

Project Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation from the Minister enforced from 1st October, 2011, the Planning Assessment Commission of New South Wales (**the Commission**) approves the project application referred to in Schedule A, subject to the conditions specified in Schedules B to G.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- provide for regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Member of the Commission

Member of the Commission

Sydney

2012

SCHEDULE A

Application No.:

MP10_0035

Proponent:

AGL Energy Limited

Approval Authority:

Planning Assessment Commission

Land:

Approximately 573 hectare site located off Walshs Road, approximately four kilometres north of the town of Dalton, in the Upper Lachlan Shire Council local government area. Lands include: Lots 115, 249, 252, 253, 305, 307 DP 754111 ("The Elms"); Lots 14, 183, 184, 187, 200, 283, 306 DP754111 and Lots 1 and 2 DP 126122 ("Holmes"); Lots 116, 162, 317, 318, 321, 322 DP 754111 ("Riverview") and Lots 21, 186, 251 DP 754111, and part lots 23, 27, 30, 31 DP754111 and Lot 1 DP 126119.

Project:

Construction and operation of a 1,500 megawatt gas turbine power station and associated infrastructure known as the Dalton Power Project.

Major Project

The project was declared a Major Project under Section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is development of a kind described in the then Group 8, clause 24 of Schedule 1 of *State Environmental Planning Policy (Major Development) 2005*.

Critical Infrastructure:

The project is classified as critical infrastructure in accordance with section 75C of the *Environmental Planning and Assessment Act 1979*, as it meets the definition of development for the purposes of a facility for the generation of electricity that has a capacity to generate at least 250 megawatts and is the subject of an application lodged pursuant to Section 75E or 75M of the Act prior to January 2013, pursuant to the then Minister for Planning's critical infrastructure declaration dated 26 February 2008.

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DEFINITIONS

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
Ancillary Facility	Temporary facility for construction, including for example an office and amenities compound, construction compound, batch plant (concrete or bitumen), materials storage compound, maintenance workshop, testing laboratory or material stockpile area.
Proponent	AGL Energy Limited
Conditions of Approval	The Minister's conditions of approval for the Project.
Construction	<p>Includes all work in respect of the Project other than:</p> <ul style="list-style-type: none"> a) survey, acquisitions, building/ road dilapidation surveys; b) investigative drilling, excavation, or salvage; c) minor clearing or translocation of native vegetation; d) establishing ancillary facilities/ construction work sites (in locations meeting the criteria identified in the Conditions of Approval); e) installation of environmental impact mitigation measures, fencing, enabling works; or f) other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/ utilities, etc). <p>Note - work where heritage items, threatened species, populations or endangered ecological communities would be affected, that work is classified as construction, unless otherwise approved by the Director-General in consultation with the Office of Environment and Heritage.</p>
Department, the	Department of Planning and Infrastructure
Director-General, the	Director-General of the Department of Planning and Infrastructure.
Director-General's approval, agreement or satisfaction	<p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction 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>
Enabling Works	Works which allow isolation of the site so that access for construction can be provided.
EPA	NSW Environment Protection Authority
Feasible and Reasonable	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account

	mitigation benefits and cost of mitigation versus benefits provided, community views and nature and extent of potential improvements. Where requested by the Director-General, the Proponent shall provide evidence as to how feasible and reasonable measures were considered and taken into account.
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement such as a shared associations in pastoral landscapes as well as associations linked with the mission period.
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> .
Minister, the	Minister for Planning and Infrastructure
OEH	NSW Office of Environment and Heritage
Operation (of the power station)	When the power station commences contributing electricity to the grid but excluding commissioning activities.
Project	The project that is approved by this Project approval and as generally described in Schedule A.
Proponent	AGL Energy Limited
Publicly available	Available for inspection by a member of the general public (for example, available on an internet website).
Relevant council	Upper Lachlan Shire Council
Sensitive receiver	Residence, education institution (e.g. school, university, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church) and children's day care facility.
Shut-down period	The period during which a turbine is being taken out of service from normal operation to inactivity.
Start-up period	The period during which a turbine is brought up to normal operation following a period of inactivity.

SCHEDULE B

ADMINISTRATIVE CONDITIONS

TERMS OF APPROVAL

- B1. The Proponent shall carry out the Project generally in accordance with:
- (a) Major Project Application 10_0035;
 - (b) Environmental Assessment titled *AGL Dalton Power Project Environmental Assessment, Volumes 1 and 2* prepared by URS Australia Pty Ltd and dated July 2011;
 - (c) Response to submissions titled *Submission Report – AGL Dalton Power Project*, prepared by URS Australia Pty Ltd and dated April 2012; and
 - (d) conditions of this approval.
- B2. In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed from condition B1(a) to B1(c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (b) any document listed from condition B1(a) to B1(c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- B3. 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 within these reports, plans or correspondence.
- B4. Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

STATUTORY REQUIREMENTS

- B5. The Proponent shall ensure that all licences, permits and consents are obtained as required by law 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, approvals or consents.
- B6. For the purpose of section 75S(2)(b) of the *Environmental Planning and Assessment Act 1979*, the relevant provisions, as defined in section 75S(1A) of the Act, apply to this approval.

STAGING

- B7. The Project shall be constructed in two stages. The Stage 1 power station is not to exceed a nominal generating capacity of 750 megawatts. The nominal generating capacity of the power station under Stage 2 is not to exceed 1,500 megawatts. The Proponent shall submit a Staging Report to the Director-General prior to the commencement of Stage 2, detailing the nature and timing of the activities to be undertaken.
- B8. The Proponent shall ensure that all plans, sub-plans and other management documents required by the conditions of this approval and relevant to each stage are submitted to the Director-General no later than one month prior to the commencement of construction of each stage, unless otherwise agreed by the Director-General or specified in a condition of this approval.

COMPLIANCE

- B9. Construction of Stage 2 of the Project shall not commence unless Stage 1 complies with the air quality and noise criteria detailed in conditions F3 and F10 of this approval.

The Proponent shall demonstrate such compliance to the satisfaction of the Director-General, no later than 12 months prior to the construction of Stage 2.

- B10. The Proponent shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.
- B11. The Proponent shall be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.
- B12. In the event of a dispute between the Proponent and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Project, either 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.

LIMITS OF APPROVAL

- B13. This project approval shall lapse five years after the date on which it is granted, unless the works subject of this approval have been commenced before that time.

OPERATIONAL LIMITS

- B14. Subject to condition B15, operation of the power station turbines shall not exceed a total of 15 percent of any twelve-month period. A report verifying compliance with this condition shall be made available on the dedicated website for the project within two months of every 12 month period following commissioning.
- B15. The Proponent is permitted to exceed the operating time limit referred to under condition B14 in the event that operation, or continued operation, is required:
- (a) to manage network system constraints; or
 - (b) in the event of failure of existing major electricity generating facilities; or
 - (c) in the event of a State or regional system shutdown (black start) situation; or
 - (d) if cessation of operation would otherwise lead to a loss or reduction in electricity necessary to maintain the required network supply security and reliability; or
 - (e) at the direction of the Australian Energy Market Operator under the National Electricity Rules to provide, maintain, increase or be available to increase power generation for system security/reliability.

Where the operating time limit is exceeded, this shall be documented in the compliance report required under condition B14 along with the reasons for the exceedance.

PLANNING AGREEMENT

- B16. Within 12 months of the date of this approval, unless otherwise agreed by the Director-General, the Proponent shall enter into a Planning Agreement with Council in accordance with Division 6 of Part 4 of the Act, to provide contributions to Council for a Community Enhancement Fund.

The contributions shall be consistent with those contributions identified in the letter from the Proponent to the Department dated 30 May 2012 titled "Dalton Power Station Planning Agreement with Upper Lachlan Shire Council".

SCHEDULE C

ENVIRONMENTAL PERFORMANCE

AIR QUALITY

Manufacturer's Performance Guarantee

- C1. Prior to the installation of any fuel burning equipment associated with the Project, the manufacturer's performance guarantee for that equipment shall be submitted to the EPA. The documentation shall demonstrate to the EPA's satisfaction that the equipment, when operating at design load, will comply with the air discharge limits specified in this approval in Table 3.

Odour

- C2. Any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, shall not be emitted beyond the boundary of the site.

TURBINES

- C3. F class turbines are to be installed at the power station.

FUELS

- C4. Natural Gas is the only approved fuel for firing of the power station turbines. Diesel fuel is not permitted to be used in the firing of the turbines under any circumstances.

AVIATION SAFETY

- C5. At least six months prior to the operation of the Project, the Proponent shall consult with the Civil Aviation Safety Authority and Airservices Australia in relation to the management of aviation hazards associated with the Project and provide written evidence to the Director-General that the following matters have been addressed to the satisfaction of these agencies:
- (a) updates to navigational aids including flight plans, maps and other relevant documentation to identify the Project as a potential aviation hazard;
 - (b) aviation hazard lighting requirements; and
 - (c) such other matters as the agencies may consider relevant.
- C6. The stacks associated with the proposal shall be marked and lit in accordance with the requirements of the Civil Aviation Safety Authority and the requirements of condition C17.

BIODIVERSITY

Ecological Monitoring

- C7. An **Ecological Monitoring Program** shall be developed to monitor the effectiveness of the ecological mitigation measures implemented as part of the Project. The Program shall be developed by a suitably qualified and experienced ecologist(s) in consultation with the OEH and shall include, but not necessarily be limited to:
- (a) an adaptive monitoring program to assess the effectiveness of the mitigation measures identified in conditions, E46(f) and F26 and allow amendment to the measures if necessary;
 - (b) nomination of appropriate and justified monitoring periods and performance targets against which effectiveness of the mitigation measures will be measured;

- (c) mechanisms for developing additional monitoring protocols to assess the effectiveness of any additional mitigation measures implemented;
- (d) provision for the assessment of the data to identify changes to habitat usage and whether this can be directly attributed to the Project;
- (e) details of contingency measures that would be implemented in the event of changes to habitat usage patterns directly attributable to the construction or operation of the Project; and
- (f) provision for annual reporting of monitoring results to the Director-General and the OEH, or as otherwise agreed by those agencies.

The Program shall be submitted to the Director-General for approval no later than one month prior to the commencement of any clearing or construction that would result in the disturbance of native vegetation, unless otherwise agreed by the Director-General.

The Program may be submitted in stages to suit the staged construction program of the Project.

- C8. Monitoring shall be undertaken during construction (for construction-related impacts) and during operation of the Project (for operation/ ongoing impacts) until such time as the effectiveness of mitigation measures are demonstrated to have been achieved over a minimum of three successive monitoring periods, unless otherwise agreed by the Director-General. The monitoring period may be reduced with the agreement of the Director-General in consultation with the OEH, depending on the outcomes of the monitoring.
- C9. Ongoing monitoring of offset measures shall be in accordance with condition C11.

Biodiversity Offset Strategy

- C10. The Proponent shall develop a **Biodiversity Offset Strategy** to outline how the ecological values lost as a result of the Project will be offset in perpetuity, with consideration to the *Principles for the Use of Biodiversity Offsets in NSW* (Office of Environment & Heritage website, dated June 2011). The Strategy shall be developed in consultation with the OEH and shall include, but not necessarily be limited to:
 - (a) the aims and objectives of the biodiversity offset strategy;
 - (b) confirmation of the extent and types of vegetation communities/habitat that would be lost or degraded and are to be offset;
 - (c) a description of the methodology to be used to determine the offsets required;
 - (d) details of the available offset measures that have been selected to compensate for the loss of existing native vegetation, threatened species and/or their habitats (including the loss of hollow-bearing trees) and endangered ecological communities. The measures shall achieve a neutral or net beneficial outcome for all the biodiversity values likely to be impacted directly or indirectly during both the construction and operational phases of the project;
 - (e) a process for addressing and incorporating offset measures arising from changes in biodiversity impacts (where these changes are generally consistent with the biodiversity impacts identified for the project in the documents listed under condition B1) resulting from –
 - (i) changes to the footprint due to design changes,
 - (ii) changes to predicted impacts as a result of changes to mitigation measures, and
 - (iii) identification of additional species/specimens and/or habitat during pre-clearing surveys, construction or the establishment of ancillary facilities;
 - (f) identification of the mechanisms that will be used to secure the offset measures in perpetuity; and
 - (g) the decision-making framework that would be used to select the final suite of offset measures to achieve the objectives and outcomes established within the Strategy, including the ranking of offset measures.

The Biodiversity Offset Strategy shall be submitted to the Director-General for approval at least one month prior to the commencement of any construction work that would result in the disturbance of any existing native vegetation, threatened species and/or their habitats and endangered ecological communities, unless otherwise agreed by the Director-General.

Biodiversity Offset Package

C11. The Proponent shall develop a **Biodiversity Offset Package** in consultation with the OEH. The Package shall (unless otherwise agreed by the Director-General) include, but not necessarily be limited to:

- (a) the objectives and biodiversity outcomes to be achieved;
- (b) the final suite of biodiversity offset measures selected and secured in accordance with the Biodiversity Offset Strategy;
- (c) the ongoing management and monitoring requirements for compensatory habitat works and other biodiversity offset measures proposed to ensure the outcomes of the package are achieved, including -
 - (i) an adaptive monitoring program to assess the effectiveness of the offset measures and any additional measures implemented to address additional impacts that may arise such as design amendments or unexpected threatened species finds during construction,
 - (ii) the monitoring of the condition of species and ecological communities at offset locations,
 - (iii) the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites,
 - (iv) process for responding to any threats to the success of the offset measures;
 - (v) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with the OEH; and
- (d) timing (including frequency) and responsibilities for the implementation of the provisions of the Package.

Land offsets shall be consistent with the *Principles for the Use of Biodiversity Offsets in NSW*. Any land offset shall be enduring and be secured by a conservation mechanism which protects and manages the land in perpetuity. Where land offsets cannot solely achieve compensation for the loss of habitat, additional measures shall be provided to collectively deliver an improved or maintained biodiversity outcome for the region.

Where monitoring indicates that biodiversity outcomes are not being achieved, remedial actions shall be undertaken to ensure that the objectives of the Biodiversity Offset Package are achieved.

The Biodiversity Offset Package shall be submitted to the Director-General for approval. Construction of the Project shall not commence until such time that the Biodiversity Offset Package has been approved by the Director-General, unless otherwise agreed by the Director-General.

HAZARDS AND RISK

C12. Dangerous goods, as defined by the *Australian Dangerous Goods Code*, shall be stored and handled strictly in accordance with:

- (a) all relevant Australian Standards;
- (b) for liquids, a minimum bund volume requirement of 110 percent of the volume of the largest single stored volume within the bund; and
- (c) the *Environment Protection Manual for Authorised Officers: Bunding and Spill Management, technical bulletin* (Environment Protection Authority, 1997).

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.

Hazards Studies

C13. Prior to the commencement of construction of the Project, (except for construction of those preliminary works that are outside the scope of the hazard studies) or as otherwise agreed by the Director-General, the following studies shall be prepared:

- (a) a **Fire Safety Study** for the Project, covering relevant 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 fire protection inside the turbine housing must be determined. The Study shall be submitted for approval to Fire and Rescue NSW and the Rural Fire Services;
- (b) a **Hazard and Operability Study** (HAZOP) for the Project, chaired by an independent, qualified person or team. 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 shut-down procedures and systems in the event of a gas leak and recommended measures for early shut-down 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 shall be included;
- (c) a **Final Hazard Analysis** consistent with the Department's *Hazardous Industry Planning Advisory Paper No.6 – Guidelines for Hazard Analysis*. The Analysis shall report on the implementation of the recommendations of the Preliminary Hazard Analysis detailed in the document referred to in condition B1(b) and should confirm the safety integrity levels of the automatic protection of the pipeline and the on-site equipment; 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*.

C14. Prior to the commencement of commissioning of the Project, the following studies shall be prepared:

- (a) a comprehensive **Emergency Plan** and detailed emergency procedures for the Project. The Plan shall be consistent with the Department's publication *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*. The Plan shall include consideration of the safety of all people outside of the project who may be at risk from the project; and
- (b) a **Safety Management System**, covering all on-site operations 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. Records shall be kept on site and shall be available for inspection by the Director-General upon request. The System shall be consistent with the Department's publication *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.

Post-Startup Compliance Hazard Report

C15. Three months after the commencement of operation of the Project, the Proponent shall submit to the Director-General, a report verifying that:

- (a) the Emergency Plan required under condition C14(a) is effectively in place and that at least one emergency exercise has been conducted; and
- (b) the Safety Management System required under condition C14(b) has been fully implemented and that records required by the system are being kept.

URBAN DESIGN AND LANDSCAPING

Lighting

- C16. All external lighting associated with the Project shall be mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadways. The lighting shall be the minimum level of illumination necessary and shall comply with Australian Standard *AS4282 1997 – Control of the Obtrusive Effects of Outdoor Lighting*.
- C17. Where aviation hazard lighting is recommended by the Civil Aviation Safety Authority and/or Airservices Australia, all feasible and reasonable attempts shall be made to ensure that this lighting is designed and directed so as not to create a nuisance to the surrounding environment, properties and roadways.

Visual Amenity

- C18. The height of the top most point of the gas turbine assembly (including stacks and air intake but excluding lightning protection) shall be no more than 606 metres AHD.
- C19. The use of reflective building elements shall be minimised and the use of building materials and treatments which visually complement the surrounding landscape shall be maximised.
- C20. Where any built element of the power station is visible from a residential dwelling or business premises located within five kilometres from the power station, the landowner of the dwelling or business may request landscaping measures on their property to screen views of the power station. Such a request shall be made in writing by the landowner upon construction of the stacks, and up to 12 months following completion of construction of each stage of the Project.
- C21. The Proponent shall investigate and implement feasible and reasonable landscaping measures in consultation with the landowner of the affected dwelling or business identified in condition C20. If the landowner and Proponent cannot agree on the measures to be implemented, then either party may refer the matter to the Director-General for resolution, whose decision shall be final and binding on the parties. Upon written acceptance of the landscaping measures, these shall be implemented at the landowner's property within six months.
- C22. The Proponent shall provide and bear the full cost of all feasible and reasonable landscaping treatments to visually screen affected dwellings or businesses identified in condition C20.
- C23. Landscaping works to reduce the visual impact of the power station shall comprise advanced plantings of locally native species.

Design and Landscape Plan

- C24. A **Design and Landscape Plan** shall be prepared and implemented for the Project. The Plan shall be prepared by appropriately qualified person(s) in consultation with the relevant council and community and shall present an integrated landscape design for the Project. The Plan shall include, but not necessarily be limited to:
- (a) identification of design objectives, principles and standards based on -
 - (i) local environmental values,
 - (ii) rural design context,
 - (iii) sustainable design and maintenance,
 - (iv) community amenity and privacy, and
 - (v) relevant design standards and guidelines;
 - (b) details on the location of existing vegetation and proposed landscaping at the power station, in the vicinity of associated infrastructure, and within the buffer zone to the power station, to be used to reduce the visual impact of the Project;

- (c) an assessment of the effectiveness of existing vegetation and the proposed landscaping identified in (b) to visually screen the power station and associated infrastructure;
- (d) a description of the areas disturbed by construction and details of the strategies to progressively rehabilitate, regenerate and/ or revegetate these areas;
- (e) the landscape screening measures to be employed at receivers in proximity to the project site and along nearby roadsides to screen views of the power station and valve station;
- (f) details of the species to be used in landscaping, including the appropriateness of the species to the area and potential to provide suitable habitat for threatened species;
- (g) graphics such as sections, perspective views, photomontages and sketches for key elements of the Project from nearby residences and viewing areas;
- (h) a description of the design features, built elements, lighting and building materials for the power station and associated infrastructure along with the proposed measures for reducing any visual impacts;
- (i) monitoring and maintenance procedures for the built elements, rehabilitated vegetation and landscaping (including weed control), including performance indicators, responsibilities, timing and duration, and contingencies to be implemented where rehabilitation of vegetation and landscaping measures fail; and
- (j) evidence of consultation with the relevant council and community on the proposed landscape measures prior to finalisation of the Plan. The “community” shall include, but not be limited to, landowners, business owners and public authorities, whose dwelling, business or public area respectively, have been identified in the documents listed in condition B1(b) and B1(c) as having views of the power station.

The Plan shall be submitted for the approval of the Director-General at least one month prior to the commencement of construction of the Project, unless otherwise agreed by the Director-General. The Plan may be submitted in stages to suit the staged construction of the Project.

UTILITIES AND SERVICES

C25. Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the Project shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the Proponent.

WASTE MANAGEMENT

C26. All waste materials removed from the site shall only be directed to a waste management facility or premises lawfully permitted to accept the materials.

C27. Waste generated outside the site shall not 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.

C28. All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with *Waste Classification Guidelines* (Department of Environment, Climate Change and Water, 2009), or any superseding document.

- C29. The Proponent shall maximise the reuse and/or recycling of waste materials generated on site, to minimise the need for treatment or disposal of those materials outside the site.

WATER QUALITY AND HYDROLOGY

- C30. Except as may be provided by an Environment Protection Licence, the Project shall be constructed and operated to comply with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.
- C31. The Proponent shall undertake hydrologic and hydraulic studies as part of the detailed design to address the potential for flooding at the power station.
- C32. The Project shall be designed, sited and constructed so that it is not subject to inundation by floodwaters up to or at a level of the Probable Maximum Flood, nor worsen flooding on adjacent land in the vicinity of the Project. Not worsen is defined as:
- (a) a maximum increase in inundation levels upstream of the Project of 50 millimetres in a 1 in 100 year average recurrence interval rainfall event; and
 - (b) a maximum increase in inundation time of one hour in a 1 in 100 year average recurrence interval rainfall event.
- C33. Where the Proponent can demonstrate to the satisfaction of the Director-General that it is not reasonable and feasible to design to the Probable Maximum Flood, the Proponent may nominate an alternative design flood level for the approval of the Director-General. The alternative flood level shall be developed using a risk-based approach and in consultation with the relevant council.
- C34. The Project shall be designed, and employ surface water management techniques, such that existing runoff volumes along drainage lines from the site are maintained at pre-construction levels and there are no adverse effects to adjoining land as a result of flooding and runoff.
- C35. Process wastewater, wastewater generated from equipment washing, cleaning, domestic sources (such as amenities and kitchens) or maintenance, and contaminated water from bunded areas must not be discharged to the environment unless permitted by an Environment Protection Licence, or otherwise agreed in writing by the EPA.
- C36. Any wastewater storage ponds/ pits constructed as part of the Project shall be lined with an appropriate liner(s) with a minimum permeability coefficient of 1×10^{-9} metres per second.
- C37. The Proponent shall not establish any new water storage structures or utilise any existing water storage structures on site for the purposes of stormwater capture during construction or operation except in accordance with section 53 of the *Water Management Act 2000*.
- C38. Water for the operation of the power station is to be sourced from groundwater bores located on the power station site and the bores must be licensed under the *Water Management Act 2000*.
- C39. Trucking of potable water to the site shall be limited to water for use in drinking and amenities (hand basins, sinks, showers and toilet) and turbine compressor washing.
- C40. The maximum permissible amount of potable water to be trucked to the site is 300 kilolitres per annum.

WEATHER MONITORING

C41. The Proponent shall establish and maintain a meteorological station on site within one month of the approval of the Project, with the capability of continuously monitoring the parameters set out in Table 1.

Table 1 - Weather Monitoring

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Rainfall	millimetres	Continuous	1 hour	AM-4
Wind speed @ 10 metres	metres per second	Continuous	15 minute	AM-2 & AM-4
Wind direction @ 10 metres		Continuous	15 minute	AM-2 & AM-4
Temperature @ 2 metres	degrees Celsius	Continuous	15 minute	AM-4
Temperature @ 10 metres	degrees Celsius	Continuous	15 minute	AM-4
Sigma theta @ 10 metres		Continuous	15 minute	AM-2 & AM-4
Solar radiation	Watts per square metre	Continuous	15 minute	AM-4
Additional requirements - Siting - Measurement				AM-1 & AM-4 AM-2 & AM-4

C42. The weather parameters specified in Table 1 shall be monitored on site in accordance with the specified sampling methods, units of measure, averaging periods and frequency.

C43. The Proponent shall use the meteorological data collected on site to determine the occurrence and frequency of stability category temperature inversions prevailing at the Project site and whether they occur for a significant period of time at the site.

C44. Stability category temperature inversion conditions (stability category) are to be determined in accordance with methods set out in the *NSW Industrial Noise Policy* (Environment Protection Authority, 2000).

C45. After a period of 12 months of meteorological monitoring, the Proponent shall forward to the Director-General a report describing the type and frequency of temperature inversion conditions prevailing at the site.

SCHEDULE D

COMMUNITY INFORMATION, REPORTING AND AUDITING

COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

D1. A **Community Communication Strategy** shall be prepared and implemented to provide mechanisms to facilitate communication between the Proponent (and its contractor(s)), the Environmental Representative, the relevant council and community stakeholders (particularly adjoining landowners) on the construction and operational management of the Project. The Strategy shall include, but not be limited to:

- (a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners;
- (b) procedures and mechanisms for the regular distribution of information to community stakeholders on construction progress and matters associated with environmental management and operation of the facility;
- (c) the formation of community-based forums that focus on key environmental management issues for the Project. The Strategy shall provide detail on the structure, scope, objectives and frequency of the community-based forums;
- (d) procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Proponent and/or Environmental Representative in relation to the environmental management and delivery of the Project;
- (e) procedures and mechanisms through which the Proponent can respond to enquires or feedback from the community stakeholders in relation to the environmental management and delivery of the Project; and
- (f) procedures and mechanisms that would be implemented to resolve issues/ disputes that may arise between parties on the matters relating to environmental management and the delivery of the Project. This may include the use of an appropriately qualified and experienced independent mediator.

Issues that shall be addressed through the Community Communication Strategy include, but are not necessarily limited to:

- (a) construction and operational traffic;
- (b) landscaping and urban design matters;
- (c) operational water management;
- (d) air quality;
- (e) erosion and sediment control;
- (f) noise and vibration mitigation and management; and
- (g) construction timetable and construction progress.

The Proponent shall maintain and implement the Strategy throughout construction and operation of the Project. The Strategy shall be approved by the Director-General prior to the commencement of construction, or as otherwise agreed by the Director-General.

Complaints and Enquiries Procedure

D2. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall ensure that the following are available for community enquiries and complaints for the duration of construction and operation of the Project:

- (a) a 24 hour telephone number(s) on which complaints and enquiries about the Project may be registered;
- (b) a postal address to which written complaints and enquires may be sent;
- (c) an email address to which electronic complaints and enquiries may be transmitted; and
- (d) a mediation system for complaints unable to be resolved.

The telephone number, the postal address and the email address shall be published in newspaper(s) circulating in the local area prior to the commencement of construction and prior to the commencement of operation for both stages of the project. This information shall also be provided on the website (or dedicated pages) required by this approval.

- D3. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall prepare and implement a **Construction and Operational Complaints Management System** consistent with *AS 4269: Complaints Handling* and maintain the System for the duration of construction and operation of the Project.

Information on all complaints received, including the means by which they were addressed and whether resolution was reached, with or without mediation, shall be maintained in a complaints register and included in the compliance reports required by condition D5. The information contained within the System shall be made available to the Director-General on request.

Provision of Electronic Information

- D4. Prior to the commencement of construction, or as otherwise agreed by the Director-General, the Proponent shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the Project, for the duration of construction and the operation of the Project. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to:

- (a) information on the current implementation status of the Project;
- (b) a copy of the documents referred to under condition B1, and any documentation supporting modifications to this approval that may be granted from time to time;
- (c) a copy of this approval and any future modification to this approval;
- (d) a copy of each relevant environmental consent, licence or permit required and obtained in relation to the Project;
- (e) a copy of each current strategy, plan, program or other document required under this approval;
- (f) the outcomes of compliance tracking in accordance with condition D5; and
- (g) details of contact point(s) to which community complaints and enquiries may be directed, including a telephone number, a postal address and an email address.

COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

- D5. The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Program shall be submitted to the Director-General for approval prior to the commencement of construction and operate for the duration of the operation of the Project, subject to the Director-General's review of the outcomes of the Operation Performance Audit Report referred to in condition F25. The Program shall include, but not necessarily be limited to:

- (a) provisions for the notification of the Director-General prior to the commencement of construction and prior to the commencement of operation for both stages of the Project;
- (b) provisions for periodic review of the compliance status of each stage of the Project against the requirements of this approval;
- (c) provisions for periodic reporting of compliance status of each stage of the Project to the Director-General, including a Pre-Construction Compliance Report, during construction reporting, and a Pre-Operation Compliance Report for each stage of the Project;

- (d) provision for reporting compliance with conditions C13 and C14, including dates of studies/plans/systems submission and approval, and actions taken or proposed to implement the recommendation made in the studies/plans/systems.
- (e) a program for independent environmental auditing in accordance with *ISO 19011:2003 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;
- (f) mechanisms for recording environmental incidents during construction and operation and actions taken in response to those incidents;
- (g) provisions for reporting environmental incidents to the Director-General and relevant public authorities during construction and operation of the Project;
- (h) procedures for rectifying any non-compliance identified during environmental auditing, review of compliance or incident management; and
- (i) 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.

Incident Reporting

- D6. The Proponent shall notify the Director-General of any incident during construction and operation with significant off-site impacts on people or the biophysical environment within 24 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.
- D7. 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 D6, within such period as the Director-General may require.

Note: Nothing in this approval removes the Proponent's obligation under Section 148 of the *Protection of the Environment Operations Act 1997* to notify the appropriate regulatory authority (as defined under Section 6 of the *Protection of the Environment Operations Act 1997*) where a pollution incident occurs in the course of the development so that material harm to the environment is caused or threatened.

SCHEDULE E

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

AIR QUALITY

Dust Generation

- E1. The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown and traffic-generated dust, dust from stockpiles, dust from concrete batching, and material tracking from construction sites onto public roads. 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 feasible and reasonable dust mitigation measures (including temporary cessation of relevant works, as appropriate) such that emissions of visible dust cease.

ECOLOGY

Clearing

- E2. Prior to commencement of clearing, the Proponent shall implement mitigation measures, as identified in the Construction Flora and Fauna Management Plan required under condition E46(f), to minimise impacts to native vegetation (particularly threatened species and endangered ecological communities and their habitat).
- E3. The Proponent shall ensure that clearing of native vegetation, in particular vegetation associated with the endangered ecological communities Box Gum Woodland and Natural Temperate Grassland, and threatened flora species is limited to the minimum extent required (where reasonable and feasible) for the construction and operation of the project.
- E4. Clearing of Box Gum Woodland shall be limited to a total of 5.93 hectares and clearing of Natural Temperate Grassland shall be limited to 9.07 hectares.
- E5. The Proponent shall mark the areas of endangered ecological communities not to be impacted by the Project with flagging tape or similar prior to commencing construction to ensure that there is no incursion into, or clearing of the areas.
- E6. The Proponent shall ensure that no canopy trees of endangered ecological communities are cleared during the construction of the gas pipeline, unless otherwise approved by the Director-General.
- E7. The Proponent shall ensure that, where feasible and reasonable, the width of the construction corridor of the gas pipeline is reduced to avoid endangered ecological communities and/or threatened flora and their habitat.
- E8. The Proponent shall ensure that there is no incursion into, or clearing of, the Box Gum Woodland located adjacent to the southern portion of the lateral natural gas pipeline during construction of this section of the pipeline.
- E9. The Proponent shall ensure that there is no clearing of any vegetation along the local road network between Gunning and the Project site.
- E10. Any areas temporarily disturbed during construction (including access tracks and compound sites) shall be rehabilitated to a standard equal to or better than the existing condition, as soon as feasible and reasonable following the completion of construction activities in the affected location. Replanting of affected vegetation shall be undertaken using locally native species.

- E11. All feasible and reasonable measures shall be undertaken to minimise the clearing of bush rock and significant rocky outcrops and, where removed, their relocation into adjacent areas to provide fauna habitat.

Flora and Fauna Mitigation Measures

- E12. In the event that the species *Aprasia parapulchella* (Striped Legless Lizard), *Delma impar* (Pink-tailed Worm-lizard) or any other threatened fauna or flora species not previously identified on site, are identified during construction, all work in the vicinity of the sighting shall stop and management measures to minimise the risk to the species implemented in consultation with the OEH.
- E13. The Proponent shall implement measures to minimise impacts to fauna species and their habitat as far as practicable (where reasonable and feasible) during the construction of the Project, including:
- (a) pre-clearing surveys;
 - (b) protocols for the removal and relocation of fauna during clearing, including a two-stage clearing strategy;
 - (c) presence of an experienced ecologist to oversee clearing activities and facilitate fauna rescues and relocation;
 - (d) timing construction to be outside of the breeding season of threatened species with the potential to occur on site;
 - (e) avoiding impacts to habitat trees (>40 centimetre trunk width or any trees with hollows) unless demonstrated to the satisfaction of the Director-General that no reasonable and feasible alternative exists to avoiding the impact;
 - (f) reinstating habitat features (such as hollow bearing logs, large woody debris, bush rock, leaf litter/mulch and topsoil etc.) following disturbance;
 - (g) developing measures for minimising the incidence of fauna being trapped in trenches during gas pipeline construction such as minimising the length of time that trenches are left exposed and measures to encourage trapped fauna to escape from the trenches; and
 - (h) monitoring and response measures to identify and deal with trapped or injured fauna.
- E14. The Proponent shall implement measures to minimise impacts on native flora, particularly endangered ecological communities, and any species of threatened fauna not previously identified on site and their habitats, as far as practicable during the construction of the Project, including pre-clearing surveys, fencing of sensitive areas, setbacks, and protocols for trimming of the foliage of species belonging to endangered ecological communities.

HERITAGE

- E15. The Proponent shall take all reasonable and feasible measures to avoid the sites known as Dalton 1, 2, 3, 4, 5, 6 and 7, DPAD1 and DPAD2 (as identified in the report *Dalton Peaking Power Plant – Cultural Heritage Assessment (and Addendum)* prepared by Navin Officer Heritage Consultants dated June 2009) and the sites known as DGP1, DGP2, DGP3, DGP4, DGP5 and DGP6 (as identified in the report *Dalton Gas Pipeline – Cultural Heritage Assessment (and Addendum)* prepared by Narin Officer Heritage Consultants, dated February 2011) during the construction of the project, and develop site-specific management and mitigation measures to ensure that they are not impacted by the construction or operation of the Project. If impacts are unavoidable, management and mitigation measures shall be implemented in accordance with the Construction Heritage Management Plan required by condition E46(e).
- E16. Where ground disturbance is proposed in the vicinity of D5, DPAD1 and/or DPAD2, prior to commencing construction the Proponent shall undertake a program of

archaeological subsurface testing with the aim of identifying any Aboriginal cultural heritage values which may be impacted by the Project. The Proponent shall ensure monitoring by relevant Aboriginal stakeholders during such works. If objects are uncovered, management measures shall be implemented in accordance with the Construction Heritage Management Plan required by condition E46(e).

- E17. The Proponent shall undertake consultation with the Buru Ngunawal Aboriginal Corporation prior to commencement of construction. The outcomes of the consultation shall be addressed in the Construction Heritage Management Plan required under condition E46(e).

NOISE AND VIBRATION

Construction Hours

- E18. Construction activities (including the delivery of materials) associated with the Project shall be undertaken during the following standard construction hours:

- (a) 7:00 am to 6:00 pm Mondays to Fridays, inclusive; and
- (b) 8:00 am to 1:00 pm Saturdays; and
- (c) at no time on Sundays or public holidays.

- E19. Construction works outside of the standard construction hours identified in condition E18 may be undertaken in the following circumstances:

- (a) construction works (excluding the delivery of materials) that generate noise that is:
 - (i) not audible at any sensitive residential receiver; and
 - (ii) no more than the noise management levels specified in Table 3 of the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) at other sensitive receivers; or
- (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; and
- (d) works approved through an Environment Protection Licence, or by the Director-General.

- E20. Except as expressly permitted by an Environment Protection Licence issued for the Project, activities resulting in impulsive or tonal noise emission (such as rock breaking, and rock hammering) shall only be undertaken:

- (a) between the hours of 8:00 am to 5:00 pm Monday to Friday;
- (b) between the hours of 8:00 am to 1:00 pm Saturday; and
- (c) in continuous blocks not exceeding three hours each with a minimum respite from those activities and works of not less than one hour between each block.

For the purposes of this condition 'continuous' includes any period during which there is less than a one hour respite between ceasing and recommencing work.

- E21. Blasting, pile driving, and rock crushing and screening are not permitted for the Project.

Construction Noise and Vibration

- E22. The Project shall be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009) and, for construction traffic noise, in the *Environmental Criteria for Road Traffic Noise* (Environment Protection Authority, 1999). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan required under condition E46(b).

- E23. The Project shall be constructed with the aim of achieving the following construction vibration goals:
- (a) for structural damage, the vibration limits set out in the *German Standard DIN 4150-3: 1999 Structural Vibration - Effects of vibration on structures*;
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management: Assessing Vibration: A Technical Guideline* (Department of Environment and Conservation, 2006); and
 - (c) the ground-borne noise levels set out in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009).
- E24. The Proponent shall minimise noise emissions from plant and equipment, including bulldozers, cranes, graders, excavators and trucks, by installing and maintaining, where feasible and reasonable, efficient silencers and low-noise mufflers (residential standard).

PROPERTY IMPACTS

- E25. Access to private property shall be maintained during construction unless otherwise agreed with the property owner in advance. Where approved access to a property is to be affected by construction of the Project, unless otherwise agreed with the property owner, the Proponent shall provide an alternative access of a standard that is at least equivalent to that currently existing and meets relevant road safety standards, prior to affecting the existing access. Details for provision of altered access shall be determined in consultation with the property owner. The original access to the property shall be reinstated to at least an equivalent standard following the completion of construction, in consultation with the property owner, unless otherwise agreed with the property owner.
- E26. The Proponent shall construct the Project in a manner that minimises impacts to private properties and other public or private structures (such as fences and utility services infrastructure). In the event that construction of the Project results in direct or indirect damage to any such property or structure, the Proponent shall arrange and fund repair of the damage to a standard comparable to that in existence prior to that damage, or compensate the owner of the structures/property, unless otherwise agreed to by the owner. All repairs/compensation are to be implemented within 30 days of an agreement being reached, unless otherwise agreed to by the owner.

SOIL AND WATER MANAGEMENT

- E27. Soil and water management measures consistent with *Managing Urban Stormwater - Soils and Construction Vols 1 and 2, 4th Edition* (Landcom, 2006) shall be employed during the construction of the Project to minimise soil erosion and the discharge of sediment and other pollutants to land and/or waters.
- E28. Where available, and of appropriate chemical and biological quality, stormwater, recycled water or other water sources shall be used in preference to potable water for construction activities, including concrete mixing and dust control.
- E29. Construction activities within 40 metres of any watercourses, shall be consistent with the *Controlled Activity Guidelines* (NSW Office of Water, 2010) including, but not limited to, 'In-stream Works', 'Outlet Structures', 'Riparian Corridors', 'Vegetation Management Plans', and 'Watercourse Crossings', or any guidelines which supersede these documents.

TRAFFIC AND TRANSPORT

E30. Unless otherwise agreed by the Director-General, the Proponent shall undertake the following in consultation with, and to the satisfaction of, the relevant road and rail authorities (as relevant):

- (a) prior to the commencement of construction, review the proposed construction traffic route(s) and existing access provisions to the power station site to determine whether the route(s) and existing provisions allow for safe access of construction and operational vehicles associated with the Project (including appropriate site distances, rail crossings and provisions for over-mass and/or over-dimensional transport and safety with other road and rail users). Where improvements or changes to the proposed route and/or infrastructure is required, the Proponent shall implement these to the satisfaction of the relevant road and rail authority, prior to the commencement of construction;
- (b) assess all roads proposed to be used for over-mass and/ or over-dimensional haulage (including intersections, bridges, culverts and other road features) prior to the commencement of construction of Stage 1 and Stage 2, to determine whether the existing road condition can accommodate the proposed over-mass and/ or over-dimensional haulage. Where improvements are required, the Proponent shall implement these, to the satisfaction of the relevant road authority, prior to the commencement of construction of each stage; and
- (c) upon determining the haulage route(s) for construction vehicles associated with the Project, and prior to construction of Stage 1 and prior to construction of Stage 2, the Proponent shall undertake **Road Dilapidation Reports** of the local and collector roads used for haulage. The report shall assess the current condition of the roads to be used by construction traffic and describe mechanisms to restore any damage that may result due to traffic and transport related to the construction of the Project. The report shall be submitted to the relevant road authority for review prior to the commencement of haulage. The “existing” road condition shall be taken to be that following any upgrade in accordance with condition E30(b).

E31. The Proponent shall ensure that any measures to restore or reinstate roads affected by the construction of the Project are undertaken in a timely manner, in accordance with the requirements, and to the satisfaction, of the relevant road authority, and at the full expense of the Proponent.

E32. Any pavement failures arising from construction traffic that result in safety concerns for other road users, shall be repaired in accordance with the relevant road authority's specifications no later than 48 hours following notification by the relevant road authority.

E33. The Proponent shall temporarily seal Walshs Road from the intersection of Loop Road to the proposed southern site entrance to the Project site, and Loop Road from the intersection of the Gunning/Dalton Road to the intersection of Bevendale Road, prior to the use of the roads by construction traffic. The Proponent shall ensure that the road surface is sealed to meet the reasonable requirements of Upper Lachlan Shire Council and includes a trafficable surface suitable to accommodate light, heavy and over-sized vehicle movements associated with the construction of the project.

E34. The Proponent shall permanently reseal the roads identified in condition E33 upon completion of the construction of Stage 1 of the Project to meet the reasonable requirements of Upper Lachlan Shire Council.

E35. The Proponent shall consider whether any identified road improvements or modifications to the road network (including rail crossings) are consistent with the project approval. Should they not be consistent, then the Proponent shall seek approval under the Act.

- E36. The Proponent shall instruct the drivers of heavy vehicles that compression breaking is not permitted on local and main roads in the township of Gunning and on Dalton Road north of the intersection with Gunning Road.
- E37. The Proponent shall ensure that construction vehicles adhere to nominated haulage routes identified in the Construction Traffic Management Plan as referred to in condition E46(c).
- E38. No construction traffic is permitted to access the Project site via Yass Street, or Jerrawa and Coolaie Roads, or Walshs Road west of the new access road to the site.
- E39. The Proponent shall ensure that heavy vehicle movements through Gunning are outside the morning and afternoon school peaks.

ANCILLARY FACILITIES

- E40. Unless otherwise approved by the Director-General, the location of Ancillary Facilities shall:
- (a) be located more than 50 metres from a waterway;
 - (b) be located within or adjacent to the Project;
 - (c) have ready access to the road network or direct access to the construction area;
 - (d) be located to minimise the need for heavy vehicles to travel through residential areas;
 - (e) be located in areas of low ecological significance and require minimal clearing of native vegetation (not beyond that already required by the project);
 - (f) be sited on relatively level land;
 - (g) be separated from nearest residences by at least 200 metres (or at least 300 metres for a temporary batching plant);
 - (h) not unreasonably affect the land use of adjacent properties;
 - (i) not unreasonably impact on the visual, acoustic and air quality amenity of the nearest residences;
 - (j) be above the 20 year ARI flood level unless a contingency plan to manage flooding is prepared and implemented;
 - (k) operate in accordance with the construction hours set out in condition E18;
 - (l) be located in areas of low heritage conservation significance (including identified Aboriginal cultural value) and not impact on heritage sites beyond those already impacted by the Project; and
 - (m) provide sufficient area for the storage of raw materials to minimise, to the greatest extent practical, the number of deliveries required outside standard construction hours.
- E41. The location of ancillary facilities shall be identified in the Construction Ancillary Facilities Management Plan required under condition E46(a) and include consideration of the criteria listed in condition E40.
- E42. Ancillary facilities that do not meet the criteria set out under condition E40 must be approved by the Director-General prior to establishment. In obtaining this approval, the Proponent shall demonstrate consistency with project impacts identified in the documents listed under condition B1 and provide an environmental assessment of the facility. Such assessment(s) can be submitted separately or as part of the Construction Ancillary Facilities Management Plan required under condition E46(a). The assessment report shall include, but not necessarily be limited to:
- (a) a description of the ancillary facility, its components and the surrounding environment;
 - (b) details on the activities to be carried out at the facility, including the hours of use and the storage of dangerous and hazardous goods;

- (c) an assessment of the environmental impacts on the site and the surrounding environment, including, but not limited to noise, vibration, air quality, traffic and access, flora and fauna, heritage and light spill;
- (d) details on the mitigation, monitoring and management procedures specific to the ancillary facility that would be implemented to minimise environmental impacts or, where this is not possible, reasonable and feasible measures to offset these impacts and an assessment of the adequacy of the mitigation or offsetting measures. This shall include consideration of restrictions on the hours of use or exclusion of certain activities;
- (e) details on the timing for the completion of activities at the ancillary facility and how the site will be decommissioned (including any necessary rehabilitation); and
- (f) demonstrated overall consistency with the approved project.

E43. The Director General's approval is not required for minor ancillary facilities (e.g. lunch sheds, office sheds, and portable toilet facilities) that do not comply with the criteria set out in condition E40 and:

- (a) are located within an active construction zone within the approved project footprint; and
- (b) have been assessed by the Environmental Representative to be -
 - (i) of low amenity risk to surrounding residences, with consideration to matters such as noise and vibration impacts, traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
 - (ii) of low environmental risk in respect to waste management and impacts on flora and fauna, soil and water, and heritage; and
- (c) have environmental and amenity impacts that can be managed through the implementation of standard environmental measures detailed in an approved Construction Environmental Management Plan for the project.

ENVIRONMENTAL REPRESENTATIVE

E44. 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 Environment Representative(s) that is independent of the design, construction and operational personnel. The Proponent shall employ the Environment Representative(s) for the duration of construction and operation of Stages 1 and 2 of the Project, or as otherwise agreed by the Director-General. The Environment Representative(s) shall:

- (a) be the principal point of advice in relation to the environmental performance of the Project;
- (b) monitor the implementation of environmental management plans and monitoring programs required under this approval and advise the Proponent upon the achievement of these plans and programs;
- (c) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval, and other licences and approvals related to the environmental performance and impacts of the Project;
- (d) ensure that environmental auditing is undertaken in accordance with the Proponent's Environmental Management System(s);
- (e) be given the authority to approve/ reject minor amendments to the Construction Environmental Management Plan and Operation Environmental Management Plan required under conditions E45 and F26, respectively. What constitutes a "minor" amendment shall be clearly explained in both plans;
- (f) be 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; and

- (g) be consulted in responding to the community concerning the environmental performance of the Project where the resolution of points of conflict between the Proponent and the community is required.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

E45. Prior to the commencement of construction of any stage, or as otherwise agreed by the Director-General, the Proponent shall prepare and implement (following approval) a Construction Environmental Management Plan for the Project. The Plan shall outline the environmental management practices and procedures that are to be followed during the construction of the stage, and shall be prepared in consultation with the relevant government agencies and in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources, 2004). The Plan shall include, but not necessarily be limited to:

- (a) a description of activities to be undertaken during construction, including scheduling;
- (b) statutory and other obligations that the Proponent is required to fulfil during construction, including approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies;
- (c) a description of the roles and responsibilities for relevant employees involved in the construction of the Project, including relevant training and induction provisions for ensuring that employees, including contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;
- (d) an environmental risk analysis to identify the key environmental performance issues associated with the construction phase; and details of how environmental performance would be managed and monitored to meet acceptable outcomes, including the actions to be undertaken to address identified potential adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan -
 - (i) measures for the handling, treatment and management of the unexpected discovery of **contaminated soils**,
 - (ii) measures to monitor and manage **waste** (solid and liquid) generated during construction including, but not necessarily limited to, general procedures for waste classification, handling, reuse, and disposal, how contaminated materials would be handled and disposed, use of secondary waste material in construction wherever feasible and reasonable, and procedures for managing green waste including timber and mulch from clearing activities,
 - (iii) measures to monitor and manage **spoil and fill** including details of how excavated material would be handled, stockpiled, reused and disposed and a stockpile/spoil reuse management protocol detailing location criteria that would guide the placement of stockpiles and spoil reuse, and minimum management measures (including rehabilitation) that would be implemented to avoid and/or minimise amenity impacts to surrounding residents and environmental risks (including to surrounding watercourses),
 - (iv) measures to monitor and manage **hazard and risks** including emergency management, and
 - (v) details of **community involvement strategies** and **community complaints handling procedures** during construction, consistent with the requirements of conditions D1 and D2,
 - (vi) details of **compliance and incident reporting** consistent with the requirements of conditions D5, D6 and D7, including a definition of environmental incident categories and reportable environmental incidents;

- (e) procedures for the periodic review and update of the Construction Environmental Management Plan and its sub-plans as necessary (including where minor changes can be approved by the Environmental Representative); and
- (f) the additional Plans listed under condition E46.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of each construction stage, or as otherwise agreed by the Director-General. Construction works for each stage shall not commence until written approval has been received from the Director-General.

Note: The approval of a Construction Environmental Management Plan does not relieve the Proponent of any requirement associated with this project approval. If there is an inconsistency with an approved Construction Environmental Management Plan and the conditions of this project approval, the requirements of this Project approval prevail.

E46. As part of the Construction Environmental Management Plan for the Project required under conditions E45, the Proponent shall prepare and implement the following management plans:

- (a) an **Ancillary Facilities Management Plan** to detail the management of construction ancillary facilities associated with the Project. The Plan shall include but not be limited to -
 - (i) the location and description of the facility(s), its components and the surrounding environment,
 - (ii) details of the activities to be carried out at each facility, including the hours of use and the storage of dangerous and hazardous goods,
 - (iii) an assessment of each facility against the locational criteria outlined in condition E40,
 - (iv) details of the mitigation and management procedures specific to the facility that would be implemented to minimise environmental and amenity impacts and an assessment of the adequacy of the mitigation measures, and
 - (v) identification of the timing for the completion of activities at each facility and how the site will be decommissioned (including any necessary rehabilitation);
- (b) a **Construction Noise and Vibration Management Plan** to detail how construction noise and vibration impacts will be minimised and managed. The Plan shall be consistent with the guidelines contained in the *Interim Construction Noise Guidelines* (DECC, 2009) and shall include, but not be limited to -
 - (i) identification of sensitive receivers and the construction noise and vibration goals and objectives applicable to the Project,
 - (ii) details of construction activities (including concurrent works) and an indicative schedule for construction works, including the identification of key noise and/or vibration generating construction activities (based on representative construction scenarios, including at ancillary facilities) that have the potential to generate noise and/or vibration impacts on surrounding sensitive receivers,
 - (iii) an assessment of the cumulative noise impact of concurrent construction activities over the duration of the construction of the project,
 - (iv) an assessment of construction traffic noise impacts on sensitive receivers on Warrataw Street, Gunning, and where construction traffic noise impacts exceed the goals under the *Environmental Criteria for Traffic Noise* (Environment Protection Authority) the mitigation measures proposed to reduce noise impacts (including the architectural treatment of buildings);
 - (v) identification of feasible and reasonable measures proposed to be implemented to minimise and manage construction noise and vibration impacts (including construction traffic noise impacts),

- (vi) procedures and mitigation measures to ensure relevant vibration criteria are achieved, including applicable buffer distances for vibration intensive works, use of low-vibration generating equipment/ vibration dampeners or alternative construction methodology, and pre- and post-construction dilapidation surveys of sensitive structures where vibration is likely to result in damage to buildings and structures (including surveys being undertaken immediately following a monitored exceedance of the criteria),
 - (vii) procedures for construction noise and vibration monitoring, and assessment of construction noise levels (including construction traffic) at sensitive receivers and against compliance with noise guidelines. The procedure is to detail the monitoring frequency, locations and methods of monitoring, responsibilities for monitoring and assessment, methods for recording and reporting monitoring results, and procedures to be followed where significant exceedances of relevant noise and vibration goals/guidelines are detected,
 - (viii) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints;
- (c) a **Construction Traffic and Access Management Plan** to manage construction traffic and access impacts of the Project. The Plan shall be developed in consultation with the relevant road and rail authority and shall include, but not necessarily be limited to -
- (i) identification of construction traffic routes and quantification of construction traffic volumes (including light, heavy and over-dimensional / over mass sized vehicle movements, and spoil haulage), including any necessary route or timing restrictions on oversized loads,
 - (ii) an assessment of alternative options to construction traffic traversing through the centre of Gunning,
 - (iii) measures to ensure acoustic and amenity impacts along construction vehicle routes are minimised,
 - (iv) details of vehicle movements to construction sites and ancillary facilities including parking, dedicated vehicle turning areas, and ingress and egress points,
 - (v) identification of construction traffic impacts that could result in disruption of traffic (including changes to intersection arrangements), public transport, pedestrian and cycle access, property access, movement of livestock,
 - (vi) details of management measures to minimise traffic impacts, including work traffic control measures, onsite vehicle queuing and parking, measures to minimise peak-time congestion, measures to avoid heavy vehicle movements through Gunning during morning and afternoon school peak periods, and measures to ensure safe pedestrian and cycle access (particularly across the Old Hume Highway at the intersection of Warrataw Street and Yass Street, Gunning and along Dalton Road),
 - (vii) proposed management measures for dealing with constraints to construction traffic movements including the Hume Highway crossing of Paddys River at Marulan, the Gunning rail bridge and 90 degree corners along Walshs Road,
 - (viii) in regards to over-dimensional / over-mass sized loads, details of the preferred option for the rail crossing at Gunning (including endorsement by the relevant rail authority, and management of the crossing to avoid use by other traffic) and temporary layby area including their removal once no longer required,
 - (ix) a response plan which sets out proposed responses to construction traffic incidents, and

- (x) procedures for informing the public where any road access will be modified or restricted as a result of the project;
- (d) a **Construction Soil and Water Quality Management Plan** to manage surface and groundwater impacts during construction of the Project. The Plan shall be developed in consultation with the NSW Office of Water and include, but not necessarily be limited to -
- (i) identification of all potential sources of water pollution and a detailed description of the management methods to be implemented to minimise soil erosion and prevent the discharge of sediment or other water pollutants from the site, including strategies to minimise the area of bare surfaces and stabilise disturbed areas, and plan drawings showing the locations for sediment and erosion control measures,
 - (ii) plans and drawings showing the location of sediment and erosion control measures,
 - (iii) details on the installation, monitoring and maintenance requirements for each of the recommended water quality control measures,
 - (iv) a program for recording and reporting on the effectiveness of water quality control measures against performance goals, including procedures for rectifying any non-compliances,
 - (v) details of stormwater overflow paths and measures for managing overflows,
 - (vi) detailed drawings of any engineering structures such as sediment and evaporation ponds, including design standards and management regimes,
 - (vii) details of the control measures to be employed to manage any accumulation of groundwater and surface water, including procedures for handling, treatment and disposal of groundwater and contaminated groundwater,
 - (viii) a contingency plan, consistent with the *Acid Sulfate Soils Manual*, to deal with the unexpected discovery of actual or potential acid sulfate soils, including procedures for the investigation, handling, treatment and management of such soils and water seepage;
 - (ix) contingency plans to be implemented in the event of major fuel spills or other chemicals spills, and
 - (x) a water balance plan detailing the source and security of construction water supply, water use on site, water and wastewater management on site, and any temporary water storages;
- (e) a **Construction Heritage Management Plan** to detail how construction impacts on Aboriginal and Historic heritage will be minimised and managed. The Plan shall be developed in consultation with the OEH and relevant Aboriginal stakeholders (for Aboriginal heritage), and include, but not necessarily be limited to -
- (i) in relation to Aboriginal Heritage -
 1. details of any further archaeological investigations within the Project area,
 2. procedures for dealing with previously unidentified Aboriginal objects (excluding human remains) including cessation of works in the vicinity, assessment of the significance of the item(s), determination of appropriate mitigation measures and when works can re-commence by a suitably qualified archaeologist in consultation with the Department, OEH and relevant Aboriginal stakeholders, and assessment of the consistency of any new Aboriginal heritage impacts against the approved impacts of the Project, and registering of the new site(s) in the OEH's Aboriginal Heritage Information Management System (AHIMS) register,

3. the outcomes of the consultation required under condition E17, including any issues and concerns raised and how these have been addressed,
 4. details of management measures to be carried out in relation to Aboriginal heritage, including a detailed methodology and strategies for protection, monitoring, salvage, and conservation of Aboriginal sites and items in the Project area,
 5. procedures for managing the discovery of confirmed or potential human remains, including the temporary cessation of works in the vicinity and notification to the NSW Police Force, OEH, the Department and relevant Aboriginal stakeholders and not recommencing any works in the area unless authorised by the OEH and/ or the NSW Police Force,
 6. heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) and obligations under the conditions of this approval and *National Parks and Wildlife Act 1974* (where relevant) including site identification, protection and conservation of Aboriginal cultural heritage, and
 7. procedures for ongoing Aboriginal consultation and involvement for the duration of the Project, and
- (ii) in relation to Historic Heritage:
1. procedures for dealing with previously unidentified heritage objects, (including cessation of works in the vicinity, assessment of the significance of the item(s)) and determination of appropriate management and mitigation measures including when works can recommence by a suitably qualified and experienced archaeologist in consultation with the OEH and the Department, and assessment of the consistency of any new heritage impacts against the approved impacts of the Project, and
 2. heritage training and induction processes for construction personnel (including procedures for keeping records of inductions and obligations under the *Heritage Act 1977* including site identification, protection and conservation of non-Aboriginal cultural heritage);
- (f) a **Construction Flora and Fauna Management Plan** to detail how construction impacts on ecology will be minimised, managed and monitored. The Plan shall be developed in consultation with the OEH and shall include, but not necessarily be limited to -
- (i) details on the location (including plans) of all native vegetation communities, threatened flora and fauna species and their habitat, and endangered ecological communities to be impacted by the Project,
 - (ii) details of mitigation measures to be implemented during construction to minimise impacts on native fauna and flora (particularly threatened species and their habitats and endangered ecological communities) including (but not necessary limited to) the measures detailed in conditions E12, E13 and E14 measures for maintaining existing habitat features and increasing habitat corridors, seed harvesting and appropriate topsoil management measures, construction worker education, weed management, erosion and sediment control and progressive re-vegetation,
 - (iii) a procedure for dealing with unexpected finds of threatened flora species and endangered ecological communities and their habitat identified during construction, including stopping works and notification to the OEH, determination of appropriate mitigation measures in consultation with the OEH (including relevant re-location measures), and update of biodiversity offset requirements consistent with condition C11,

- (iv) proposed revegetation and rehabilitation measures, including identification of flora species and sources, completion criteria and measures for the management and maintenance of rehabilitated/ revegetated areas,
 - (v) weed management measures focusing on early identification of invasive weeds and effective management controls, and
 - (vi) a description of how the effectiveness of these management measures would be monitored and linked to the Ecological Monitoring Program required under condition C7; and
- (g) a **Construction Air Quality Management Plan** to detail how construction impacts on air quality will be minimised and managed. The Plan shall include, but not necessarily be limited to -
- (i) the identification of potential sources of dust,
 - (ii) dust management objectives,
 - (iii) mitigation measures to be implemented, including measures during weather conditions where high level dust episodes are probable (such as strong winds in dry weather), and
 - (iv) a monitoring program to assess compliance with the identified objectives.

SCHEDULE F

OPERATION ENVIRONMENTAL MANAGEMENT

AIR QUALITY

Air Discharge Points

F1. For the purpose of this approval, air discharge/monitoring points are identified in Table 2.

Table 2 - Identification of Air Monitoring and Air Discharge Points

Monitoring / Discharge Point Identifier	Type of Monitoring Point	Type of Discharge Point	Description of Location
1	Air Emissions Monitoring	Discharge to air	Turbine Stack 1
2			Turbine Stack 2
3			Turbine Stack 3
4			Turbine Stack 4
5			Turbine Stack 5
6			Turbine Stack 6

F2. The design and construction of the Project shall include sampling positions that comply with TM-1 as set out in *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (Department of Environment and Conservation, 2007), or as otherwise agreed in writing by the EPA.

Discharge Limits

F3. The project shall be designed, constructed, operated and maintained to ensure that for each turbine stack discharge point, the concentration of each pollutant listed in Table 3 is not exceeded. The condition only applies to normal operation of a turbine and, to avoid any doubt, does not apply during the start-up and shut down period for a turbine. The condition continues to apply to other turbines if they are operational during these periods.

Table 3 - Maximum Allowable Discharge Concentration Limits (Air)

Discharge Point Identifier*	Pollutant	Units of measure	100 percentile concentration limit (mgm ⁻³)	Averaging Period	Reference conditions
1, 2, 3, 4, 5 & 6	nitrogen dioxide (NO ₂) or nitric oxide (NO), or both as NO ₂ equivalent	milligrams per cubic measure	51	1-hour	dry, 273 K, 101.3 kPa, and 15% oxygen (O ₂)

*Discharge Point Identifier location is as identified in Table 1.

- Note 1:** While the concentration limits specified do not apply during start-up or shut down periods, the proponent is subject to the requirements of section 128 (2) of the *Protection of the Environment Operations Act 1997* in relation to the prevention and minimisation of air pollution.
- Note 2:** Emissions from start-up and shut-down periods must be included in Load Based Licensing assessable pollutant load calculations.

Air Quality Monitoring

F4. The Proponent shall monitor the pollutant concentrations and emission parameters specified in Table 4, at each of the turbine stack discharge points. Monitoring shall be undertaken during the operation of Stages 1 and 2 of the Project, at the frequency indicated in Table 4, unless otherwise agreed by the EPA.

Table 4 – Periodic Pollutant and Parameter Monitoring (Air)

Monitoring Point(s)	Pollutant	Units of measure	Frequency	Sampling Method#
Discharge point identifiers 1, 2, 3, 4, 5 and 6	Nitrogen dioxide* (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	milligrams per normalised cubic metre	Continuous	CEM-2
	Moisture content	%	Continuous	TM-22
	Oxygen (O ₂)	%	Continuous	CEM-3
	Temperature	degrees Celsius	Continuous	TM-2
	Volumetric flow rate	cubic metres per second	Continuous	CEM-6
	Dry gas density	kilograms per cubic metre	Continuous	TM-23
	Molecular weight of stack gases	grams per gram mole	Continuous	TM-23
	Velocity	metres per second	Continuous	CEM-6

*Nitrogen dioxide (NO₂) or nitric oxide (NO), or both (as NO₂) shall be reported on consistent with the reference conditions (dry, 273 K, 101.3 kPa, and 15 % O₂) identified in Table 3.

#The sampling methods are those specified in the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (Department of Environment and Conservation, 2007).

- F5. Prior to the commencement of commissioning of Stages 1 and 2 of the project, the Proponent must notify the Director-General and the EPA in writing of the proposed timing of commissioning the power station and how all plant and equipment will be brought on line to ensure compliance with all relevant environment protection requirements.

Air Quality Performance Verification

- F6. Within 90 days of the commencement of operation of Stage 1 and Stage 2, or as otherwise agreed by the Director-General, and during a period in which the Project is operating under 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:
- (a) monitoring of the parameters in Table 5 at such time(s) as is necessary to provide an adequate characterisation of the emissions from each turbine during normal operation;
 - (b) a comprehensive air quality impact assessment in accordance with the methods outlined in *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* (Department of Environment and Conservation, 2005), using actual air emission data collected and meteorological weather data on site, to determine performance against the ground-level concentrations for air pollutants predicted for the Project in the document listed in condition B1(b); and
 - (c) details of any entries in the Complaints Register relating to air quality impacts.

A report providing the results of the program shall be submitted to the Director-General and EPA within 45 days of completion of the testing required under (a) and (b).

Table 5 – Air Quality Verification Monitoring

Monitoring Point(s)	Pollutant	Units of measure	Sampling Method
Discharge point identifiers 1, 2, 3, 4, 5 and 6	Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	milligrams per normalised cubic metre	TM-11
	Carbon monoxide (CO)	milligrams per normalised cubic metre	TM-32
	Dry gas density	kilograms per cubic metre	TM-23
	Moisture content	%	TM-22
	Molecular weight of stack gases	grams per gram mole	TM-23
	Oxygen (O ₂)	%	TM-25
	Temperature	degrees Celsius	TM-2
	Velocity	metres per second	TM-2
	Volumetric flow rate	cubic metres per second	TM-2

*The sampling methods are those specified in the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (Department of Environment and Conservation, 2007).

Discharge Point Identifier location described in condition F1

F7. In the event that the program undertaken to satisfy condition F6 indicates that the operation of the Project, under normal operating conditions, will lead to:

- greater point source emissions than the stack discharge concentration limits identified in condition F3; or
- greater ground-level concentrations of air pollutants than that predicted for the Project in the documents listed in conditions B1(b) and B1(c).

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 environmental assessment documents listed under 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* (Department of Environment and Conservation, 2007). 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.

Long Term Air Emission Benchmark – Operation

F8. After 12 months from the end of commissioning of Stage 1, but not longer than 24 months, the Proponent shall submit a report to the Director-General and EPA proposing an annual average nitrogen oxides emission benchmark for the turbine stack(s) per Table 6. The annual average emission benchmark shall reflect the average performance of the power station during normal operation and the proper and efficient operation of the turbines. The benchmark will also:

- be derived using NO_x emission data from the Continuous Emissions Monitoring Systems for the turbine stack(s);
- be determined following the collection of a NO_x concentration dataset that is sufficient to represent the likely longer-term operating patterns of the power plant;
- take into account the variation of NO_x concentrations at different generating loads;

- (d) recognise that generating load patterns may vary from year to year due to differences in electricity market demands and include an appropriate allowance for this variation; and
- (e) include provision for the probable increase in NO_x emissions with time due to reasonable wear and tear of the power plant.

Table 6 - Emission Benchmark

Emission Point(s)	Pollutant	Units of measure	Emission Benchmark	Averaging Period (note 1)	Reference conditions
Stacks serving turbines 1-6	Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	milligrams per cubic metre	To be determined	Annual Average	Dry, 273 K, 101.3 kPa, 15% oxygen (O ₂)

Note 1: The annual average benchmark applies over each reporting period as defined in the Environment Protection Licence.

- F9. If the emission benchmark in Table 6 is exceeded, the Proponent shall provide a report to the Director-General and EPA within one month and an action plan within three months of the exceedence. The action plan must include:
- (a) a review of all practicable measures to reduce NO_x emissions;
 - (b) an evaluation of the marginal cost of incremental NO_x reductions; and
 - (c) proposed modifications to plant and/or operations that produce NO_x reductions consistent with (a) and (b).

NOISE

Noise Criteria

- F10. The Project shall be designed, operated and maintained to ensure that the total cumulative noise contribution from the operation of the power station to the background acoustic environment does not exceed the noise limits specified in Table 7 and Table 8.

Table 7 – Maximum Allowable Noise Limits

Location	Noise Limits dB(A)			
	Day	Evening	Night	
	7:00 am to 6:00 pm Mondays to Saturdays 8:00 am to 6:00 pm Sundays and public holidays	6:00 pm to 10:00 pm on any day	10:00 pm to 7:00 am Mondays to Saturdays 10:00 pm to 8:00 am Sundays and public holidays	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Amax}
All surrounding sensitive receivers*	35dB(A)	35dB(A)	35dB(A)	45dB(A)

Table 8 - Maximum Noise Limits dB(C)

Noise Limits dB(C)			
Location	Day 7:00 am to 6:00 pm Mondays to Saturdays 8:00 am to 6:00 pm Sundays and public holidays	Evening 6:00 pm to 10:00 pm on any day	Night 10:00 pm to 7:00 am Mondays to Saturdays 10:00 pm to 8:00 am Sundays and public holidays
	L _{Ceq} , (15 minute)	L _{Ceq} , (15 minute)	L _{Ceq} , (15 minute)
All surrounding sensitive receivers*	65dB(C)	60dB(C)	60dB(C)

*At a sensitive receiver in existence at the date of approval or any residential dwelling for which an approval has been sought or obtained under the *Environmental Planning and Assessment Act 1979*, prior to the date of this approval or where any landowner can demonstrate that the preparation of an application under the *Environmental Planning and Assessment Act 1979* for any residential dwelling has commenced prior to the date of this approval.

The noise limits set out in Table 7 and Table 8 apply under all meteorological conditions except for the following:

- (a) wind speeds greater than 4 metres per second measured at 10 metres above ground level; or
- (b) F stability category temperature inversion conditions and wind speeds greater than 2 metres per second at 10 metres above ground level; or
- (c) G stability category temperature inversion conditions.

The data to be used for determining meteorological conditions shall be that recorded by the meteorological station located on the project site.

In the event that the report prepared under condition C45 demonstrates that the inversion conditions described in (b) and (c) are characteristic of the area and occur for a significant period of time, the noise limits set out in Table 7 and Table 8 shall apply, regardless of any stability category temperature inversion condition exceptions stipulated in (b) and (c) above, unless otherwise agreed to by the Director-General.

Noise Modifying Factors

F11. If noise from an activity is substantially tonal, intermittent or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy* (Environment Protection Authority, 2000)), 5 dB(A) shall be added to the measured noise level when comparing the measured noise with the limits specified in Table 7 and Table 8, in accordance with the requirements of the *NSW Industrial Noise Policy*.

Operational Noise Review

F12. Within 90 days of the commencement of operation of the Project, or as otherwise agreed by the Director-General, and during a period in which the Project is operating under design loads and normal operating conditions (including start up and shut down periods), the Proponent shall undertake an **Operational Noise Review** to confirm the noise emission performance of the Project. The Review shall be prepared in consultation with, and to the satisfaction of, the EPA.

F13. Noise monitoring is to be consistent with the guidelines provided in the *New South Wales Industrial Noise Policy* (Environment Protection Authority, 2000) and must include attended and unattended noise monitoring at the receptor locations A, B, C, D, E, F, G, H, I, J, R12, R13, R14, R15, R16, R17 and R21 (if agreed to by the landowner) as identified in the document listed in condition B1(c) and any other sensitive receivers as notified by the Director-General or EPA. The noise assessment must include monitoring of operations that have the potential to cause offensive noise including, but not limited to, safety valve operation, and the operation of circuit breakers during the

day, evening and night time periods. The noise monitoring equipment used at a location must be placed in a position that is:

- (a) at the most affected point within the property boundary or at the most affected point within 30 metres of the dwelling façade where the dwelling is more than 30 metres from the boundary to determine compliance with the $L_{Aeq(15 \text{ minute})}$ noise limits; and
- (b) measured within one metre of the dwelling façade to determine compliance with the $L_{A(max)}$ noise limits.

The data to be used for determining meteorological conditions shall be that recorded by the meteorological weather station located on the project site.

F14. A report providing the results of the Review shall be submitted to the Director-General and the EPA within 90 days of completion of the monitoring. The report shall include, but not necessarily be limited to:

- (a) a description of the methodologies for noise monitoring, including the location of monitoring sites and frequency of monitoring;
- (b) documentation of the operational noise levels at receiver locations A, B, C, D, E, F, G, H, I J, R12, R13, R14, R15, R16, R17 and R21 as identified in the document listed in condition B1(c);
- (c) an assessment of the noise performance of the Project against the noise limits specified in Table 7 and Table 8 and the predicted noise levels as detailed in the reports listed in conditions B1(b) and B1(c) or as updated in the Director-General's Environmental Assessment Report;
- (d) re-evaluation of Stage 2 noise predictions;
- (e) details of the on-site meteorological conditions prevailing during the monitoring; and
- (f) details of any entries in the Complaints Register relating to noise impacts.

F15. In the event that the Review indicates noise levels in excess of the noise limits stipulated in condition F10 for either Stages 1 or 2 the Proponent shall prepare a report and submit to the Director-General within 60 days of undertaking the Review a report including, but not limited to:

- (a) an assessment of all feasible or reasonable physical and other mitigation measures for reducing noise at the source;
- (b) identification of the preferred measure(s) for reducing noise at the source;
- (c) evidence that the EPA is satisfied that the proposed noise mitigation measures are acceptable; and
- (d) location, type, timing and responsibility for implementation of the noise mitigation measure(s).

F16. At-source noise mitigation measures identified in the report prepared under condition F15 are to be implemented within a 12 month period, unless otherwise agreed to by the Director-General. In the event that at-source mitigation measures cannot be implemented within a 12-month period, the Proponent shall provide at-receiver noise mitigation at the sensitive receiver locations where noise levels exceed, or are predicted to exceed, the noise limits in condition F10. At-receiver noise mitigation measures shall be in accordance with conditions F20 to F22 and Schedule G, as appropriate. The Proponent shall provide written notice to all landowners that are entitled to rights under this condition at the same time the report is submitted to the Director-General.

Ongoing Operational Noise Monitoring

F17. The Proponent shall prepare and implement an **Operational Noise Monitoring Program** to assess ongoing compliance against the operational noise limits set out in condition F10 of this approval. The noise monitoring program shall be prepared in consultation with, and to the satisfaction of the EPA. Noise monitoring is to be consistent with the guidelines provided in the *NSW Industrial Noise Policy* (Environment Protection Authority, 2000) and shall include, but not be limited to:

- (a) noise monitoring at receiver locations A, B, C, D, E, F, G, H, I, J, R12, R13, R14, R15, R16, R17 and R21 (if agreed to by the landowner) as identified in the document listed in condition B1(c), or any additional receivers as notified by the Director-General or EPA. The Proponent shall also consult with the community in relation to any additional noise monitoring locations;
- (b) unattended and attended noise monitoring;
- (c) monitoring during the day, evening and night periods at least quarterly for the first three years of operation for both Stages 1 and 2, and annually thereafter, unless otherwise agreed or directed by the Director-General;
- (d) monitoring of operations that have the potential to cause offensive noise including, but not limited to, safety valve operation, and the operation of circuit breakers;
- (e) monitoring of the effectiveness of any noise mitigation measures implemented under condition F15, against the noise limits specified in condition F10.

Noise compliance monitoring shall be undertaken by a suitably qualified and experienced acoustical consultant.

A report providing the results of the program shall be submitted to the Director-General and the EPA within 28 days of completion of each monitoring event.

The monitoring program shall form part of the Operational Noise Management Plan referred to in condition F27(b).

12 Month Operational Noise Review

F18. Following 12 months of operation of Stage 1, the Proponent shall re-evaluate the noise predictions for Stage 2 for the worst case scenario, based on actual noise data obtained from operational noise monitoring and data recorded by the meteorological station located on the project site. Where predicted noise levels exceed the noise limits stipulated in condition F10, the Proponent shall prepare a report in accordance with the requirements of condition F15 and implement at source or at-receiver noise mitigation measures in accordance with condition F16.

The report detailing the revised noise predictions shall be submitted to the Director-General within 60 days of undertaking the 12 month re-evaluation of noise predictions.

F19. In the event that the Operational Noise Review required under condition F12 indicates the need for source controls and the Proponent can demonstrate that the controls would be implemented within 12 months, the re-evaluation of Stage 2 noise predictions shall be based on noise monitoring undertaken post-implementation of the source controls, unless otherwise agreed to or directed by the Director-General

Noise Mitigation

F20. If, after the implementation of all reasonable and feasible source controls, as identified in the report required by condition F15, operational noise levels at a sensitive receiver (as defined in condition F10) are confirmed to exceed the noise levels stipulated in condition F10, upon receiving a written request from an affected landowner (unless that landowner has acquisition rights under condition G1 and has requested acquisition) the Proponent shall investigate and implement feasible and reasonable at-receiver noise mitigation measures such as double glazing, insulation, air conditioning and/or other building acoustic treatments, outdoor (for example, courtyard) treatments at any

residence on the land, or relocation of the dwelling on the property. Mitigation provided shall meet appropriate internal noise criteria such as that set by the UK Department of Environment, Food and Rural Affairs.

The Proponent shall provide written notice to all landowners that are entitled to rights under this condition within 21 days of determining the landholdings to which these rights apply.

- F21. The Proponent shall bear the costs of any at-receiver mitigation measures implemented at an affected property or land.
- F22. The Proponent shall make a binding written offer to the landowner regarding the mitigation options that can be implemented at the property. If within 90 days of receiving this request the Proponent and landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution, whose decision shall be final. If the landowner refuses to accept the Proponent's offer within six months of the date of offer, and no dispute resolution has been sought, the Proponent's obligations to provide mitigation measures at the property or land shall cease, unless otherwise agreed by the Director-General. If the landowner accepts the measures to be implemented at the property, these measures should be implemented within 90 days of acceptance.
- F23. The requirements of conditions F20 to F22 do not apply if a negotiated agreement consistent with the requirements of Section 8.3 of the *NSW Industrial Noise Policy* (Environment Protection Authority, 2000) exists between the Proponent and the landowner.
- F24. Within 21 days from the date of determination of this approval, the Proponent shall provide written notice to the landowner of sensitive receiver location D, as identified in the document listed in condition B1(b), that they are entitled to at-receiver mitigation measures. The Proponent shall investigate and implement feasible and reasonable at-receiver noise mitigation measures in accordance with conditions F20 to F22.

OPERATIONAL PERFORMANCE

Operation Performance Audit Report

- F25. Within fifteen months of the completion of the construction of Stage 1 and fifteen months of the completion of the construction of Stage 2, or as otherwise agreed by the Director-General, the Proponent shall commission an independent qualified person or team to undertake an **Operational Performance Audit** of the Project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Operational Performance Audit Report shall be submitted to the Director-General within one month of the completion of the Audit, unless otherwise agreed by the Director-General. The Audit shall:
- (a) assess compliance with the requirements of this approval, and other licences and approvals that apply to the Project;
 - (b) assess the operational performance of the Project against the aims and objectives for the Project specified in the documents referred to under condition B1;
 - (c) assess the environmental performance of the Project against the predictions made and conclusions drawn in the documents referred to under condition B1; and
 - (d) review the effectiveness of the environmental management of the Project, including any environmental impact mitigation works.

OPERATIONAL ENVIRONMENTAL MANAGEMENT

F26. Prior to the commencement of operation, or as otherwise agreed by the Director-General, the Proponent shall prepare and implement (following approval) an **Operation Environmental Management Plan** for the Project. The Plan shall outline the environmental management practices and procedures that are to be followed during operation, and shall be prepared in consultation with relevant agencies and in accordance with the *Guideline for the Preparation of Environmental Management Plans* (Department of Infrastructure, Planning and Natural Resources, 2004). The Plan shall include, but not necessarily be limited to:

- (a) a description of activities to be undertaken during operation of the Project (including staging and scheduling);
- (b) statutory and other obligations that the Proponent is required to fulfil during operation, including approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies;
- (c) overall environmental policies, guidelines and principles to be applied to the operation of the Project;
- (d) a description of the roles and responsibilities for relevant employees involved in the operation of the Project, including relevant training and induction provisions for ensuring that employees are aware of their environmental and compliance obligations under these conditions of approval;
- (e) an environmental risk analysis to identify the key environmental performance issues associated with the operation phase; and
- (f) details of how environmental performance would be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts, including those safeguards and mitigation measures detailed in the EA and/or Submissions Report (and any impacts arising from the staging of the construction of the Project). In particular, the following environmental performance issues shall be addressed in the Plan:
 - (i) measures to monitor and maintain **biodiversity offset measures** implemented in accordance with condition C11,
 - (ii) implementation of measures consistent with the National Recovery Plan for Natural Temperate Grassland of NSW and the ACT,
 - (iii) measures to monitor and maintain the effectiveness of **flora and fauna** management measures, including revegetated areas, landscaped areas and the control of the spread of weeds
 - (iv) ongoing measures to control **soil erosion** and sedimentation,
 - (v) measures to monitor and manage operational **traffic and access**,
 - (vi) measures to monitor and manage **hazards and risks**,
 - (vii) **emergency management**,
 - (viii) details of the outcomes of a revised **plume assessment** based on actual emissions data and meteorological data collected on site,
 - (ix) details of **community complaints handling procedures** during operation, consistent with the requirements of condition D3, and
 - (x) details of **compliance and incident reporting** consistent with the requirements of conditions D5, D6 and D7, including a definition of environmental incident categories and reportable environmental incidents;
- (g) procedures for the periodic review and update of the Operation Environmental Management Plan and its sub-plans as necessary (including where minor changes can be approved by the Environmental Representative); and
- (h) the additional plans listed under condition F27.

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

Note: The approval of an Operation Environmental Management Plan does not relieve the Proponent of any requirement associated with this Project approval. If there is an inconsistency with an approved Operation Environmental Management Plan and the conditions of this Project approval, the requirements of this Project approval prevail.

F27. As part of the Operation Environmental Management Plan for the project, required under condition F26, the Proponent shall prepare and implement the following Management Plans:

- (a) an **Operational Air Quality Management Plan** to outline measures to manage 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,
 - (iii) procedures for the minimisation of gaseous and particulate emissions from the project, including pro-active and reactive management and response mechanisms, 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,
 - (iv) specific procedures for the management of generating efficiency and the minimisation of greenhouse gas emissions per unit of electricity generated,
 - (v) procedures aimed at maximising the efficiency of the start-up and shut-down cycles for the project,
 - (vi) provision for regular review of air quality monitoring data, with comparison of results against the predictions made in the document listed under condition B1(b),
 - (vii) plans for regular maintenance of process equipment to minimise the potential for leaks and fugitive emissions, and
 - (viii) 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) an **Operational Noise Management Plan** to detail measures to mitigate and manage noise during operation of the project. The Plan shall include, but not necessarily be limited to -
 - (i) identification of the noise limits specified under this approval,
 - (ii) identification of operational activities that will be carried out and the associated noise sources,
 - (iii) details of the management methods, procedures and mitigation measures that will be implemented to control individual and overall noise emissions from the site during operation,
 - (iv) procedures for periodic consideration of noise impacts against the noise limits specified under this approval,
 - (v) noise monitoring and reporting procedures, including in response to complaints,
 - (vi) measures to monitor and minimise operational traffic noise, and

- (vii) procedures to generate suitable documentation for annual noise monitoring and reporting, that demonstrates that the noise limits specified under this approval are being met;
- (c) an **Operational Groundwater Management Plan** to detail measures to monitor and assess the impacts of groundwater extraction on local groundwater quality and hydrology. The Plan shall be developed in consultation with NSW Office of Water and include, but not necessarily be limited to:
 - (i) groundwater quality and flow objectives and assessment criteria;
 - (ii) baseline data on groundwater quality, depth and flow in the project area;
 - (iii) groundwater extraction plan detailing the location of groundwater bores to be used to supply water for the operation of the power station, and volume and frequency of groundwater extraction from each bore;
 - (iv) schedule for periodic monitoring of groundwater quality, depth, and flow;
 - (v) rational and procedures and protocols for collecting groundwater samples;
 - (vi) methods for assessing impacts on the quality, quantity and flow of groundwater resources resulting from groundwater extraction (within at least a four kilometre radius of the extraction points);
 - (vii) measures for protecting groundwater resources from wastewater infiltration or contaminated leachate and methods for assessing any potential impacts associated with infiltration or leachate;
 - (viii) a response plan to address potential exceedances and groundwater quality or quantity impacts; and
- (d) an **Operational Water and Wastewater Management Plan** to detail measures to manage and monitor water and wastewater usage and water quality impacts, and ensure that the Project is managed as a nil discharge site. The Plan shall include, but not necessarily be limited to -
 - (i) water quality objectives and assessment criteria,
 - (ii) water balance detailing water consumption and uses:
 - a. domestic and operational wastewater volumes generated on site;
 - b. types;
 - c. volumes of wastewater reused on site and nature of the reuse operations; and
 - d. volume of wastewater disposed of offsite including its source nature and frequency.
 - (iii) identification of clean and contaminated surface water runoff, measures for managing runoff, and the location and design characteristics of contaminated water storage(s),
 - (iv) details of the proposed sewage management process and effluent and biosolids management measures, including an assessment of all potential impacts where effluent and biosolids are managed/ disposed of on site, and
 - (v) contingency measures in the case of accidental discharges to surface waters, including remediation and monitoring measures.

HAZARD AUDIT

F28. Twelve months after the commencement of operation of the Project and every three years thereafter, or as otherwise agreed by the Director-General, the Proponent shall commission an independent, qualified person or team (approved by the Director-General prior to each audit) to undertake a comprehensive **Hazard Audit** of the Project. The Hazard Audits shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented.

The audit reports shall be submitted to the Director-General within one month of each audit.

SCHEDULE G

ADDITIONAL PROCEDURES

LAND ACQUISITION CRITERIA

G1. If, after the implementation of all reasonable and feasible source controls, as identified in the report required by condition F15 the noise generated by the power station is confirmed to exceed the noise limits specified in condition F10 by more than 5 dB(A) or 3 dB(C):

- (a) at a sensitive receiver in existence at the date of approval;
- (b) any residential dwelling for which an approval has been sought or obtained under the *Environmental Planning and Assessment Act, 1979*, prior to the date of this approval, or where any landowner can demonstrate that the preparation of an application under the *Environmental Planning and Assessment Act 1979* for any residential dwelling has commenced prior to the date of this approval; or
- (c) over 25% or more of the area of a vacant allotment in existence at the date of this approval, or where a dwelling is permissible under the *Environmental Planning and Assessment Act, 1979* at that date, with the exception of land that is currently used for industrial or mining purposes,

the Proponent shall, upon receiving a written request for acquisition from the landowner, within two years of the date of that landowner being notified of their acquisition rights, acquire the land in accordance with the procedures in conditions G1 to G4.

G2. Within three months of receiving a written request from a landowner with acquisition rights under condition G1, 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 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 (inclusive of any business related activity located on the property) within the local government area, and
 - (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.

- G3. 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.
- G4. 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.
- G5. The requirements of conditions G1 to G4 do not apply if a negotiated agreement consistent with the requirements of Section 8.3 of the New South Wales *Industrial Noise Policy* (Environment Protection Authority, 2000) exists between the Proponent and the relevant landowner.
- G6. The Proponent shall provide written notice to all landowners that are entitled to rights under condition G1 within 21 days of determining the landholdings to which land acquisition rights apply.