

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning, the Executive Director approves the development application referred to in Schedule 1, except for the ash dam augmentation and seepage collection infrastructure upgrade components of the application under section 4.16 (4)(b) of the EP&A Act, subject to the conditions in Schedule 2.

These conditions are required to:

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

Clay Preshaw

Executive Director

Energy, Resources and Industry Assessments

Sydney

2022

SCHEDULE 1

Application Number:

SSD 9697

Applicant:

AGL Macquarie Pty Limited (AGL)

Consent Authority:

Minister for Planning

Site:

The land defined in Appendix 1

Development:

Bayswater Power Station Upgrade Project

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DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the NP&W Act
Applicant	AGL Macquarie Pty Limited, or any person carrying out any development under this consent
Approved disturbance area	The indicative surface disturbance areas identified on the Development Layout
ARI	Average Recurrence Interval
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCS	Biodiversity, Conservation and Science Directorate within the Department
Conditions of this consent	Conditions contained in Schedule 2
Construction	All physical works required to enable project operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent, but not including pre-construction activities
Date of commencement of development	The date notified to the Department by the Applicant under condition A8(a)
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
DAWE	Commonwealth Department of Agriculture, Water and the Environment
Decommissioning	The deconstruction or demolition and removal of works and buildings installed as part of the development
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the document/s listed in condition A2(b), excluding the ash dam augmentation and seepage collection infrastructure upgrade components as modified by the conditions of this consent
Development Layout	The indicative development layout depicted in Figure 1 in Appendix 2
DPIE Water	Water Group within the Department
EIS	The Environmental Impact Statement titled <i>Bayswater Water and Other Operational Works Project - Environmental Impact Statement</i> , prepared by Jacobs on behalf of AGL Macquarie Pty Ltd, dated June 2020, submitted with the application for consent for the development; the Applicant's report titled <i>Bayswater Water and Other Operational Works Project – Response to Submissions</i> dated December 2020; and the additional information provided by the Applicant to the Department in support of the application and included in Appendix E of the Department's assessment report on the Bayswater Power Station Upgrade Project.
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in their social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Means what is possible and practical in the circumstances
Financial year	A period of 12 months from 1 July to 30 June
Heritage item	An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following:

	<ul style="list-style-type: none"> the State Heritage Register under the <i>Heritage Act 1977</i>; a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i>; a Local Environmental Plan under the EP&A Act; the World Heritage List; the National Heritage List or Commonwealth Heritage List under the EPBC Act; or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Material harm	<p>Is harm to the environment that:</p> <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to the environment 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) <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval</p>
Minimise	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
Minister	NSW Minister for Planning and Public Spaces, or delegate
Minor	Not very large, important or serious
Mitigation	Activities associated with reducing the impacts of the development
MSC	Muswellbrook Shire Council
Negligible	Small and unimportant, such as to be not worth considering
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Pre-Construction activities	Pre-construction works that may be required for the development, including surveys, fencing, investigative excavation, minor clearing, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided (including service relocations)
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, etc.
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Registered Aboriginal Parties	As described in the <i>National Parks and Wildlife Regulation 2019</i>
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Residence	Existing or approved dwelling at the date of grant of this consent
Resources Regulator	NSW Resources Regulator within the Department
RFS	NSW Rural Fire Service
Site	The land defined in Appendix 1
SC	Singleton Council
SA NSW	Subsidence Advisory NSW
TfNSW	Transport for NSW (incorporating the former NSW Roads and Maritime Services)

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

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 2.*
- 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.

PARTIAL CONSENT

- A5. The Applicant must obtain further approval from the Planning Secretary for the ash dam augmentation and seepage collection infrastructure upgrade components of the application.
- To obtain approval for ash dam augmentation and seepage collection infrastructure upgrade components of the application, the Applicant must prepare an updated Surface and Groundwater Assessment to the satisfaction of the Secretary, in consultation with the EPA. The updated Surface and Groundwater Assessment must:
- (a) characterise the condition of the receiving waterways in the context of the existing ash dam and be informed by water quality monitoring;
 - (b) include updated water balance modelling;
 - (c) provide detail regarding the mitigation measures that would be implemented to manage potential pollution impacts, including measures to avoid, minimise or mitigate overflows from the ash dam; and
 - (d) identify the residual impacts of the ash dam augmentation and seepage collection infrastructure upgrade on receiving waters.

SURRENDER OF EXISTING CONSENTS

- A6. Within 12 months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender the following development consents in accordance with the EP&A Regulation:
- (a) 138/93 (MSC)
 - (b) 12/2017 (MSC)
 - (c) 89/2017 (MSC)
 - (d) 12/2018 (MSC)
 - (e) 06_0047 (Planning Secretary)
 - (f) 06_0259 (Planning Secretary)

Notes: Condition A6 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 should not be understood to mean that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

- A7. Upon the date of commencement of development under this consent, and before the surrender of the existing development consents specified in condition A6, the conditions of this consent prevail to the extent of any inconsistency.

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 commencement of:
- (a) physical commencement of the development;
 - (b) pre-construction activities;
 - (c) construction of the Ravensworth ash pipeline(s);
 - (d) construction of the salt cake landfill; and
 - (e) construction of the coal handling plant area upgrades.

EVIDENCE OF CONSULTATION

- A9. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A10. 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).
- A11. 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.
- A12. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.
- A13. 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.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A14. 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 carrying out 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.

DEMOLITION

- A15. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001), or its latest version.

STRUCTURAL ADEQUACY

- A16. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development must be constructed in accordance with:
- (a) the relevant requirements of the BCA; and
 - (b) any additional requirements of SA NSW where the building or structure is located on land within a declared Mine Subsidence District.

Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SA NSW's approval before carrying out certain development in a Mine Subsidence District.*

OPERATION OF PLANT AND EQUIPMENT

- A17. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

SURFACE WATER AND GROUNDWATER

Water Licences

- B1. The Applicant must obtain all necessary water licences for the development, including during construction, under the *Water Act 1912* and/or the *Water Management Act 2000* prior to the take of water occurring.

Water Quality

- B2. The Applicant must ensure that all surface discharges from the site comply with all relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL.
- B3. All process operational wastewater generated by the activity must:
- (a) be captured and stored at the premises and must only be disposed of by tanker transport to a licensed wastewater facility; or
 - (b) discharged in accordance with condition B2; or
 - (c) managed via an existing site wastewater system.
- B4. Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable sediment and erosion controls onsite, in accordance with the relevant requirements of *Managing Urban Stormwater: Soils and construction - Volume 1* (the Blue Book) (Landcom, 2004).

Acid Sulphate Soils

- B5. The Applicant must ensure that any construction activities in identified areas of acid sulphate soil risk are undertaken in accordance with the *Acid Sulphate Soil Manual* (Acid Sulphate Soil Management Advisory Committee, 1998).

Water Management Performance Measures

- B6. The Applicant must ensure that the development does not cause any exceedance of the performance measures in Table 1, to the satisfaction of the Planning Secretary.

Table 1: Water Management Performance Measures

Feature	Performance Measure
Water Management - General	<ul style="list-style-type: none">Minimise the use of clean and potable water on the siteMaximise water recycling, reuse and sharing opportunitiesMinimise the use of make-up water from external sourcesDesign, install, operate and maintain water management systems in a proper and efficient mannerMinimise risks to the receiving environment and downstream water users
Erosion and sediment control works	<ul style="list-style-type: none">Establishment of erosion and sediment controls in accordance with <i>Managing Urban Stormwater: Soils and construction - Volume 1</i> (the Blue Book) (Landcom, 2004)Design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (NRAR 2018)
Ravensworth ash pipeline	<ul style="list-style-type: none">Design and install the new section of pipeline to minimise potential for groundwater ingressDesign, install and operate a pipeline leak detection monitoring and response system
Coal handling plant area infrastructure and sediment basin	<ul style="list-style-type: none">Design, install and maintain clean water diversions to reduce stormwater inflows to the coal handling plant area sediment basinDesign, implement and maintain upgrades to the coal handling plant launder system to minimise water consumptionDesign, implement and maintain upgrades to minimise overflow to Tinkers Creek
Borrow Pits	<ul style="list-style-type: none">Design, install and maintain clean water diversions to reduce stormwater inflows to the borrow pitsMust not intersect the groundwater table
Salt Cake Landfill	<ul style="list-style-type: none">Design, construct, operate and decommission the landfill in accordance with the requirements of the EPA's <i>Environmental Guidelines: Solid Waste Landfills 2016</i> or its latest version (see also condition B24)

Feature	Performance Measure
Flood protection works	<ul style="list-style-type: none"> Design the salt cake landfill to ensure no adverse impacts on flood behaviour up to and including the 1% Annual Exceedance Probability (AEP) event Minimise bank and scour erosion from clean water diversions
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards
Aquatic and riparian ecosystems	<ul style="list-style-type: none"> Comply with all relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL

Water Management Plan

B7. Prior to the commencement of construction, or as otherwise agreed by the Planning Secretary the Applicant must prepare a Water Management Plan (WMP) for the development to the satisfaction of the Planning Secretary. The WMP must:

- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with the EPA and NRAR;
- (c) detail the management of wastewater streams on-site;
- (d) detail the water licence requirements and water licences held for the development under the *Water Management Act 2000*;
- (e) a comprehensive water balance;
- (f) contain a Groundwater Management Plan, including:
 - (i) detailed baseline data of groundwater levels, yield and quality for groundwater resources potentially impacted by the development, including updated monitoring data from the existing groundwater wells
 - (ii) a comprehensive program to monitor groundwater resources potentially impacted by the development;
 - (iii) a detailed description of the groundwater management system;
 - (iv) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts including potential impacts from the salt cake landfill and any groundwater interception during construction of the Ravensworth ash pipeline;
 - (v) a program to monitor and evaluate compliance with the relevant performance measures listed in Table 1 and the performance criteria in this plan;
 - (vi) reporting procedures for the results of the monitoring program;
 - (vii) a trigger action response plan to respond to any exceedances of the groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development; and
- (g) contain a Surface Water Management Plan, including:
 - (i) detailed baseline data of surface water resources potentially impacted by the development;
 - (ii) a comprehensive program to monitor surface water flows and quality, surface water storage and use and sediment basin operation;
 - (iii) a surface water monitoring program, including a program for routine inspection and monitoring of the Ravensworth ash line;
 - (iv) measures to divert clean surface waterways from operational areas;
 - (v) surface water impact assessment criteria, including trigger levels for investigating any potential adverse surface water impacts;
 - (vi) a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria; and
 - (vii) a trigger action response plan to respond to any exceedances of the surface water performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development.

B8. The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

Water Monitoring Station Access

B9. Access to the water monitoring station 210110 at Bayswater Creek, Liddell, must be maintained along Pikes Gully Road, or alternative access arranged in consultation with WaterNSW.

BIODIVERSITY

Biodiversity Credit Requirements

- B10. Unless otherwise agreed by the Planning Secretary, the Applicant must retire the biodiversity credits for Offset Stages 1, 2, 3, 4 and 5, as specified in Table 2 below, prior to commencing vegetation clearing in those stages. The retirement of credits must be carried out in consultation with BCS and 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 2 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 DAWE and approved by the Planning Secretary prior to the commencement of construction of the relevant offset stage.

Table 2: Biodiversity credit requirements

Credit Type	Area (ha)	Offset Liability					
		Offset Stage 1	Offset Stage 2	Offset Stage 3	Offset Stage 4	Offset Stage 5	Total Credits Required
Ecosystem Credits							
PCT 1691: Narrow-leaved Ironbark – Grey Box grassy woodland of the central and upper Hunter	200.64	55	52	21	3,102	550	3,780
PCT 1692: Bull Oak grassy woodland of the central Hunter Valley	61.66	2	-	-	1,266	8	1,276
PCT 1731: Swamp Oak - Weeping Grass grassy riparian forest of the Hunter Valley.	2.41	3	-	-	12	15	30
Paddock Trees (PCT 1691)	-	-	-	-	27	4	31
Total							5,117
Species Credits							
Squirrel Glider	55.08	38	51	21	1,006	229	1,346
Southern Myotis	8.11	9	8	-	96	120	233
Striped Legless Lizard	116.74	31	38	15	1838	180	2,102
Total							3,681

Notes:

- To identify the surface disturbance areas associated with Offset Stages 1 to 5 in Table 2, refer to Table 3 and the Figure in Appendix 3.
- The credits in Table 2 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.
- Credits retired for impacts on EPBC Act listed species and associated habitat must be like-for-like.

- The credits associated with Offset Stage 5 in Table 2 correspond to works for the ash dam augmentation which are subject to further approval from the Minister as outlined in condition A5.

Table 3: Timetable for retirement of biodiversity credits

Disturbance Phase	Retirement Required Prior to Commencement of:
Stage 1	Ravensworth Ash Pipeline
Stage 2	HP Pipeline and LSP Sludge Line works
Stage 3	Coal handling plant area upgrades
Stage 4	Borrow pits and salt cake landfill
Stage 5	Ash dam augmentation and seepage collection upgrades which would be subject to further approval from the Minister.

Biodiversity Management Plan

- B12. Prior to the commencement of construction of the development, the Applicant must prepare a Biodiversity Management Plan (BMP) to the satisfaction of the Planning Secretary. The BMP must:
- be prepared by a suitably qualified and experienced biodiversity expert/s;
 - be prepared in consultation with the BCS;
 - describe how biodiversity offsets required in condition B11 will be retired;
 - describe measures to be implemented within the approved disturbance areas to:
 - minimise the amount of vegetation clearing, in particular, by designing surface infrastructure to minimise clearing of EECs and CEECs;
 - minimise impacts on fauna, including undertaking pre-clearance surveys;
 - minimise impacts on tree hollows, where reasonable and feasible;
 - manage potential indirect and prescribed impacts on flora and fauna; and
 - maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement; and
 - describe the measures to be implemented on the site to:
 - minimise impacts to threatened ecological communities listed under the BC Act and EPBC Act, and contribute to conservation strategies for these communities;
 - minimise impacts on fauna habitat resources such as habitat trees, fallen timber and hollow-bearing trees;
 - protect vegetation and fauna habitat outside of the approved disturbance areas;
 - manage the collection and propagation of seed from the local area; and
 - control weeds and feral pests; and
 - include a program to monitor, evaluate and report on the effectiveness of the measures.

- B13. The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.

AIR QUALITY

General Operating Conditions

- B14. The Applicant must carry on any activity, or operate any plant, in or at the site by such reasonably practicable means as may be necessary to prevent or minimise air pollution.
- B15. The premises must be maintained and operated in a manner that minimises or prevents dust emissions from the site.
- B16. All operations and activities occurring at the premises must be carried out in a manner that will minimise dust at the boundary of the site.
- B17. The Applicant shall not permit any offensive odour to be emitted beyond the boundary of the site.

NOISE

- B18. The Applicant must minimise the noise generated by the construction, operation, and decommissioning of the development.

WASTE MANAGEMENT

Receipt, Storage and Handling of Waste

- B19. The Applicant must:
- take all reasonable steps to minimise the waste generated by the development;
 - classify all waste in accordance with the *Waste Classification Guidelines* (EPA, 2014);
 - dispose of all waste at appropriately licensed waste facilities or as expressly permitted in an applicable EPL;

- (d) manage on-site sewage treatment and disposal in accordance with the requirements of MSC; and
 - (e) 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*.
- B20. Except as expressly permitted in an applicable EPL or exemption under the *Protection of the Environment Operations (Waste) Regulation 2014*, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.
- B21. Chemicals, fuels and oils used on-site must be kept in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environment Protection- Participants Manual* (Department of Environment and Climate change, 2007).

SALT CAKE LANDFILL

Salt Cake Landfill Environmental Management Plan

- B22. Six months prior to the commencement of construction of the Salt Cake Landfill, or as otherwise agreed by the Planning Secretary, the Applicant must submit to the Planning Secretary and the EPA a Salt Cake Landfill Environmental Management Plan which details the design, construction, operation, decommissioning and rehabilitation of the salt cake landfill. The report must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with the EPA;
 - (c) demonstrate how the Salt Cake Landfill would be designed, constructed, operated and decommissioned in accordance with the requirements of the EPA's *Environmental Guidelines: Solid Waste Landfills 2016* or its latest version, including a detailed quality assurance/quality control and monitoring program that would be applied for each stage of the landfill;
 - (d) detail measures to reduce the risk of liner failure;
 - (e) include a detailed Groundwater Monitoring Plan that includes
 - (i) the establishment of a groundwater monitoring network (consisting of appropriately located wells upgradient, to the periphery and downgradient of the Salt Cake Landfill) for the purpose of routinely monitoring groundwater and detecting potential leakage/seepage; and
 - (ii) triggers for further investigation and action in response to potential leakage/seepage.
- B23. The Applicant must implement the Salt Cake Landfill Environmental Management Plan as approved by the Planning Secretary.

VISUAL AND LIGHTING

- B24. The Applicant must:
- (a) minimise the off-site visual impacts of the development, including the potential for any glare or reflection;
 - (b) ensure the visual appearance of infrastructure (including paint colours) blends in as far as possible with the surrounding landscape; and
 - (c) not mount any commercial advertising signs or logos on site, except where this is required for identification or safety purposes.
- B25. The Applicant must:
- (a) minimise the off-site lighting impacts of the development; and
 - (b) ensure that any external lighting associated with the development:
 - (i) is installed as low intensity lighting (except where required for safety or emergency purposes);
 - (ii) does not shine above the horizontal; and
 - (iii) complies with *Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version.

ABORIGINAL HERITAGE

Unexpected Finds Protocol

- B26. If any previously unknown Aboriginal object is identified on site, or suspected to be on the site:
- (a) all work in the immediate vicinity of the potential Aboriginal object must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off;

- (c) Heritage NSW and the Registered Aboriginal Parties must be contacted as soon as practicable; and
- (d) appropriate site management measures must be developed in consultation with an archaeologist and Registered Aboriginal Parties.

B27. Work in the immediate vicinity of the Aboriginal object 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
- (b) 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.

B28. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance with the requirements of Heritage NSW.

Aboriginal Cultural Heritage Management Plan

B29. 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;
- (b) be prepared in consultation with Registered Aboriginal Parties and Heritage NSW;
- (c) unless otherwise agreed by the Planning Secretary, 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 proposed salvage of objects within the approved disturbance area) 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
- (e) 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.

B30. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.

DANGEROUS GOODS

B31. The Applicant must ensure that the storage, handling, and transport of dangerous goods is done in accordance with the relevant Australian Standards and the Dangerous Goods Code.

REHABILITATION AND DECOMMISSIONING

Rehabilitation Objectives

B32. The Applicant must rehabilitate the development. The rehabilitation must be generally consistent with the proposed rehabilitation objectives described in the documents listed in condition A2(b), and must comply with the objectives in Table 3.

Table 3: Rehabilitation objectives

Feature	Objective
All areas of the site affected by the development	<ul style="list-style-type: none"> Safe, stable and non-polluting Fit for the intended final land use Minimise post-decommissioning and closure environmental impacts
Ash Dam	<ul style="list-style-type: none"> To be decommissioned and made safe, stable and non-polluting Complies with requirements of the <i>Dams Safety Act 2015</i> and <i>Dams Safety Regulation 2019</i> or as amended
Salt cake landfill	<ul style="list-style-type: none"> Final landform and capping design in accordance with the requirements of EPA's <i>Environmental Guideline: Solid Waste Landfills 2016</i>, or its latest version (see also Condition B22)

Feature	Objective
Surface infrastructure of the development, including pipelines	<ul style="list-style-type: none"> To be decommissioned and removed, unless the Planning Secretary agrees otherwise
Borrow Pits	<ul style="list-style-type: none"> Free-draining, safe and stable landform Establish/restore native vegetation using locally endemic species from locally sourced seeds/plants
Community	<ul style="list-style-type: none"> Ensure public safety

Progressive Rehabilitation

B33. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

Note: This condition does not prevent further disturbance at some later stage of the development of areas that have been rehabilitated.

Rehabilitation Strategy

B34. The Applicant must prepare a Rehabilitation Strategy for the development to the satisfaction of the Planning Secretary. This plan must:

- (a) be prepared in consultation with DPIE Water, EPA, MSC and SC;
- (b) be submitted to the Planning Secretary for approval within 12 months of the date of commencement of development under this consent;
- (c) build upon the Rehabilitation Objectives in Table 3 and address all aspects of rehabilitation and decommissioning including final landform, final land use/s and water management;
- (d) describe the proposed rehabilitation of the ash dam with consideration of the ash reuse potential including a:
 - (i) description of techniques to restore the area, including capping design to meet the rehabilitation objectives in Table 3;
 - (ii) timetable for the progressive staging of the rehabilitation program; and
 - (iii) monitoring and auditing program;
- (e) detail the conceptual final landform design for the ash dam;
- (f) describe the measures to remediate land where required following decommissioning in accordance with *State Environmental Planning Policy No 55 - Remediation of Land*;
- (g) include a stakeholder engagement plan to guide decommissioning and rehabilitation planning processes and outcomes; and
- (a) include a program to report on the outcomes of the rehabilitation required under this consent and review and update this strategy at least every three years.

B35. The Applicant must implement the approved Rehabilitation Strategy as approved by the Planning Secretary.

Bushfire Management

B36. The Applicant must:

- (a) ensure that the development:
 - (i) provides for asset protection in accordance with the relevant requirements in the *Planning for Bushfire Protection* (RFS, 2019) guideline; and
 - (ii) ensure that there is suitable equipment to respond to any fires on the site; and
- (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.

PART C CONSTRUCTION SPECIFIC ENVIRONMENTAL CONDITIONS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Construction Environmental Management Plan

- C1. The Applicant must prepare a Construction Environmental Management Plan for construction works to the satisfaction of the Planning Secretary. This plan must be prepared in consultation with the EPA, MSC and SC and include:
- (a) a description of activities to be undertaken during construction of the project (including staging and scheduling);
 - (b) statutory and other obligations that the Applicant is required to fulfil during construction, building and demolition work, including approvals, signage, consultations and agreements required from authorities and other stakeholders under key legislation and policies;
 - (c) identification of relevant guidelines, standards, codes of practice etc. to which the Applicant intends to comply;
 - (d) 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 consent;
 - (e) an environmental risk analysis to identify the key environmental performance issues associated with the construction 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 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) soil, water quality, flood and spoil management;
 - (ii) erosion and sediment control;
 - (iii) dust management;
 - (iv) management of non-Aboriginal heritage;
 - (v) soil contamination, hazardous material and waste management;
 - (vi) management of ecological impacts
 - (vii) traffic; and
 - (viii) hazard and risk management.
- C2. The Applicant must not commence construction until the Construction Environmental Management Plan is approved by the Planning Secretary.
- C3. The Applicant must implement the Construction Environmental Management Plan as approved by the Planning Secretary.

PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- D1. Prior to commencing construction, the Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning 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) references to any strategies, plans and programs approved under the conditions of this consent; and
 - (ii) a clear plan depicting monitoring to be carried out under the conditions of this consent.

Ash Recycling Strategy

- D2. By the end of March each year, or other timeframe agreed by the Planning Secretary, a report shall be submitted to the Department to demonstrate annual progress of reuse and recycling of ash, to the satisfaction of the Planning Secretary. The strategy must:
- (a) outline the quantity of ash that is reused or recycled in the reporting period;
 - (b) identify the estimated quantity of ash to be reused or recycled in the following reporting period, having regard to anticipated market conditions; and
 - (c) include a program for the investigation of alternative ash management measures over time, with a particular focus on the minimisation of ash disposal on site and beneficial reuse of ash.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- D3. Within 3 months, unless the Planning Secretary agrees otherwise, of:
- (a) the submission of an incident report under condition D4 below;
 - (b) the submission of an audit report under condition D12 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

- D4. 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

- D5. 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.

- D6. 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.
- D7. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- D8. 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, or its latest version).
- D9. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the *Compliance Reporting Post Approval Requirements* (2020, or its latest version), unless otherwise agreed to by the Planning Secretary.
- D10. 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.
- D11. 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.

INDEPENDENT ENVIRONMENTAL AUDIT

- D12. 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).
- D13. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.
- D14. 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.
- D15. 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 D12 of this approval, or condition D14 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.
- D16. 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.
- D17. 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

- D18. Before the commencement of construction until the completion of all rehabilitation required under this approval, the Applicant must:
- (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
 - (i) the EIS;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vii) a summary of the current phase and progress of the development;
 - (viii) contact details to enquire about the development or to make a complaint;
 - (ix) a complaints register, updated monthly;

- (x) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;
- (xi) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

RECOMMENDATION

PART E CONDITIONS EXTRACTED FROM THE CONSENTS REFERRED TO IN CONDITION A6

Note: For the avoidance of doubt, a consent listed in condition A6 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 E are drawn from the consents listed in condition A6 but form part of this consent from the date of this consent.

CONDITIONS FROM [DA 12/2017](#)

REPLACEMENT OF 600M OF ASBESTOS CEMENT PIPELINE ON THE BAYSWATER ASH DAM RETURN WATER LINE (MUSWELLBROOK SHIRE COUNCIL)

Development in Accordance with Documentation

- E1. Development of the Cement Pipeline on the Bayswater Ash Dam Return Line is to be carried out generally in accordance with the following document:

Title	Written By	Date
<i>Statement of Environmental Effects - Bayswater Ash Dam Return Water Pipeline Replacement</i>	AECOM	February 2017

CONDITIONS FROM [DA 89/2017](#)

CONSTRUCTION OF A NEW 3/4 EFFLUENT DRAIN SUMP TO REPLACE EXISTING SUMP (MUSWELLBROOK SHIRE COUNCIL)

Development in Accordance with Documentation

- [E2.](#) Development of the Construction of a New 3/4 Effluent Drain Sump to Replace Existing Sump is to be carried out generally in accordance with the following document:

Title	Written By	Date
<i>Bayswater 3/4 Sump Pit Reconstruction - Statement of Environmental Effects</i>	GHD	July 2017

CONDITIONS FROM [DA 12/2018](#)

CONSTRUCTION OF PIPELINE TO CONNECT TO RAVENSWORTH ASH LINE TO ENABLE TRANSFER OF WATER FROM BAYSWATER ASH DAM TO RAVENSWORTH VOID FOUR (MUSWELLBROOK SHIRE COUNCIL)

[Development in Accordance with Documentation](#)

- [E2-E3.](#) Development of the Construction of Pipeline to Connect to Ravensworth Ash Line to Enable Transfer of Water from Bayswater Ash Dam to Ravensworth Void Four is to be carried out generally in accordance with the following document:

Title	Written By	Date
<i>Statement of Environmental Effects - Bayswater Ash Dam Overland Water Pipeline</i>	AECOM	November 2017

Pipeline construction

- [E3-E4.](#) Prior to the completion of the pipeline installation and prior to the issue of any Occupation Certificate the following are to be installed in the manner set-out by this condition.

- (a) An anti-siphon device is to be installed to prevent the possible continuation of water flow out of the ash dam once the pump is turned off, and,

(b) A gate valve is to be placed in the existing pipeline to prevent flow back into the pipeline if needed.

RECOMMENDATION

CONDITIONS FROM [MP 06_0047](#)

BAYSWATER WATER TREATMENT PLANT UPGRADE (PLANNING SECRETARY)

[Development in Accordance with Documentation](#)

E4-E5. Development of the Bayswater Water Treatment Plant Upgrade is to be carried out generally in accordance with the following documents:

Title	Written By	Date
<i>Environmental Assessment, Proposed Bayswater Power Station Upgrade, Submission to NSW Department of Planning</i>	HLA Envirosciences	February 2006
<i>Water Treatment Plant Upgrades Environmental Assessment</i>	WSP	December 2017

- E6. The Applicant must carry out rehabilitation of the works associated with the Water Treatment Plant Upgrade (including the brine concentrator decant basin) to the satisfaction of the Planning Secretary within 5 years of the commencement of decommissioning of the project unless the Planning Secretary agrees otherwise. The rehabilitation must comply with the objectives in the table below.

Rehabilitation objectives

Feature	Objective
Surface infrastructure, including pipelines	<ul style="list-style-type: none">To be decommissioned and removed, unless the Planning Secretary agrees otherwise
Land use	<ul style="list-style-type: none">Restore land capability to pre-existing uses, unless the Planning Secretary agrees otherwise

- E7. A Construction and Demolition Safety Study for the Bayswater Water Treatment Plant Upgrade, must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 – Construction Safety Guidelines*. The study must specifically identify and address potential hazards associated with the project and its interaction with other parts of the Power Station while the works permitted under this approval are undertaken.

CONDITIONS FROM [06_0259](#)

BAYSWATER POWER STATION WATER PUMPING STATION UPGRADE (PLANNING SECRETARY)

[Development in Accordance with Documentation](#)

- E8. Development of the Bayswater Power Station Water Pumping Station Upgrade is to be carried out generally in accordance with the following document:

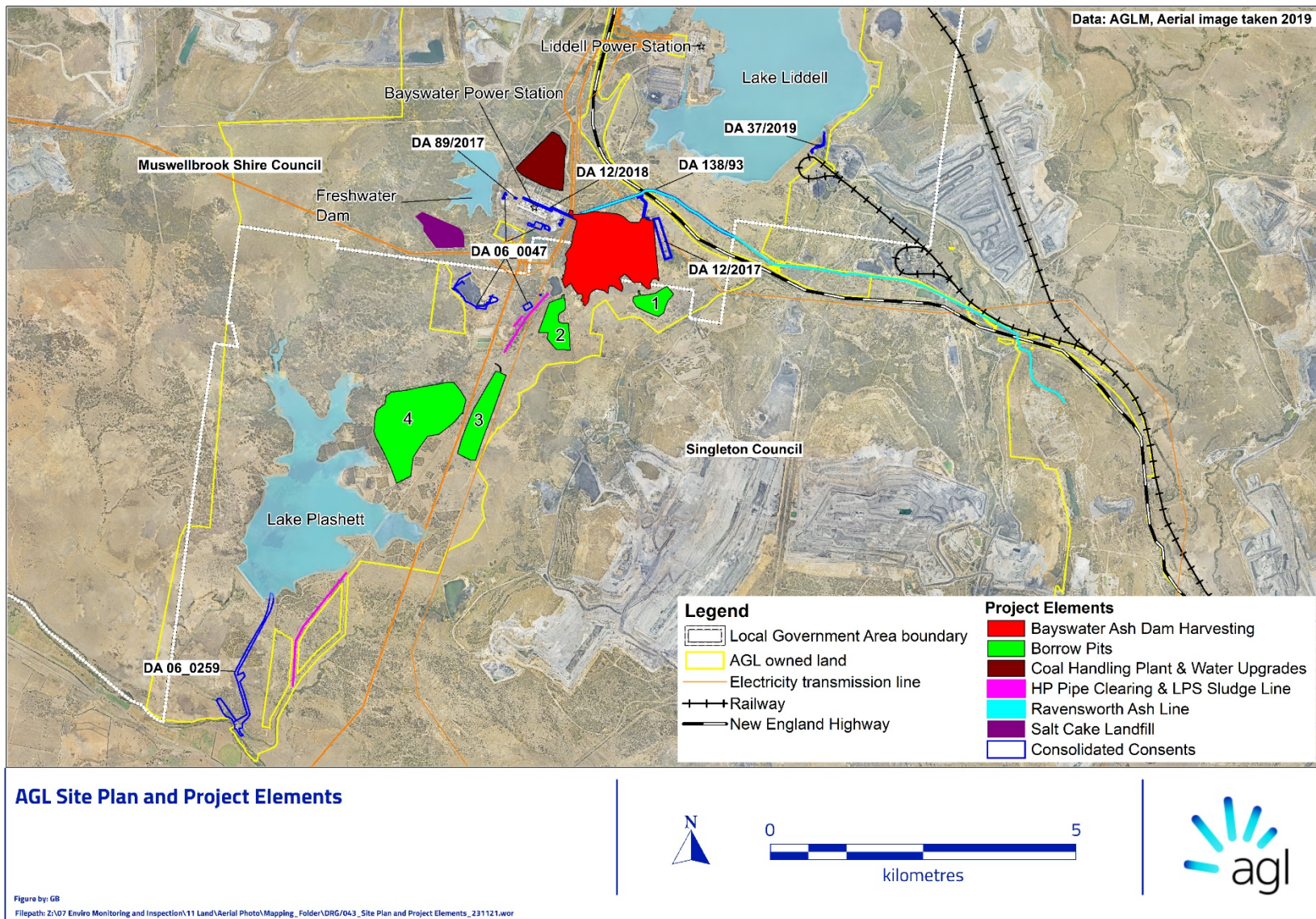
Title	Written By	Date
<i>Macquarie Generation Hunter River Pump Station Augmentation, Environmental Assessment as modified by Macquarie Generation Modification to Project Approval</i>	Macquarie Generation	September 2007

- E9. The Applicant must continue to implement the approved Ecology Management Plan for the Bayswater Power Station Water Pumping Station Upgrade.

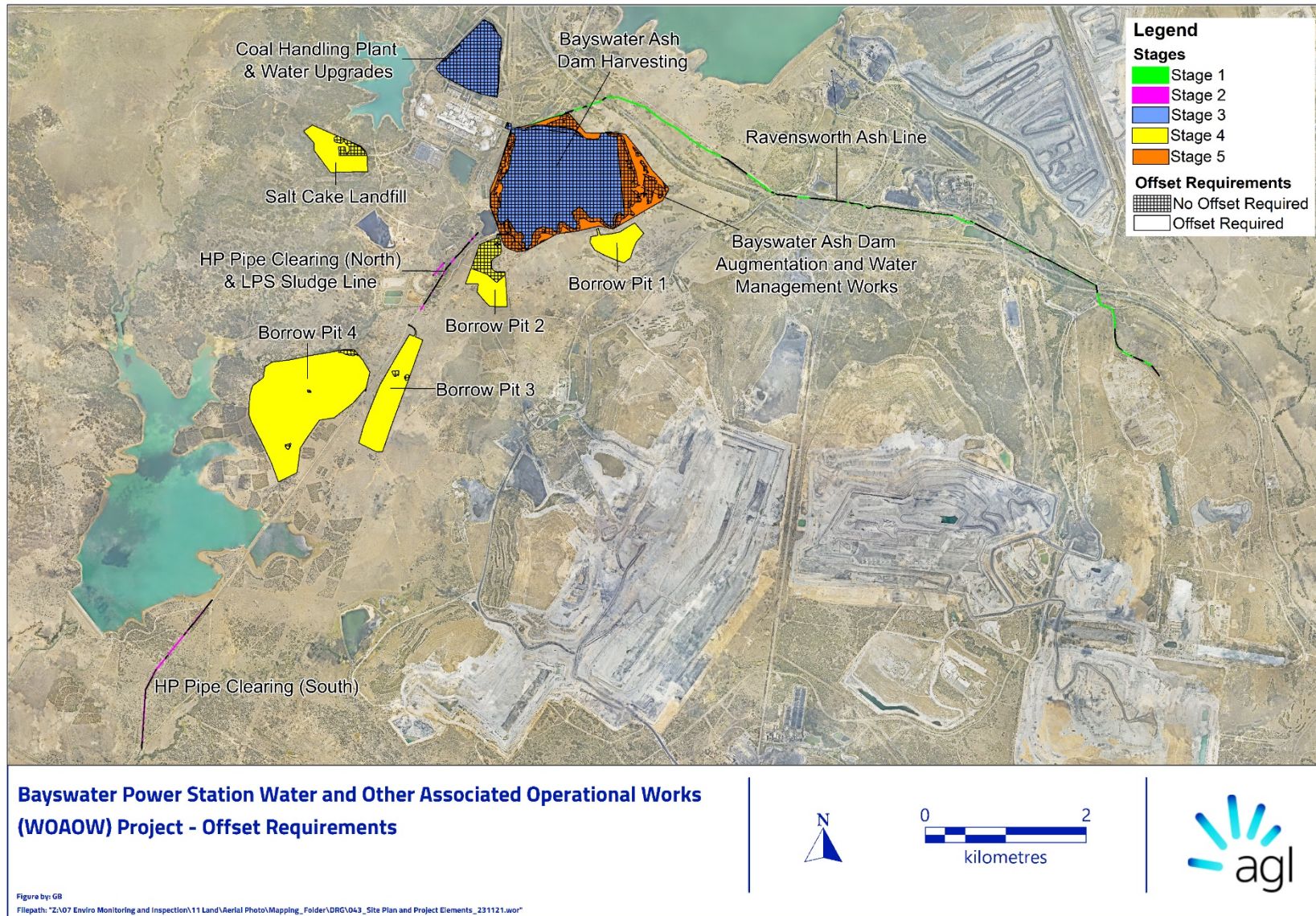
APPENDIX 1 SCHEDULE OF LAND

<i>Lot Number</i>	<i>Deposited Plan</i>	<i>Lot Number</i>	<i>Deposited Plan</i>
601	1019325	2	619383
112	1059007	10	700554
2	1095515	19, 30, 62, 75, 86, 88, 89, 150, 151, 331	752468
1	113655	1, 2	774679
1	1142103	1	369326
2012	1151790	102	1053098
1	1158700	14	1193430
120	1174907	1	252530
1	1175303	2	327372
1, 2	1193248	5, 6	966589
910	1123501	107	547864
3	1193253	4	1193254
10	1204457	1, 2	574168
4, 6, 9, 11	247943	1	616024
13, 15	247945		
1	616025		

APPENDIX 2 GENERAL LAYOUT OF THE DEVELOPMENT



APPENDIX 3 BIODIVERSITY OFFSET STAGES



APPENDIX 4: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the 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 D5 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - (c) identify the development and application number;
 - (a) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (b) identify how the incident was detected;
 - (c) identify when the Applicant became aware of the incident;
 - (d) identify any actual or potential non-compliance with conditions of approval;
 - (e) describe what immediate steps were taken in relation to the incident;
 - (f) identify further action(s) that will be taken in relation to the incident; and
 - (g) identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Applicant must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. 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 details of any communication with other stakeholders regarding the incident.