

Development Consent

Section 4.38 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise and/or offset any adverse environmental impacts of the development;
- set standards and performance measures for acceptable environmental performance; and
- provide for the ongoing environmental management of the development.



Stephen O'Donoghue
Director Resource Assessments

Sydney

8 March 2022

SCHEDULE 1

Application Number:	SSD 8889679
Applicant:	AGL Macquarie Limited
Consent Authority:	Minister for Planning
Land:	See Appendix 2
Development:	Liddell Battery and Bayswater Ancillary Works

CONTENTS

DEFINITIONS	3
SCHEDULE 2	5
PART A ADMINISTRATIVE CONDITIONS	5
Obligation to Minimise Harm to the Environment	5
Terms of Consent	5
Surrender of Existing Consents	5
Staging, Combining and Updating Strategies, Plans or Programs	5
Notification of Commencement	6
Structural Adequacy	6
Demolition	6
Protection of Public Infrastructure	6
Operation of Plant and Equipment	6
PART B – GENERAL ENVIRONMENTAL CONDITIONS.....	7
Batteries	7
Hazards	7
Biodiversity	8
Amenity	9
Heritage	10
Soil and Water	11
Waste	11
Decommissioning and Rehabilitation	12
PART C – ENVIRONMENTAL MANAGEMENT AND REPORTING	13
Environmental management	13
REVISION OF STRATEGIES, PLANS AND PROGRAMS	13
Compliance	13
Notifications	14
Independent Environmental Audit	14
Access to Information	15
PART D CONDITIONS EXTRACTED FROM CONSENTS REFERRED TO IN CONDITION A5.....	16
APPENDIX 1: GENERAL LAYOUT OF THE DEVELOPMENT	18
APPENDIX 2: SCHEDULE OF LANDS	26
APPENDIX 3: BIODIVERSITY OFFSET STAGING	27
APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	30

DEFINITIONS

Applicant	AGL Macquarie Limited, or any person who seeks to carry out the development approved under this consent
Battery energy storage system	Battery energy storage system as described in the EIS
BCS	Biodiversity, Conservation and Science Directorate within the Department
Cessation of operations	Operation of the development has ceased for a continuous period of 12 months
Conditions of this consent	Conditions contained in Schedule 2
Construction	The construction of the development, including but not limited to, the carrying out of any earthworks on site and the construction of the development and any ancillary infrastructure (but excludes road upgrades or maintenance works to the public road network, building/road dilapidation surveys, installation of fencing, artefact survey and/or salvage, overhead line safety marking and geotechnical drilling and/or surveying)
Date of commencement of development	The date notified to the Department by the Applicant under condition A7
Decommissioning	The demolition and/or removal of buildings, infrastructure and works installed for the development and/or rehabilitation of the site
Decoupling works	Decoupling works as described in the EIS
Department	Department of Planning and Environment
Development	The development as described in the EIS
Development footprint	The area within the site on which the components of the project will be constructed (shown in Appendix 1)
DPE Water	Water Group within the Department
EIS	The Environmental Impact Statement for Liddell Battery and Bayswater Ancillary Works Project dated 27 March 2021, the Response to Submissions dated July 2021, letter regarding Amendment of the Project date 9 August 2021 and additional information dated 7 September 2021 and 22 October 2021.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
Feasible	Feasible relates to engineering considerations and what is practical to build or implement
FRNSW	Fire and Rescue NSW
Heritage item	An item as defined under the <i>Heritage Act 1977</i> and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i>
Incident	A set of circumstances that causes or threatens to cause material harm to the environment
Material harm	Is harm that: <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	Minister for Planning, or delegate
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
MSC	Muswellbrook Shire Council
MW	Megawatt
MWh	Megawatt hour
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent but is not an incident
Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Planning Secretary	Planning Secretary of the Department, or nominee
Planning Secretary's approval, agreement or satisfaction	Approval from the Planning Secretary, or nominee, in writing.
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Public infrastructure	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, irrigation channels, drainage channels
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits

Rehabilitation	provided, community views and the nature and extent of potential improvements
Registered Aboriginal Parties	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
SC	As described in the National Parks and Wildlife Regulation 2019 Singleton Council

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In meeting the specific environmental performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, upgrading or decommissioning of the development.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent
 - (b) in accordance with all written directions of the Planning Secretary
 - (c) generally in accordance with the EIS; and
 - (d) generally in accordance with the Development Layout.

Note: The general layout of the development is shown in Appendix 1.

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - b) the implementation of any actions or measures contained in any such document referred to in paragraph (a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document/s listed in condition A2(b). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(b), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

SURRENDER OF EXISTING CONSENTS

- A5. At a time determined by the Secretary, being no later than 12 months after the date of commencement of development, or other timeframe agreed by the Planning Secretary in writing, the following development consents are to be surrendered in accordance with section 68 of the EP&A Regulation:
- (a) 8/2016 (MSC)
 - (b) 74/2018 (MSC)
 - (c) 8.2018.273.1 (SC)
 - (d) 8.2018.23.1 (SC)
 - (e) 8.2018.23.2
 - (f) 54_86 (MSC)
 - (g) 29_98 (SC)
 - (h) 114_2016 (MSC)
 - (i) 223_2004
 - (j) 401_2000 (SC)
 - (k) 460_2001 (SC)

Note: Condition A5 does not extend to the surrender of construction or occupation certificates for existing and proposed building works under former Part 4A or Part 6 of the EP&A Act (as Part 6 applies from 1 September 2018). The surrender required by this condition A5 should not be understood to mean that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

- A6. Upon the date of commencement of development under this consent, and before the surrender of the existing development consents specified in condition 5, the conditions of this consent prevail to the extent of any inconsistency.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A7. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the

strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);

- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

NOTIFICATION OF COMMENCEMENT

- A8. At least two weeks prior to the commencement of the following activities, the Applicant must notify the Department in writing of the date of
- (a) physical commencement of the development;
 - (b) pre-construction activities;
 - (c) construction of the battery energy storage system;
 - (d) construction of the decoupling works;
 - (e) construction of the Bayswater ancillary works; and
 - (f) decommissioning.

STRUCTURAL ADEQUACY

- A9. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the Building Code of Australia.

Notes:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the development.*

DEMOLITION

- A10. The Applicant must ensure that all demolition work on site is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A11. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

This condition does not apply to the upgrade and maintenance of the road network, which is expressly provided for in the conditions of this consent.

OPERATION OF PLANT AND EQUIPMENT

- A12. The Applicant must ensure that all plant and equipment used on site, or in connection with the development, is:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

PART B – GENERAL ENVIRONMENTAL CONDITIONS

BATTERIES

Battery Storage Restriction

- B1. The battery energy storage system or systems associated with the development must not exceed a total delivery capacity of 500 MW or a storage capacity of 2 GWh.

Note: This condition does not prevent the Applicant from seeking to lodge a separate development application or modify this consent to increase the capacity of the battery storage system in the future.

HAZARDS

Fire Safety Study

- B2. Prior to commencing construction of the battery energy storage system, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary. The study must:
- (a) be consistent with the:
 - (i) Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline*;
 - (ii) NSW Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems; and
 - (b) describe the final design of the battery energy storage system and verify that the final design is consistent with all findings and recommendations in the Preliminary Hazard Analysis dated 25 March 2021.
- B3. The Applicant must implement the measures described in the Fire Safety Study approved by the Planning Secretary.

Storage and Handling of Dangerous Goods

- B4. The Applicant must store and handle all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's Storing and Handling of Liquids: Environmental Protection – Participants Handbook if the chemicals are liquids.

In the event of an inconsistency between the requirements (a) and (b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

Emergency Plan

- B5. Prior to commissioning the battery energy storage system, the Applicant must prepare a comprehensive Emergency Plan and detailed emergency procedures for the battery energy storage system in consultation with FRNSW and the NSW RFS.
- (a) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning' and RFS's Planning for Bushfire Protection 2019 (or equivalent);
 - (b) identify the fire risks and hazards and detailed measures for the development to prevent or mitigate fires igniting;
 - (c) include procedures that would be implemented if there is a fire on-site or in the vicinity of the site;
 - (d) list works that should not be carried out during a total fire ban;
 - (e) include availability of fire suppression equipment, access, and water;
 - (f) include procedures for the storage and maintenance of any flammable materials;
 - (g) notification of the local RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation proposed to be carried out during a bushfire danger period to ensure whether conditions are appropriate
 - (h) detail access provisions for emergency vehicles and contact details for both a primary and alternative site contact who may be reached 24/7 in the event of an emergency;
 - (i) include location of hazards (physical, chemical, and electrical) that may impact on firefighting operations and procedures to manage identified hazards during firefighting operations;
 - (j) include details of the location, management, and maintenance of the Asset Protection Zone and who is responsible for the maintenance and management of the Asset Protection Zone;

- (k) include bushfire emergency management planning; and
 - (l) include details of the how RFS would be notified, and procedures that would be implemented, in the event that:
 - (i) there is a fire on-site or in the vicinity of the site;
 - (ii) there are any activities on site that would have the potential to ignite surrounding vegetation; or
 - (iii) there are any proposed activities to be carried out during a bushfire danger period; and
 - (m) include details on how the battery storage facility and sub-systems can be safely isolated in an emergency.
- B6. The Applicant must implement the Emergency Plan for the duration of the development, provide a copy of the plan to the local Fire Control Centre and keep two copies of the plan on- site in a prominent position adjacent to the site entry point at all times.

BIODIVERSITY

Vegetation clearance

- B7. The Applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the EIS.

Biodiversity Management Plan

- B8. Prior to commencement of native vegetation clearance, unless otherwise agreed by the Secretary, the Applicant must prepare a Biodiversity Management Plan to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced biodiversity expert/s;
 - (b) be prepared in consultation with the BCS;
 - (c) describe the short, medium and long-term measures to be undertaken to manage vegetation and fauna habitat on the site;
 - (d) describe measures to be implemented within the site to minimise:
 - (i) the amount of clearing, including investigation of design options to minimise disturbance of native vegetation for the battery energy storage system and decoupling works;
 - (ii) impacts on fauna, including undertaking pre-clearance surveys and maximising the salvage of resources for habitat enhancement;
 - (iii) impacts on threatened flora and fauna species or ecological communities within the development footprint and its surrounds;
 - (iv) the spread of weeds and fungal pathogens;
 - (v) the generation and dispersion of sediment to watercourses; and
 - (vi) light spill from night works; and
 - (e) include a program to monitor, evaluate and report on the effectiveness of the measures.

- B9. The Applicant must implement the Biodiversity Management Plan approved by the Planning Secretary.

Biodiversity Offsets

- B10. The Applicant must retire the biodiversity credits for Offset Stages 1, 2 and 3 as specified in Table 1 below, prior to commencing vegetation clearing in those stages. The retirement of credits must be carried out in accordance with the Biodiversity Offsets Scheme of the BC Act.
- B11. The Applicant may review and update the ecosystem and species credit requirements in **Table 1** to reflect the final construction footprint and resulting extent and type of plant community types to be cleared. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with BCS and approved by the Planning Secretary prior to the commencement of construction of the relevant offset stage.

Table 1: Ecosystem Credit Requirements

Vegetation Community	Credits Required				Total
	Stage 1	Stage 2	Stage 3	Stage 4	
Ecosystem credits					
Narrow-leaved Ironbark - Grey Box grassy woodland of the central and upper Hunter – Moderate	-	-	-	38	38
1691 Narrow-leaved Ironbark - Grey Box grassy woodland of the central and upper Hunter – Rehabilitation	-	-	34	152	186
1691 Narrow-leaved Ironbark - Grey Box grassy woodland of the central and upper Hunter – Native Grassland	-	21	0	1	22
1731 Swamp Oak - Weeping Grass grassy riparian forest of the Hunter Valley - Moderate-Good	-	8	0	10	18
1692 Bull Oak grassy woodland of the central Hunter Valley – Moderate-Good	-	37	11	34	82
1071 Phragmites australis and Typha orientalis coastal freshwater wetlands of the Sydney Basin Bioregion - Moderate	-	1	0	6	7
Species credits					
Southern myotis	-	44	21	131	196
Striped legless lizard	1	31	27	220	279

Notes:

- To identify the surface disturbance areas associated with Offset Stages 1, 2, 3 and 4 in Table 1, refer to the Figure in Appendix 3.
- The credits in Table 1 were calculated in accordance with Biodiversity Assessment Methodology (BAM) (DPIE, 2020).
- The available credit retirement options for the development include purchase and retirement of open market available biodiversity credits, payment into the Biodiversity Conservation Fund or establishment of a Biodiversity Stewardship Site.

AMENITY

Noise

B12. The Applicant must:

- ensure that noise generated by any construction is managed in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), or its latest version; and
- take all reasonable and feasible steps to minimise noise from construction and operational activities.

Hours of construction

B13. All construction work at the premises must be conducted between 7 am and 6 pm Monday to Friday and between 8 am and 1 pm Saturdays and at no time on Sundays and public holidays, unless an out of hours protocol is included within an approved Construction Environment Management Plan or the Planning Secretary agrees otherwise.

Exceptions to construction hours

B14. The following activities may be carried out outside the recommended construction hours:

- (a) construction that causes $L_{Aeq(15\text{minute})}$ noise levels that are:
 - (i) no more than 5 dB above Rating Background Level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009); and
 - (ii) no more than the Noise Management Levels specified in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses; or
- (b) Decoupling works required to be completed during station outages; or
- (c) for the delivery of materials required by the police or other authorities for safety reasons; or
- (d) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

Dust and air emissions

B15. The Applicant must take all reasonable and feasible steps to:

- (a) minimise odour, fume and dust emissions of the development;
- (b) eliminate or minimise the risk of spontaneous combustion; and
- (c) minimise to the greatest extent practicable, dust generating surfaces exposed on the site.

Visual

B16. The Applicant must:

- (a) minimise the off-site visual impacts of the development;
- (b) ensure the visual appearance of all ancillary infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
- (c) not mount any advertising signs or logos on site, except where this is required for identification or safety purposes.

Lighting

B17. The Applicant must:

- (a) minimise the off-site lighting impacts of the development; and
- (b) ensure that any external lighting associated with the development:
 - is installed as low intensity lighting (except where required for safety or emergency purposes);
 - does not shine above the horizontal; and
 - complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

HERITAGE

Protection of Heritage Items

B18. The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items located outside the development footprint.

B19. If any previous unknown Aboriginal object of Aboriginal place is discovered on the site, or suspected to be on the site:

- (a) all work in the immediate vicinity of the object or place must cease immediately;
- (b) a 10m buffer area around the object or place must be cordoned off; and
- (c) Heritage NSW must be contacted immediately.

B20. Work in the immediate vicinity may only recommence if:

- (a) the potential Aboriginal object is confirmed by Heritage NSW, in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal place;
- (b) the Cultural Heritage Management Plan is revised to include the Aboriginal object and appropriate measures in respect of it; or
- (c) the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object and makes a written direction in that regard.

B21. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, those records are kept up to date and are reported to the Aboriginal Heritage Information Management System (AHIMS).

Cultural Heritage Management Plan

B22. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must

- (a) be prepared by suitably qualified and experienced persons approved by the Secretary;
- (b) be prepared in consultation with Registered Aboriginal Parties and Heritage NSW;
- (c) be submitted to the Planning Secretary for approval prior to carrying out construction under this consent;
- (d) describe the measures to be implemented on the site to:
 - (i) comply with the heritage-related operating conditions of this consent;
 - (ii) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
 - (iii) protect, monitor and/or manage identified Aboriginal objects and Aboriginal places (including investigation of design options to avoid disturbance of Aboriginal objects) in accordance with the commitments made in the document/s listed in condition A2(c);
 - (iv) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;
 - (v) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;
 - (vi) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and
 - (vii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and
 - (viii) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.

B23. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.

SOIL AND WATER

Water Supply

B24. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.

Water Pollution

B25. The Applicant must ensure that all surface discharges from the development comply with all relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL.

Operating Conditions

B26. The Applicant must:

- (a) ensure the development is designed, constructed and maintained to minimise impacts on surface water, flooding and groundwater at the site;
- (b) minimise any soil erosion associated with the construction, upgrading or decommissioning of the development in accordance with the relevant requirements in the *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) manual, or its latest version;
- (c) ensure the battery energy storage system and ancillary infrastructure are designed, constructed and maintained to avoid causing any erosion on site; and
- (d) ensure all works are undertaken in accordance with the *Guidelines for Controlled Activities on Waterfront Land* (NRAR, 2018), or its latest version unless DPE Water agrees otherwise.

WASTE

B27. The Applicant must:

- (a) take all reasonable steps to minimise the waste generated by the development;
- (b) classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);

- (c) dispose of all waste at appropriately licensed waste facilities or as expressly permitted in an applicable EPL; and
- (d) manage any asbestos or asbestos-contaminated materials identified during construction and operation of the development in accordance with the requirements under the *Protection of the Environment Operations (Waste) Regulation 2014*.

DECOMMISSIONING AND REHABILITATION

B28. The Applicant must rehabilitate the development to the satisfaction of the Planning Secretary. The rehabilitation must comply with the objectives in Table 2.

Table 2: Rehabilitation Objectives

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> • Safe, stable and non-polluting • All infrastructure to be decommissioned and removed, unless the Planning Secretary agrees otherwise • Minimise the visual impact of any above ground ancillary infrastructure agreed to be retained for an alternative use
Community	<ul style="list-style-type: none"> • Ensure public safety at all times

PART C – ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- C1. Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
 - (b) identify the statutory approvals that apply to the development;
 - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (d) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (e) include:
 - (i) the following subplans:
 - soil, stormwater, water quality, flood and spoil management;
 - construction and decommissioning noise, including an out-of-hours works protocol;
 - air quality management;
 - contamination, including an unexpected finds protocol
 - waste management; and
 - traffic.
 - (ii) references to any strategies, plans and programs approved under the conditions of this approval; and
 - (iii) a clear plan depicting monitoring to be carried out under the conditions of this approval.
- C2. Applicant must implement the Environmental Management Strategy approved by the Planning Secretary.

Revision of Strategies, Plans and Programs

- C3. Within 3 months, unless the Planning Secretary agrees otherwise, of:
- a) the submission of an incident report under condition C4 below;
 - b) the submission of an audit report under condition C13 below; and
 - c) the approval of any modification to the conditions of this consent; or
 - d) a direction of the Secretary under condition A3 of Schedule 2;

the Applicant must review and, if necessary, revise the studies, strategies or plans required under the conditions of consent to the satisfaction of the Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.

COMPLIANCE

Incident Notification, Reporting and Response

- C4. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 4.

Non-Compliance Notification

- C5. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C6. A non-compliance notification must identify the development and the application number for it, set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C7. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- C8. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (2020).
- C9. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed to by the Planning Secretary.
- C10. The Applicant must make each Compliance Report publicly available within 60 days of submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- C11. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020, or its latest version), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

NOTIFICATIONS

Notification of Department

- C12. Prior to commencing the construction, operations, upgrading or decommissioning of the development or the cessation of operations, the Applicant must notify the Department via the Major Projects website portal of the date of commencement, or cessation, of the relevant phase.

If any of these phases of the development are to be staged, then the Applicant must notify the Department in writing prior to commencing the relevant stage, and clearly identify the development that would be carried out during the relevant stage.

INDEPENDENT ENVIRONMENTAL AUDIT

- C13. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020, or its latest version).
- C14. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- C15. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Compliance Reporting Post Approval Requirements (2020, or its latest version), upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.
- C16. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020, or its latest version), the Applicant must:
 - a) review and respond to each Independent Audit Report prepared under condition C13 of this approval, or condition C15 where notice is given by the Planning Secretary;
 - b) submit the response to the Planning Secretary; and
 - c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- C17. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection, as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.
- C18. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020, or its latest version), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

ACCESS TO INFORMATION

C19. The Applicant must:

- a) make the following information publicly available on its website as relevant to the stage of the development:
 - (i) the EIS;
 - (ii) the final layout plans for the development;
 - (iii) current statutory approvals for the development;
 - (iv) approved strategies, plans or programs required under the conditions of this consent;
 - (v) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (vi) how complaints about the development can be made;
 - (vii) a complaints register;
 - (viii) any independent environmental audit, and the Applicant's response to the recommendations in any audit; and
 - (ix) any other matter required by the Planning Secretary; and
- b) keep this information up to date.

PART D CONDITIONS EXTRACTED FROM CONSENTS REFERRED TO IN CONDITION A5

Note: For the avoidance of doubt, a consent listed in condition A5 will be surrendered and cease to operate from the date on which a valid notice is served on the consent authority pursuant to cl 97 of the EP&A Regulation. The conditions listed in this Part D are drawn from the consents listed in condition A5 but form part of this consent from the date of this consent.

CONDITIONS FROM DA 8.2018.273.2 - LOW PRESSURE PUMP STATION STABILISATION (SINGLETON COUNCIL)

- D1. The development of the Low Pressure Pump Station Stabilisation is to be undertaken in accordance with the mitigation and management measures contained within Table 5-1 of the following document:

Title	Written By	Date
<i>Bayswater Low Pressure Pump Stabilisation, Biodiversity Development Assessment Report</i>	GHD	December 2018

- D2. Site Contamination Issued During Construction - Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Planning Secretary must be immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by the Planning Secretary.

CONDITIONS FROM DA 20_98 - DEVELOPMENT OF RAVENSWORTH COAL UNLOADER FACILITY (SINGLETON COUNCIL)

- D3. The development of the Ravensworth Coal Unloader Facility must be carried out in accordance with the following document:

Title	Written By	Date
<i>Proposed Macquarie Generation Rail Project at Ravensworth Environmental Impact Statement</i>	HLA - Envirosciences	December 1997

- D4. The applicant is to liaise with Rail Access Corporation to develop and implement operational protocols and train working procedures to expedite push-pull trains onto and off the Main Northern Line.

D5. BIODIVERSITY CONSERVATION DIVISION

- a) The applicant is to prepare and implement a site Environmental Management Plan for the Ravensworth Coal Unloader Facility relating to:
- (i) Locations and designs for clean and contaminated water pathways, with detailed design drawings for all sediment basins.
 - (ii) Segregated pathways and storage facilities for clean and contaminated stormwater runoff, with segregated reuse priority for contaminated water.
 - (iii) A commitment not to allow any excess contaminated runoff to enter Bowmans Creek, and a suitable monitoring programme to demonstrate that no excess contaminated water leaves the site.
 - (iv) A maintenance schedule for the pollution traps identifying cleaning periods and methods of disposal.
 - (v) A maintenance schedule for the sediment ponds identifying cleansing periods and methods of disposal.
- a) The applicant is to demonstrate a commitment to maintaining final drainage lines in a stable condition.

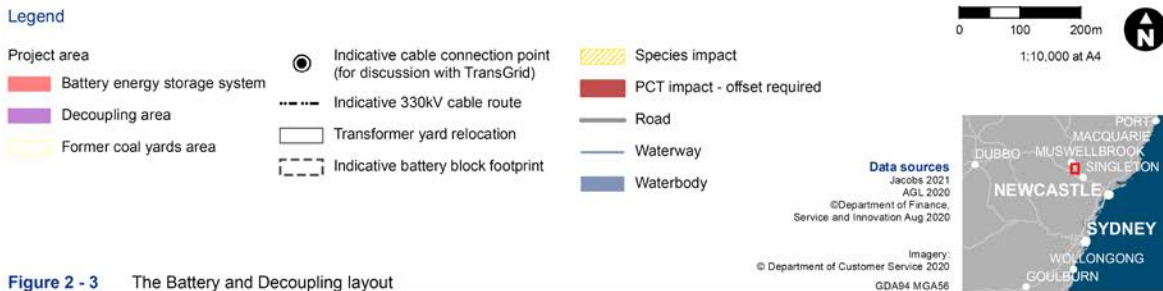
CONDITIONS FROM DA 401_2000 - COAL/RAIL UNLOADER AUGMENTATION (SINGLETON COUNCIL)

- D6. APPROVAL IN ACCORDANCE WITH PLANS - The development of the Coal/Rail Unloader Augmentation must be carried out generally in accordance with the development application and accompanying plans described as described in the following document:

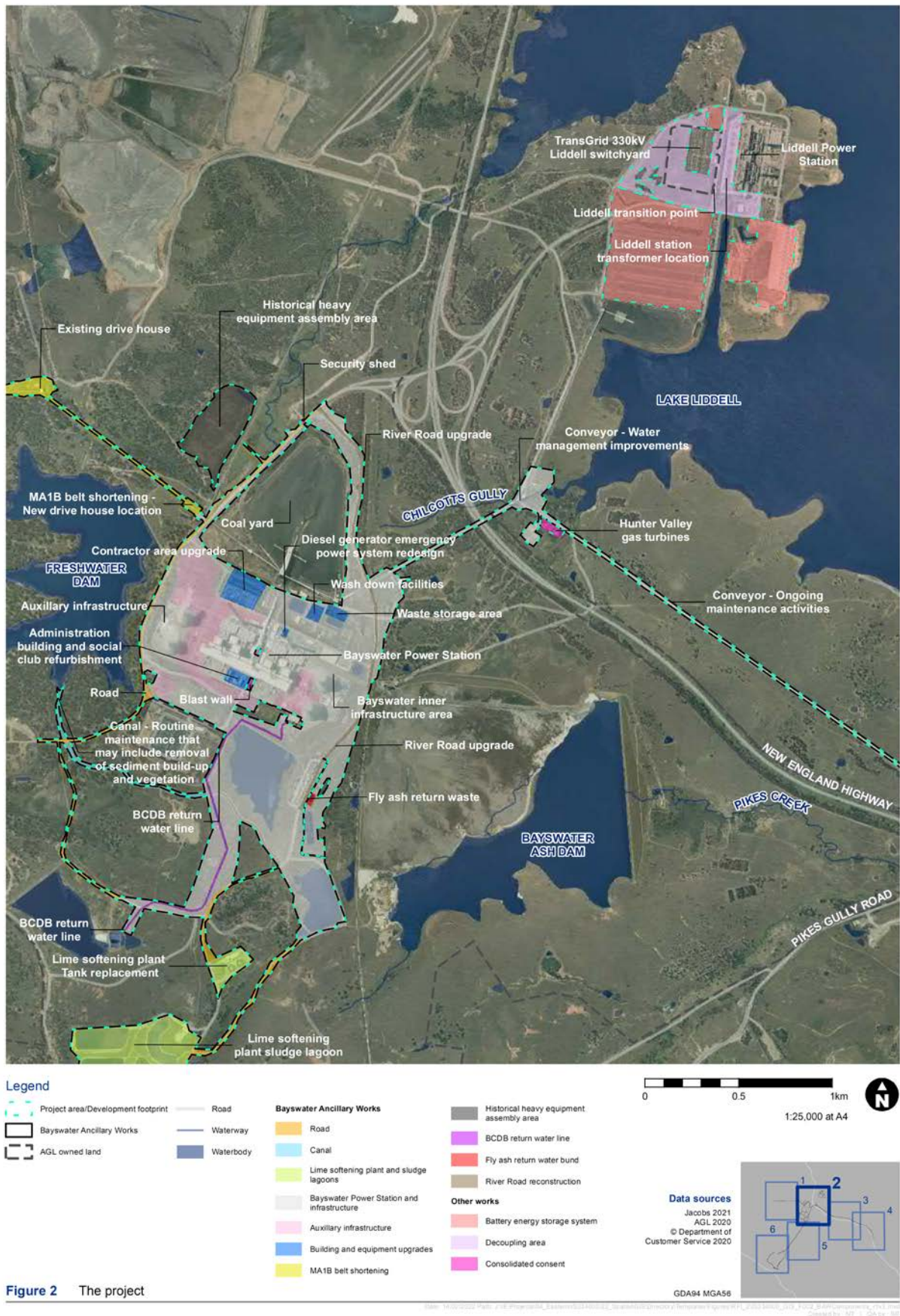
Title	Written By	Date
<i>Statement of Environmental Effects – Proposed Ravensworth Rail Unloader Augmentation</i>	HLA - Envirosciences	August 2000

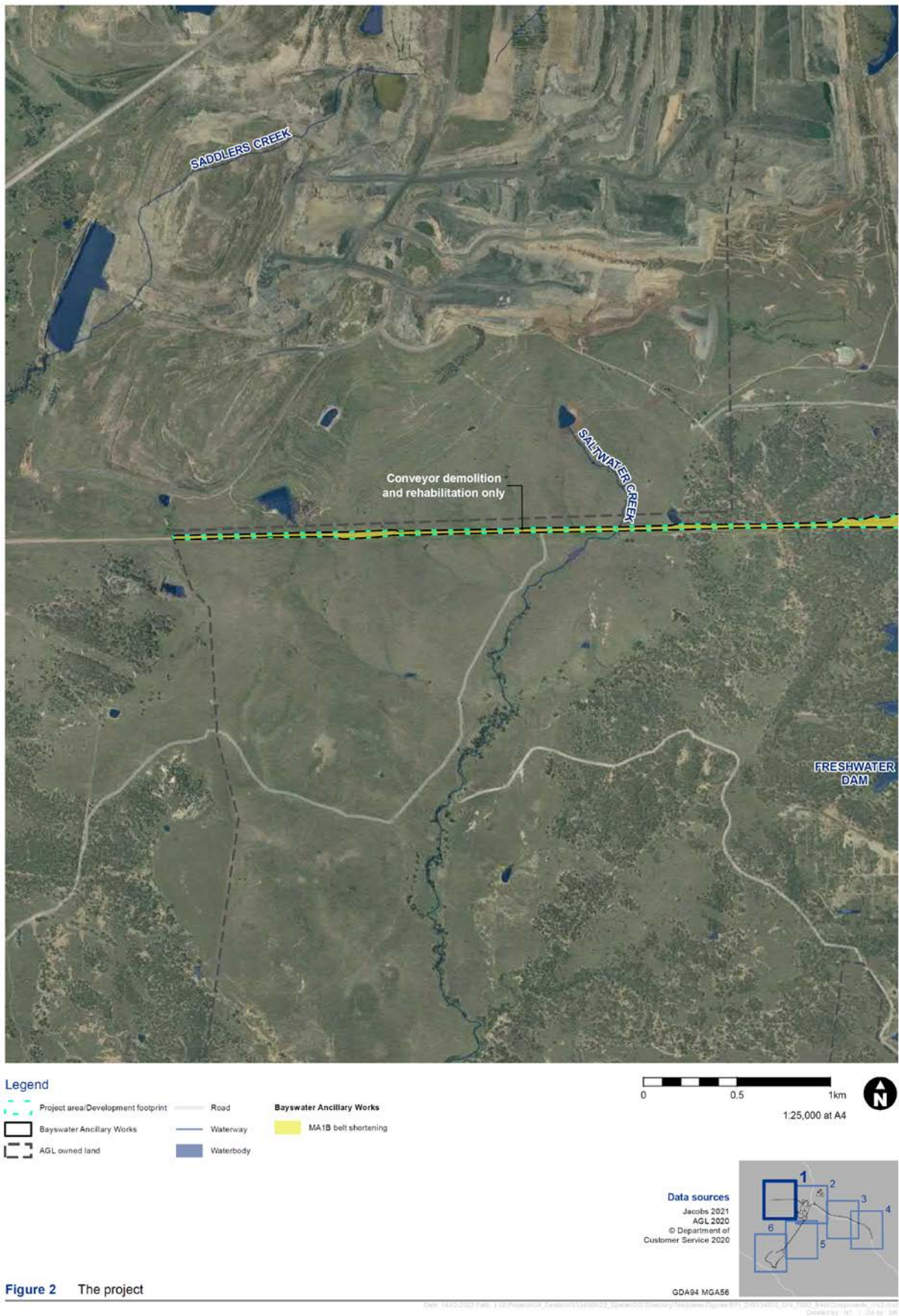
APPENDIX 1: GENERAL LAYOUT OF THE DEVELOPMENT

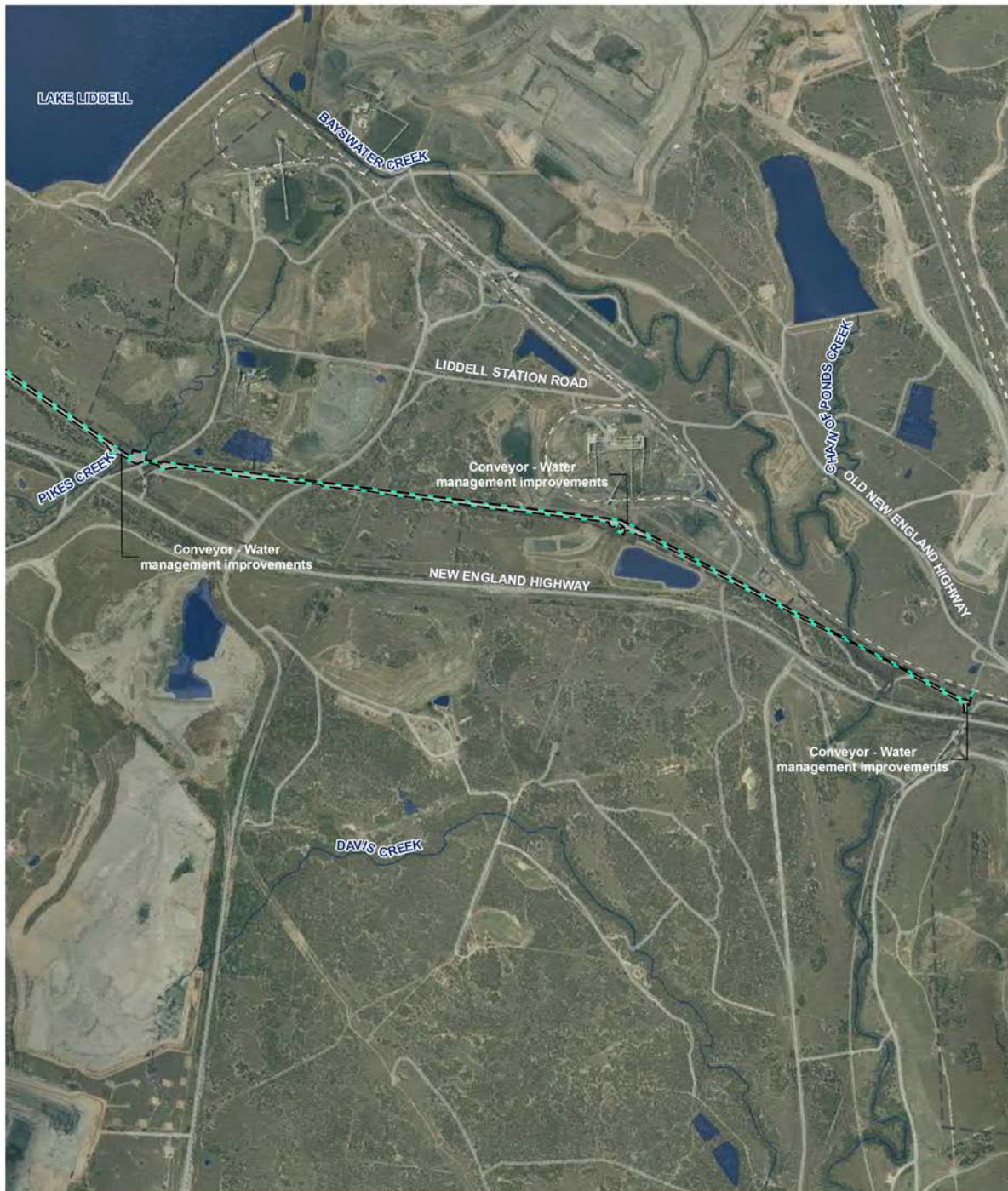
BATTERY ENERGY STORAGE SYSTEM AND DECOUPLING WORKS



BAYSWATER ANCILLARY WORKS







Legend

Project area/Development footprint	Road	Bayswater Ancillary Works
Bayswater Ancillary Works	Railway	Bayswater Power Station and infrastructure
AGL owned land	Waterway	
	Waterbody	

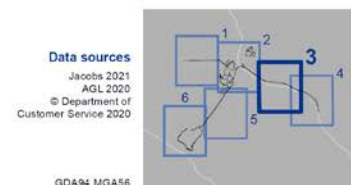
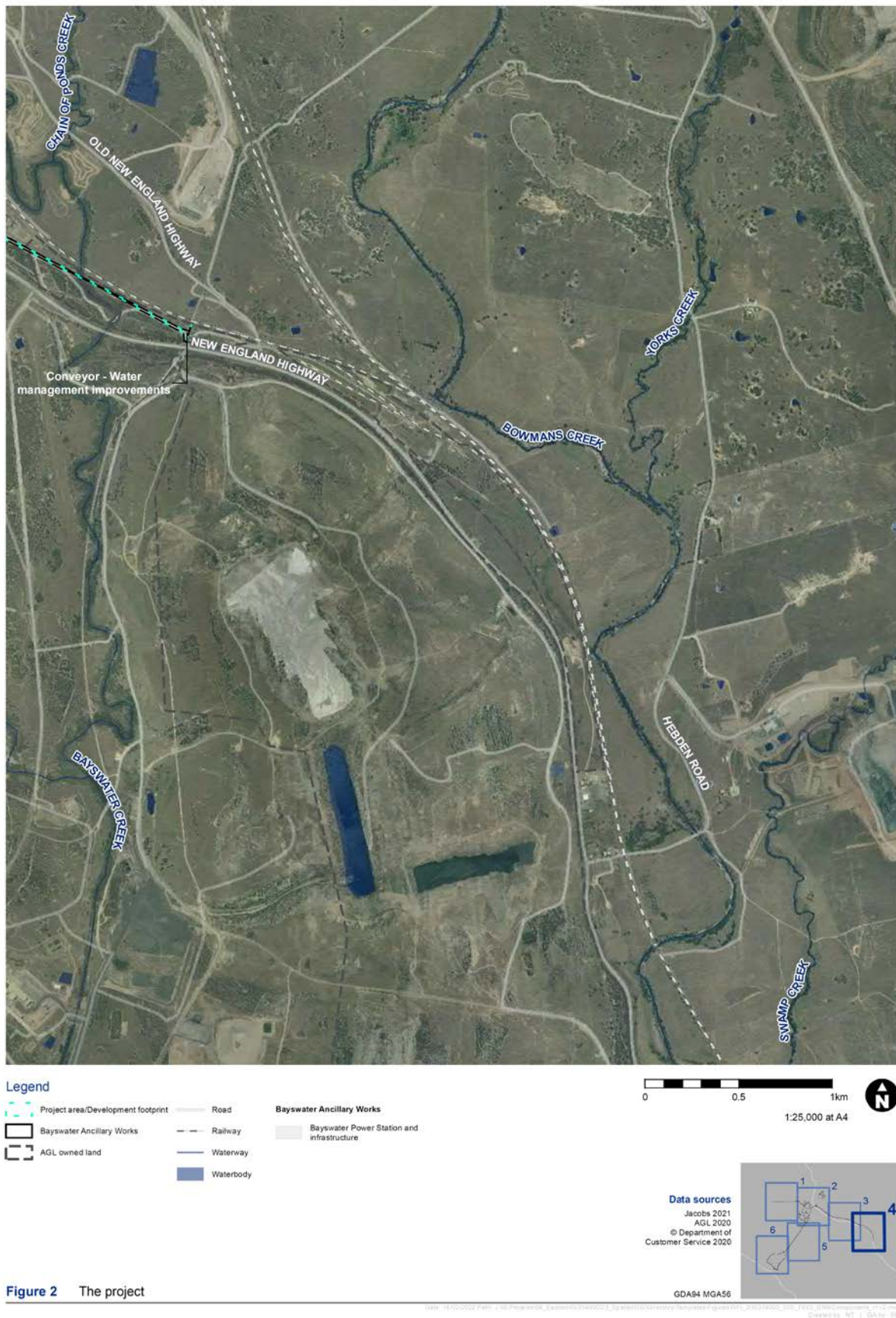
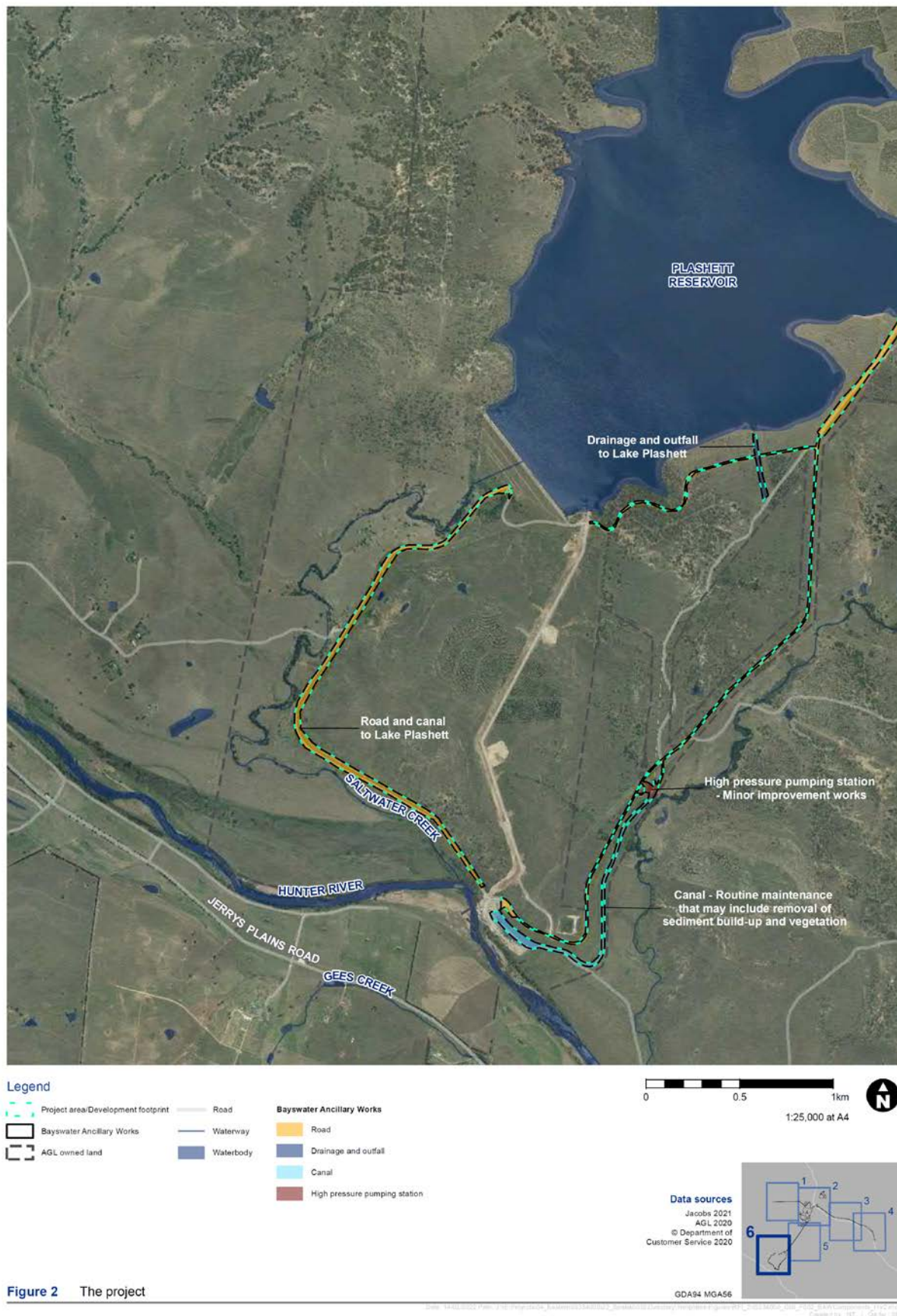


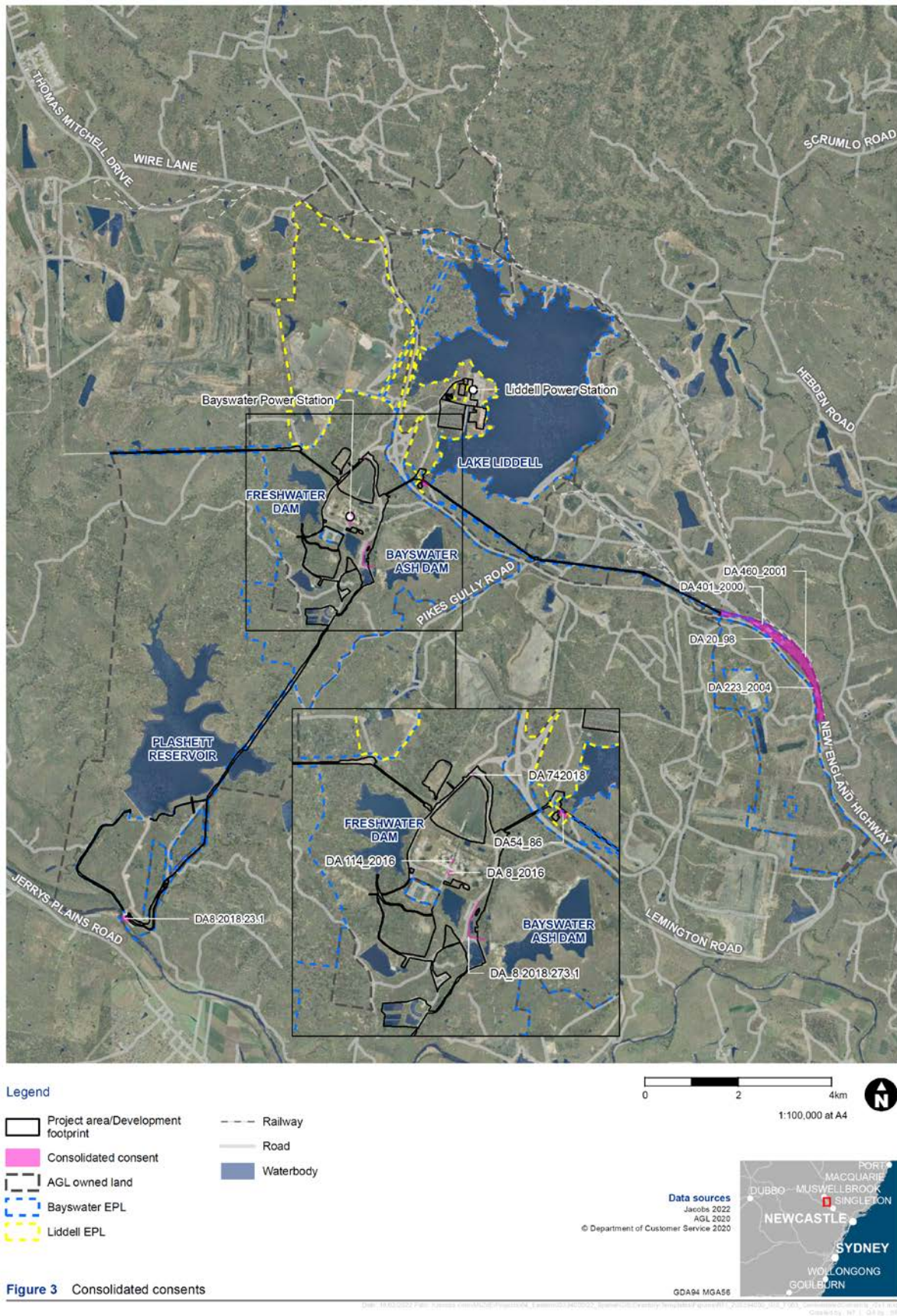
Figure 2 The project







CONSOLIDATED CONSENTS



APPENDIX 2: SCHEDULE OF LANDS

<i>Lot Number</i>	<i>Deposit Plan (DP)</i>	<i>Lot Number</i>	<i>Deposit Plan (DP)</i>
112	1059007	601	1019325
19	752486	10	1204457
23-25		3	1193253
162		1	234545
163		10	700554
313		1	1175303
3	247943	1	628645
4		2	
6		1	986496
2	327372	2	
110	625973	5	808670
13	247945	6	
15		1000	1132937
86	752468	5	1140127
91		31	1156562
150-152		19	1193296
1	616024	28	
1	369326	1	247944
107	547864	8	
5	966589	11	
6		21	241179
1	616025	24	
1	574168	25	
2		26	
2	1022827	44-46	
910	1123501	1	738417
1	1142103	1	1022827
2012	1151790	2	619383
2	1095515		

APPENDIX 3: BIODIVERSITY OFFSET STAGING





Legend

- Project area/Development footprint
- Native PCT - no PCT offset required

- Species impact offset required**
- Stage 2
 - Stage 4

- Native PCT - offset required**
- Stage 2
 - Stage 4

- Road
- Waterway
- Waterbody



1:25,000 at A4

Data sources

Jacobs 2022
AGL 2020
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GDA94 MGA56
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Figure 5 Biodiversity offsets

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APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

- B1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition 7 of Schedule 4 or, having given such notification, subsequently forms the view that an incident has not occurred.
- B2. Written notification of an incident must:
- a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
- B3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
- B4. The Incident Report must include:
- a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.