall be designed, constructed, operated and maintained in accordance with Australian Standard AS2885: *Pipelines, Gas and Liquid Petroleum*.

Bunding and Spill Management

- 2.22 The Proponent shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, and all fuels, oils chemicals or other environmentally hazardous materials strictly in accordance with:
- a) all relevant Australian Standards;
 - b) for liquids, 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.

Pre-Construction Hazards Studies

- 2.23 Prior to the commencement of construction of the project, the Proponent shall prepare and submit for the approval of the Director-General, the following studies:
- a) a **Fire Safety Study** for the project, covering all aspects detailed in the Department's publication *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Guidelines* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The Study shall include a strict maintenance schedule for essential services and other safety measures. The Study shall be submitted for approval to the Commissioner of the NSW Rural Fire Service prior to submission to the Director-General;
 - b) a **Hazard and Operability Study (HAZOP)** for the project, chaired by an independent, qualified person or team. The independent person or team shall be approved by the Director-General. The Study shall be carried out in accordance with the Department's

publication *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines* and shall, in particular, address the early shutdown procedures and systems in the event of a gas leak and recommended measures for early shutdown in the event of an incident. The HAZOP report shall be accompanied by a program for the implementation of all recommendations made in the HAZOP report. If the Proponent intends to defer the implementation of a recommendation, justification must be included.

- c) a **Final Hazard Analysis** prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis*; and
- d) a **Construction Safety Study** for the project, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*. The commissioning portion of the Study may be submitted two months prior to commissioning the project.

Pre-Commissioning Hazards Studies

2.24 Prior to the commencement of commissioning of the project the Proponent shall prepare and submit for the approval of the Director-General the following studies:

- a) an **Emergency Plan** for the project. The Plan shall be prepared in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*. The plan shall include detailed procedures for the safety of all people outside of the development who may be at risk from the project; and
- b) a **Safety Management System**, covering all operations at the project and any associated transport activities involving hazardous materials. The System shall clearly specify all safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to safety procedures. The System shall be developed in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.

Traffic and Transport Impacts

2.25 Prior to the commencement of construction of the project, the Proponent shall develop and submit for the approval of Wellington Council, detailed designs for the installation of a basic left turn and auxiliary right turn treatment at the access point for the power station site on Gulgong Road. The detailed designs shall include construction and sealing of the site access road.

2.26 Upon determining the haulage route(s) for construction materials associated with the project, the Proponent shall commission an independent, qualified person or team to undertake a **Road Dilapidation Report** in consultation with the relevant local council(s) and the Roads and Traffic Authority. The report shall assess the current condition of the roads and detail mechanisms to restore any damage that may result due to traffic and transport related to the construction and ongoing operation of the project. The Report shall be submitted to the Council and the Roads and Traffic Authority for review prior to the commencement of haulage.

The cost of any restorative work described in the Report or recommended by the relevant local council(s) or the Roads and Traffic Authority after review of the Report, shall be funded by the Proponent. Such work shall be undertaken at a time as agreed upon between the Proponent, the relevant local council(s) and the Roads and Traffic Authority. In the event of a dispute between the parties with respect to the extent of restorative work that may be required under this condition, any party may refer the matter to the Director-General for resolution. The Director-General's determination of any such dispute shall be final and binding on the parties.

Ecological Impacts

2.27 Where possible the Proponent shall retain existing native trees, in particular hollow-bearing trees, and maximise the use of native grass understories.

- 2.28 The Proponent shall develop and implement a compensatory habitat packaging consisting of no fewer than 47 hectares of terrestrial vegetation of equivalent or better quality than the vegetation removed as part of the project. Specifications for the compensatory habitat, including location, composition, quality and management of the habitat, shall be determined in consultation with the DECC and subject to the approval of the Director-General prior to the commencement of construction of the project, having regard to:
- a) provision of biodiversity outcomes at least equivalent to those lost;
 - b) an aim of maximising the conservation of Fuzzy Box Woodland and White Box-Yellow Box-Blakely's Gum Grassy Woodland communities;
 - c) potential for off-set areas to connect with and complement other areas of conservation value, particularly with respect to habitat corridors and vegetation connectivity;
 - d) minimisation of the potential for edge effects and pest invasion; and
 - e) arrangements for the funding, management and maintenance of works associate with the compensatory habitat package.

Visual Amenity Impacts

- 2.29 The Proponent shall minimise the use of reflective building elements and maximise the use of building materials and treatments which visually complement the surrounding bushland.
- 2.30 The Proponent shall ensure that all external lighting associated with the project is mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadway. The lighting shall be the minimum level of illumination necessary and shall comply with *AS 4282(INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*.
- 2.31 Prior to the commencement of commissioning of the project, the Proponent shall submit urban design and landscaping details of the project to be implemented to minimise the visual impact of the project and associated infrastructure on relevant local and regional visual receptors. The design and landscaping details shall be developed in consultation with Wellington Council and shall be generally based on Figure 9-13 in the document referred to under condition 1.1b).
- 2.32 The Proponent shall, at the request of the owner of the Keston Rose Garden Café property, provide and bear the full cost of landscaping treatments to visually screen the Café, the Keston Log Cabin and the Keston Homestead along lines of sight with the project. Such a request may be made in writing by the owner of the Keston Rose Garden Café property within five years from the commencement of operation of the project, and landscaping treatments agreed between the parties must be implemented and completed within 12 months of such an agreement. Should the parties not be able to reach agreement on the scope of landscaping treatments, then either party may refer the matter to the Director-General for resolution. The Director-General's decision on such a referral shall be final and binding on the parties.

Heritage Impacts

- 2.33 In undertaking the project, the Proponent shall not destroy, modify or otherwise physically affect the scarred tree identified as "Site 3" in the document referred to under condition 1.1b) of this approval or the scarred tree at Three Mile Reserve Identified in *Brief Study Report: Aboriginal Cultural Heritage Assessment on a Small Section of Three Mile Flat* (Lee Thurlow, June 2008).
- 2.34 Unless otherwise agreed with the DECC and the Local Aboriginal Land Council, the Proponent shall salvage any detected artefacts from "Site 1", "Site 2" and "Site 4", as identified in the document referred to under condition 1.1b) of this approval, in consultation with the DECC and the Local Aboriginal Land Council and prior to the commencement of construction works that may impact on those sites.
- 2.35 This approval does not authorise impacts on any indigenous heritage item, other than those identified under condition 2.34. Should additional indigenous heritage items be discovered

prior to or during the construction of the project, the Proponent shall seek separate approval for any impact on those discovered items in accordance with the applicable requirements of the *Environmental Planning and Assessment Act 1979* and other relevant legislation.

Waste Generation and Management

- 2.36 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 2.37 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 the project, to minimise the need for treatment or disposal of those materials outside the power station. To avoid any doubt, this condition does not permit the use of any material, other than natural gas for the purpose of electricity generation as part of the project.
- 2.38 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.
- 2.39 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.

Land Use Interactions and Resource Implications

- 2.40 During the detailed design of the gas pipeline component and prior to its construction, the Proponent shall consult with the holders of the following Exploration Licences, and shall ensure to the greatest extent practicable that the gas pipeline has been designed and aligned to minimise the potential for possible future conflicts with the extraction of resources that may be associated with those Exploration Licences: EL6644, EL5675, EL6910, EL6931, EL7036, EL6311, EL6781 and EL6178.
- 2.41 Prior to the commencement of construction of the gas pipeline component of the project, the Proponent shall engage a suitably qualified, registered surveyor to survey and map the Peak Hill-Baldry road that passes through Gingham's Gap where it is bounded by the Goobang National Park. Should the gas pipeline route traverse National Park estate, the Proponent shall consult with the DECC with respect to the granting of an easement under section 153 of the *National Parks and Wildlife Act 1974*.

3. ENVIRONMENTAL MONITORING AND AUDITING

Air Quality Monitoring

- 3.1 The Proponent shall determine the pollutant concentrations and emission parameters specified in Table 3 below, at each of the turbine stack discharge points (established in strict accordance with the requirements of test method TM-1 as specified in *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001)). Monitoring shall be undertaken during operation of the project, at the frequency indicated in the Table, unless otherwise agreed by the DECC.

Table 3 – Periodic and Continuous Pollutant and Parameter Monitoring (Air)

Pollutant/ Parameter	Units of Measure	Method	Frequency
Nitrogen dioxide (NO ₂) or nitric oxide (NO), or both (as NO ₂)	mgm ⁻³	CEM-2	Continuous
Oxygen	%	CEM-3	
Velocity	ms ⁻¹	TM-2	Post commissioning and annually thereafter
Volumetric flow rate	m ³ s ⁻¹	TM-2	
Temperature	°C	TM-2	
Moisture content in stack gases	%	TM-22	
Dry gas density	kgm ⁻³	TM-23	
Molecular weight of stack gases	g.gmol ⁻¹	TM-23	
Carbon dioxide	%	TM-24	

- 3.2 The Proponent shall determine the pollutant concentrations and emission parameters specified in Table 4 below, at the compressor station discharge point (established in strict accordance with the requirements of test method TM-1 as specified in *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001)). Monitoring shall be undertaken during operation of the project, at the frequency indicated in the Table, unless otherwise agreed by the DECC.

Table 4 – Periodic Pollutant and Parameter Monitoring (Air)

Pollutant/ Parameter	Units of Measure	Method	Frequency
Nitrogen dioxide (NO ₂) or nitric oxide (NO), or both (as NO ₂)	mgm ⁻³	CEM-2	Post commissioning and annually thereafter
Oxygen	%	CEM-3	
Velocity	ms ⁻¹	TM-2	
Volumetric flow rate	m ³ s ⁻¹	TM-2	
Temperature	°C	TM-2	
Moisture content in stack gases	%	TM-22	
Dry gas density	kgm ⁻³	TM-23	
Molecular weight of stack gases	g.gmol ⁻¹	TM-23	
Carbon dioxide	%	TM-24	

Air Quality Performance Verification

- 3.3 Within 90 days of the commencement of operation of the project, or as may be agreed by the Director-General, and during a period in which the project is operating under design loads and normal operating conditions, the Proponent shall undertake a program to confirm the air emission performance of the project. The program shall include, but not necessarily be limited to:
- point source emission sampling and analysis subject to the requirements listed under conditions 3.1 and 3.2;
 - a comprehensive air quality impact assessment, 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* (EPA, 2001);
 - a comparison of the results of the air quality impact assessment required under b) above, and the predicted air quality impacts detailed in the documents listed under condition 1.1 of this approval;
 - 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, 2001); and
 - details of any complaints made relating to air quality impacts.

A report providing the results of the program shall be submitted to the Director-General and DECC within 28 days of completion of the testing required under a).

- 3.4 In the event that the program undertaken to satisfy condition 3.3 of this approval indicates that the operation of the project, under design loads and normal operating conditions, will lead to:
- a) greater point source emissions or ground-level concentrations of air pollutants than predicted in the documents listed under condition 1.1 of this approval; or
 - b) greater point source emissions or ground-level concentrations of air pollutants than the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001);

then the Proponent shall provide details of remedial measures to be implemented to reduce point source emissions or ground-level concentrations of air pollutants to no greater than that predicted in the documents listed under condition 1.1 of this approval and to meet the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001). Details of the remedial measures and a timetable for implementation shall be submitted to the Director-General for approval within such period as the Director-General may require, and be accompanied by evidence that the DECC is satisfied that the remedial measures are acceptable.

Noise Monitoring

- 3.5 Within 90 days of the commencement of operation of the project, or as may be agreed by the Director-General, and during a period in which the project is operating under design loads and normal operating conditions, the Proponent shall undertake a program to confirm the noise emission performance of the project. The program shall meet the requirements of the DECC, and shall include, but not necessarily be limited to:
- a) noise monitoring, consistent with the guidelines provided in the *New South Wales Industrial Noise Policy* (EPA, 2000), to assess compliance with condition 2.7 of this approval;
 - b) methodologies, locations and frequencies for noise monitoring (including at sites assessed in the EA);
 - c) identification of monitoring sites at which pre- and post-project noise levels can be ascertained; and
 - d) details of any complaints made relating to air quality impacts.

A report providing the results of the program shall be submitted to the Director-General and the DECC with 28 days of completion of the testing required under a).

- 3.6 In the event that the program undertaken to satisfy condition 3.5 of the approval indicates that the operation of the project, under design loads and normal operating conditions, will lead to greater noise impacts than permitted under condition 2.7 of this approval, then the Proponent shall provide details of remedial measures to be implemented to reduce noise impacts to levels required by that condition. Details of the remedial measures and a timetable for implementation shall be submitted to the Director-General for approval within such period as the Director-General may require, and be accompanied by evidence that the DECC is satisfied that the remedial measures are acceptable.

Hazard Compliance

- 3.7 Within 90 days of the commencement of operation of the project, or as may be agreed by the Director-General, the Proponent shall submit a report detailing compliance with conditions 2.23 and 2.24 of this approval. The report shall include, but not necessarily be limited to:
- a) dates of study, plan or system completion, and commencement of construction and commissioning;
 - b) actions taken or proposed to implement recommendations made in the studies, plans or systems; and
 - c) responses to each requirement that may be requested by the Director-General in respect to the implementation of any measures arising from recommendations of the studies or reports described by conditions 2.23 and 2.24.

Auditing

- 3.8 Twelve months after the commencement of operation of the project, or within such period otherwise agreed by the Director-General, the Proponent shall commission an independent, qualified person or team to undertake a Hazard Audit of the project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. A **Hazard Audit Report** shall be submitted for the approval of the Director-General no later than one month after the completion of the Audit. Further Hazard Audits shall be undertaken every three years, or as otherwise agreed or required by the Director-General. Hazard Audits shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*. The hazard audit report shall be accompanied by a program for the implementation of all recommendations made in the hazard audit report. If the Proponent intends to defer the implementation of a recommendation, justification must be included.
- 3.9 Within twelve months of the commencement of operation of the project, and every three years thereafter, or as otherwise agreed or required by the Director-General, the Proponent shall commission an independent, qualified 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. An **Environmental Audit Report** shall be submitted for the approval of the Director-General within one month of the completion of the Audit. The Audit shall:
- be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;
 - assess compliance with the requirements of this approval, and other licences and approvals that apply to the project;
 - 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
 - review the effectiveness of the environmental management of the project, including any environmental impact mitigation works.

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

If the preparation and submission of a Hazard Audit Report and an Environmental Audit Report are required at the same time, the requirements of condition 3.8 and 3.9 of this approval may be satisfied with a single report prepared by a single independent person or team approved by the Director-General.

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:
- provisions for periodic review of the compliance status of the project and each of its components;
 - provisions for periodic reporting of the compliance status to the Director-General;
 - a program for independent environmental auditing in accordance with *AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
 - procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;
 - mechanisms for recording environmental incidents and actions taken in response to those incidents;
 - provisions for reporting environmental incidents to the Director-General during construction and operation; and

- g) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Provision of Electronic Information

- 5.1 Prior to the commence of the project, the Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the project. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:
- a) information on the project, each of its components and the current implementation status of each component and stages;
 - b) a copy of this approval;
 - c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the project;
 - d) a copy of each monitoring program and each environmental management plan required under this approval;
 - e) details of the outcomes of reviews and audits of the proposal and each of its components undertaken in accordance with the Compliance Tracking Program referred to under condition 4.1; and
 - f) details of a contact point(s) to which community complaints or inquiries may be directed, including a telephone number, a postal address and an email address.

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 a sign near the entrance to the site, in a position that is clearly visible to the public, 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

- 6.1 Prior to the commencement of construction of the project, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) independent of the design, construction and operation personnel. The Proponent shall engage the Environmental Representative(s) during any construction activities, and throughout the life of the project, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:

- a) oversee the implementation of all environmental management plans and monitoring programs required under this approval, and advise the Proponent upon the achievement of these plans/programs;
- b) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval and the documents referred to under condition 1.1 of this approval;
- c) oversee the implementation of the environmental auditing of the project in accordance with the requirements of condition 4.1 of this approval and all relevant project Environmental Management System(s); and
- d) be given the authority and independence to recommend to the Proponent reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts, and, failing the effectiveness of such steps, to recommend to the Proponent that relevant activities are to be ceased as soon as reasonably practicable if there is a significant risk that an adverse impact on the environment will be likely to occur.

Construction Environmental Management Plan

6.2 The Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:

- a) a description of all activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;
- b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions;
 - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities, particularly during any construction works at or near drainage lines;
 - iii) measures to monitor and control noise emissions during construction works;
 - iv) measures to minimise and manage impacts on native ecology, including minimisation of vegetation clearing, methods for vegetation clearing and soil disturbance, topsoil, seed and vegetative material re-use initiatives to be employed, and measures and monitoring to be undertaken to control weed spread and feral pests;
 - v) measures to monitor and control air emissions during construction to ensure that air emissions are both minimised and in compliance with the requirements of this approval and the Environment Protection Licence for the site;
- d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
- e) the additional studies listed under condition 6.4 of this approval; and
- f) complaints handling procedures during construction.

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

6.3 The Construction Environmental Management Plan referred to under condition 6.2 may be prepared in two parts for the pipeline and power station components of the project.

- 6.4 As part of the Construction Environmental Management Plan for the project, required under condition 6.2 of this approval, the Proponent shall prepare and implement the following:
- a) a **Traffic Management Protocol** to outline management of traffic conflicts that may be generated during construction of the project. The Plan shall address the requirements of relevant local council(s) and the Roads and Traffic Authority and shall include, but not necessarily be limited to:
 - i) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads;
 - ii) detailed consideration of measures to be employed to ensure traffic volume, acoustic and amenity impacts along the heavy vehicle routes are minimised;
 - iii) detailed consideration of alternative routes (where necessary);
 - iv) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with.
 - b) an **Erosion and Sedimentation Management Protocol** to ensure that all erosion and sediment controls associated with the project are consistent with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004).. The Plan shall consider the project in its entirety, but place particular focus on the gas pipeline component of the project, and shall address the requirements of the DWE. The Plan shall include, but not necessarily be limited to:
 - i) results of investigations into soils affected by the project, 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 development;
 - iii) design specifications for diversionary works, banks and sediment basins;
 - iv) an erosion monitoring program during construction works associated with the development; and
 - v) measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas.
 - c) a **Noise Management Protocol** to detail measures to mitigate and manage noise during construction works. The Protocol shall include, but not necessarily be limited to:
 - i) procedures to ensure that all reasonable noise mitigation measures are applied during construction works;
 - ii) construction noise objectives for each relevant receiver commensurate with the noise limits and noise goals specified under this consent;
 - iii) identification of the associated noise sources and activities that will be carried out during construction;
 - iv) assessment of construction noise impacts against the noise limits and noise limits and goals at all relevant receivers;
 - v) details of overall management methods and procedures that will be implemented to control noise from during construction;
 - vi) a pro-active and reactive strategy for dealing with complaints, with particular regard to verbal and written responses;
 - vii) noise monitoring, reporting and response procedures;
 - viii) internal compliance audits of all plant and equipment;
 - ix) construction timetabling to minimise noise impacts; and
 - x) procedures for notifying residents of construction activities likely to affect their acoustic amenity.

Operation Environmental Management Plan

- 6.5 The Proponent shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and 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 studies listed under condition 6.6 of this approval; and
- g) the environmental monitoring requirements outlined under conditions 3.1 to 3.9 of this approval, inclusive.

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.

6.6 As part of the Operation Environmental Management Plan for the project, required under condition 6.5 of this approval, the Proponent shall prepare and implement the following Management Plans:

- a) an **Air Quality Management Plan** to outline measures to minimise impacts from the project on local and regional air quality. The Plan shall include, but not necessarily be limited to:
 - i) identification of all major sources of particulate and gaseous air pollutants that may be emitted from the project, being both point-source and diffuse emissions, including identification of the major components and quantities of these emissions;
 - ii) monitoring for gaseous and particulate emissions from the project, in accordance with any requirements of the DECC;
 - iii) procedures for the minimisation of gaseous and particulate emissions from the project;
 - iv) pro-active and reactive management and response mechanisms for particulates and gaseous emissions, with specific reference to measures to be implemented and actions to be taken to minimise and prevent potential elevated air quality impacts on surrounding land uses as a consequence of meteorological conditions, upsets within the project, or the mode of operation of the project at any time;
 - v) specific procedures for the management of generating efficiency and the minimisation of greenhouse gas emissions per unit of electricity generated;
 - vi) procedures aimed at maximising the efficiency of the start-up and shut-down cycles for the project;
 - vii) provision for regular review of air quality monitoring data, with comparison of monitoring data with that assumed and predicted in the documents listed under condition 1.1 of this approval, including verification of air quality modelling and predictions, as may be relevant;
 - viii) Plans for regular maintenance of process equipment to minimise the potential for leaks and fugitive emissions; and
 - ix) a contingency plan should an incident, process upset or other initiating factor lead to elevated air quality impacts, whether above normal operating conditions or environmental performance goals/ limits.
- b) a **Water Management Plan** to outline measures that will be employed to manage water on the site, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/ or waters throughout the life of the project. The Plan shall be based on best environmental practice and shall address the requirements of the Department, DECC and DWE. The Plan shall include, but not necessarily be limited to:
 - i) consideration of all reasonable and feasible options to avoid discharge to ground and/or ambient waters including methods to minimise the volume of

- contaminated water and effluent generated, recycling and reusing water and effluent;
 - ii) identification of clean and dirty water areas on site maps for different stages of the project and identification of criteria for nomination of areas as clean or dirty;
 - iii) details of water management measures to be implemented for clean and dirty waters;
 - iv) calculations for a water balance for all waters generated on the site including potential volumes of groundwater, stormwater and process water for treatment on-site or off-site, proposed discharges, recycling or reuse;
 - v) details of the remedial actions to be taken by the Proponent and site operators in response to an exceedance of concentration limits or other performance criteria for the on-site or ambient water management controls;
 - vi) characterisation of wastewater qualities and quantities for reuse on-site shall be characterised and irrigation management practices specified;
 - vii) specification of wastewater reuse areas shall be specified on site maps for different stages of the project; and
 - viii) specific details shall be provided in relation to the times, locations, volumes and qualities of water to be irrigated, including how the quality of water to be used for irrigation will be assessed.
- c) a **Noise Management Plan** to detail measures to mitigate and manage noise during the operation of the project under design loads and normal operating conditions. The Plan shall include, but not necessarily be limited to:
- i) procedures to ensure that all reasonable and feasible noise mitigation measures are applied;
 - ii) procedures to generate suitable documentation for annual environmental auditing, that demonstrates that the noise limits and noise goals specified under this approval, or best practice noise control operations, are being met;
 - iii) identification of all relevant receivers and the applicable criteria at those receivers commensurate with the noise limits and noise goals specified under this approval;
 - iv) identification of activities that will be carried out in relation to the project and the associated noise sources;
 - v) procedures for periodic consideration of noise impacts at the relevant receivers against the noise limits and noise goals specified under this approval;
 - vi) details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the site;
 - vii) reactive and pro-active strategies for dealing promptly with any noise complaints, including documentation of a fast response (eg within one hour), the completed action on a complaint, and feedback from the complainant (eg within 24 hours); and
 - viii) noise monitoring and reporting procedures.

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.

Annual Performance Reporting

- 7.3 The Proponent shall, throughout the life of the project, prepare and submit for the approval of the Director-General, an **Annual Environmental Management Report** (AEMR). The AEMR shall review the performance of the project against the Operation Environmental Management Plan (refer to condition 6.5 of this approval), the conditions of this approval and

other licences and approvals relating to the project. The AEMR shall include, but not necessarily be limited to:

- a) details of compliance with the conditions of this approval;
- b) a copy of the Complaints Register (refer to condition 5.3 of this approval) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were address and resolved;
- c) identification of any circumstances in which the environmental impacts and performance of the project during the year have not been generally consistent with the environmental impacts and performance predicted in the documents listed under condition 1.1 of this approval, with details of additional mitigation measures applied to the project to address recurrence of these circumstances ;
- d) results of all environmental monitoring required under this approval and other approvals, including interpretations and discussion by a suitably qualified person; and
- e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the project have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.

The Proponent shall submit a copy of the AEMR to the Director-General every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation of the project. The Director-General may require the Proponent to address certain matters in relation to the environmental performance of the project in response to review of the Annual Environmental Report. Any action required to be undertaken shall be completed within such period as the Director-General may require. The Proponent shall make copies of each AEMR available for public inspection on request.

APPENDIX B – SUBMISSIONS REPORT
