



**Environment,
Climate Change
& Water**

Your reference: S09/01810
Our reference: LIC08/1796: DOC1041655
Contact: Andrew Helms, 6332 7604

Ms Dinuka McKenzie
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Department of Planning
GPO Box 39
SYDNEY NSW 2001

15 October 2010

Dear Ms McKenzie

Mt Piper Ash Placement Project (09_0186) – Environmental Assessment

I refer to your letter, received by the Department of Environment, Climate Change and Water (DECCW) on 13 September 2010, requesting DECCW's submission on the above proposal.

DECCW has assessed the proponent's application, summarised in the document "*Mt Piper Power Station, Ash Placement Project - Environmental Assessment, August 2010*" (prepared by Sinclair Knight Mertz Australia Pty Limited), and has determined that it is able to support the proposal to construct and operate the Lamberts North and Lamberts South ash placement areas subject to the Department of Planning (DoP) considering the comments and recommended conditions of project approval identified in the attachment.

Environment Protection Licence 13007 is currently applicable to the current operations at the Mt Piper power station. The proponent will need to make a separate application to DECCW to vary this licence (as per comments in Attachment 1) should project approval be granted for the Mt Piper Ash Placement Project.

Please note, that the NSW Office of Water (formerly the department of Water and Energy), while part of DECCW, has sole responsibility for the regulation of the *Water Management Act, 2000*. Accordingly, in this instance NSW Department of Planning should seek comment on the Proposal directly from the Office of Water.

Should you have any further enquiries regarding this matter please contact Andrew Helms at the DECCW's Bathurst Office by telephoning 6332 7604.

Yours sincerely

DARRYL CLIFT
Head Regional Operations
Environment Protection and Regulation

Enclosure

Attachment 1 - DECCW Comments on the Proposal and recommended conditions of Project Approval

Attachment 1

DECCW Comments on the Proposal and recommended conditions of Project Approval

1. Aboriginal Cultural Heritage

DECCW supports the recommendations summarised in Table 13-1, Section 13 – Environmental Management and Statement of Commitments, with respect to indigenous heritage matters at the Neubecks Creek, Ivanhoe No. 4, Lamberts Gully North and Lamberts Gully South sites. The Statement of Commitments should be amended to incorporate comments made in Section 9.5.1 of the EA recommending that the Cultural Heritage Management Plan “...*should be revised and updated to cover the protection of these sites [previously recorded cultural heritage sites from a 2005 assessment] into the future*”.

2. Air

DECCW supports the recommendations summarised in Tables 13-1 and 13-2, Section 13 – Environmental Management and Statement of Commitments, with respect to air.

DECCW notes from Chapter 5 of the EA and Appendix B in Volume 2 of the EA that the project (Lamberts Gully North and South) is unlikely to cause exceedances of annual PM₁₀, total suspended particulates and deposited dust criteria at the nearest sensitive receptor locations. No ongoing dust monitoring has been proposed to assess to validity of these claims.

DECCW recommends that any project approval be conditioned to require the proponent to develop an air quality monitoring program (or augment any existing plans) to monitor for the movement of dust and ash off the site. The monitoring program, including the location of the monitoring network, needs to be developed in consultation with DECCW.

DECCW recommends that the air assessment criteria for TSP, PM₁₀ and deposited dust, as described in Table 5-1, Section 5.1.1 of the EA, be included as a condition of project approval.

Insufficient information is provided for DECCW to comment in detail on the proposed Neubecks Creek and Ivanhoe No. 4 emplacement areas. DECCW notes in the EA (Section 5.5) that these two areas would require further assessment should project approval be sought.

3. Biodiversity

DECCW notes that approximately 8.9 ha of native vegetation will be impacted by the Lamberts Gully South ash placement area. This vegetation is described in the EA (Section 8.4.1) as being “... of *high habitat value, supporting an abundance and diversity of foraging, refuge and breeding opportunities for fauna*”. In the EA, the proponent has committed to establishing a biodiversity offset to compensate for the loss of this vegetation (Statement of Commitments, Table 13-1, Sections 13.2). No time frame has been provided for the development of this offset. A habitat offset of 9 ha has been proposed (Section 8.5.2 of the EA) which would provide an offset ratio of 1:1. No explanation has been provided for the derivation of the ratio either in Section 8.5.2 of Appendix E (Flora and Fauna Impact Assessment). DECCW advised in its letter to DoP (30 October 2009, ref. DOC09/51807), following a review of the preliminary EA for this project, that any offsets proposed should comply with DECCW's *Principles for the use of Biodiversity Offsets in NSW* and include justification for the development of any compensatory habitat offset.

DECCW recommends that DoP include the following condition as a condition of Project Approval should project approval be granted for the Mt Piper Ash Placement Project:

The proponent must develop and implement a biodiversity offset in consultation with, and to the approval of, DECCW within 6 months of the date of Project Approval to compensate for the loss of:

- approximately 7.5 ha of native vegetation (Brittle Gum – Red Stringybark Woodland) including the loss of at least three individuals of the threatened Capertee Stringybark;
- approximately 1.1 ha of native vegetation (Scribbly Gum Woodland); and
- and approximately 0.3 ha of native vegetation (Ribbon Gum Woodland).

Insufficient information is provided for DECCW to comment in detail on the proposed Neubecks Creek and Ivanhoe No. 4 emplacement areas. DECCW notes in the EA (Section 8.6) that these two areas would require further assessment should project approval be sought. DECCW notes also that several listed threatened flora and fauna species are likely to occur in these areas. Should the proponent seek project approval for these two areas, any assessment would need to consider the potential for the loss of native vegetation and/or threatened species. In the event of an identified loss, the proponent will need to identify an acceptable biodiversity offset. The NSW Biobanking Scheme is now operational and is one method that allows for the assessment of all biodiversity values, which are defined by the *Threatened Species Conservation Act, 1995* as the composition, structure and function of ecosystems, and including (but not limited to) threatened species, threatened populations and threatened ecological communities and their habitats. Any offset proposal should aim to meet an 'improve or maintain' outcome, which requires the use of the methodology to:

- assess impacts upon threatened species and biodiversity;
- determine offset requirements; and
- identify high conservation value areas and design the proposal accordingly.

It is therefore recommended that the proponent addresses the data requirements of the Biometric and Threatened Species tool methodology (PVP tools) as one means of determining an improve or maintain outcome for a biodiversity offset.

4. Noise

Section 6.4.2 of the EA identifies project specific noise criteria for 2 residential receivers in the Blackmans Flat and surrounding areas. Section 6.5.3 also identifies construction noise criteria for these same residents for the duration of site preparation works for the Lamberts Gully North and Lamberts Gully South placement areas (approximately 12 months in duration for each site).

DECCW notes that the day time rated background noise level (RBL) for the Blackmans Flat Village was reported in the EA to be 44 dB(A). The noise report for the Yarraboldy Extension Project (Project 10_0041) reported an RBL for Blackmans Flat Village of 36 dB(A). Project 10_0041 also states that ambient noise levels for Blackmans Flat including "estimated existing industrial contribution" to be <44 dB(A), which is consistent with the Project 09_1086 RBL. DECCW has determined that the RBL for Blackmans Flat as determined by Project 10_0041 to be the appropriate RBL for Blackmans Flat and therefore has adopted the day time RBL of 36 dB(A) to determine both the daytime construction and operational project specific noise criteria for the Blackmans Flat Village.

The recommended project noise conditions are included below:

Noise limits

Noise generated at the premises must not exceed the noise limits presented in the table below.

Location	Day	Evening	Night
	<i>L_{Aeq}(15 minute) dB(A)</i>	<i>L_{Aeq}(15 minute) dB(A)</i>	<i>L_{Aeq}(15 minute) dB(A)</i>
<i>All private receiver's within the township of Blackmans Flat</i>	41	38	35
<i>All other residences</i>	38	38	35

Where Day is defined as the period 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays, Evening is defined as the period from 6pm to 10pm, and Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

Noise from the premises during construction must not exceed the limits presented in the table below:

Location	Day
	$L_{Aeq(15\text{ minute})}$ dB(A)
All private receiver's within the township of Blackmans Flat	46
All other residences	43

Where construction may only occur between the hours of 7am and 6pm Monday to Friday and 8am to 1pm Saturdays. No construction work is to take place on Sundays and Public Holidays.

The noise limits set out above apply under all meteorological conditions except for any one of the following:

- Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- Stability category G temperature inversion conditions.

To determine compliance with the $L_{eq(15\text{ minute})}$ noise limits, the noise monitoring equipment must be located at the most affected point:

- within 30 metres of a dwelling façade where any dwelling on the property is situated more than 30 metres from the property boundary that is closest to the premises;
- approximately on the boundary where any dwelling is situated 30 metres or less from the property boundary that is closest to the premises;
- within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

For the purposes of monitoring noise from the premises to determine compliance with the noise limits:

- Class 1 or 2 noise monitoring equipment as defined by AS IEC61672.1-2004 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing, must be used;
- the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment;
- The meteorological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station at the premises; and
- Stability category temperature inversion conditions are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

DECCW will require the existing environment protection licence to be modified to reflect the project specific noise criteria.

DECCW supports the recommendations summarised in Sections 13.2 and 13.3 (incorporating Tables 13-1 and 13-2 Construction and Operational Statement of Commitments respectively however notes that the hours for construction work in Table 13-1 list Saturday work as occurring between the hours of 7:00 am and 1:00 pm. This is contrary to the recommended standard hours described in Table 6-10 which describes the hours for Saturday construction work as being from 8:00 am to 1:00 pm.

DECCW recommends that the Statement of Commitments be modified to reflect the construction work times listed in Table 6-10.

Insufficient information is provided for DECCW to comment in detail on the proposed Neubecks Creek and Ivanhoe No. 4 emplacement areas. DECCW notes in the EA (Section 6.4.5) that these two areas would require further assessment should project approval be sought.

5. Water

DECCW supports the actions proposed in Table 13-1 in Chapter 13 of the EA (Environmental Management and Statement of Commitments with respect to surface and groundwater protection. Please also refer to the submission from the NSW Office of Water for recommended conditions of Project Approval.

DECCW notes in Section 7.5.1, however, that the site water management system for both the Lamberts Gully North and South placement areas would be designed such that there would be no regular controlled release of dirty water from the sites. No details have been provided on the exact location of any surface water discharge points at these sites. Any discharge of dirty water from these sites would require licensing under environment protection licence 13007.

DECCW will require the licence 13007 to be modified to reflect the need for these additional discharge points including an appropriate monitoring schedule and limits for the identified likely pollutants (pH, electrical conductivity, total suspended solids and oil and grease). These locations, monitoring schedules and limits could be developed in consultation with DECCW as part of the proposed Soil and Water Management Plan within 6 months of project approval.

DECCW notes that similar water management practices will be employed for the proposed Neubecks Creek and Ivanhoe No. 4 emplacement areas. In the event that project approval is sought for these two sites, DECCW would expect that the proponent details the exact locations of any proposed surface water discharge points.