

Infrastructure Approval

Section 5.19 of the *Environmental Planning & Assessment Act 1979*

I grant approval to the application referred to in Schedule 1, subject to the conditions in Schedule 2 to 4.

These conditions are required to:

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



The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Sydney

15th March

2021

SCHEDULE 1

Application Number:	9837
Proponent:	AGL Energy Limited (AGL)
Approval Authority:	Minister for Planning and Public Spaces
Land:	See Appendix 1
Development:	Newcastle Gas Fired Power Station Project
Critical State Significant Infrastructure:	On 12 December 2018, the Newcastle Gas Fired Power Station Project was declared as a critical State significant infrastructure (SSI) project by order under Clause 12 of Schedule 5 of <i>State Environmental Planning Policy (State and Regional Development) 2011</i>

TABLE OF CONTENTS

DEFINITIONS	3
PART A ADMINISTRATIVE CONDITIONS	5
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT	5
TERMS OF APPROVAL	5
LAPSE OF APPROVAL	5
LIMITS ON APPROVAL	5
LIMITS ON OPERATIONS	5
STATUTORY REQUIREMENTS	6
NOTIFICATION	6
STRUCTURAL ADEQUACY	6
PIPELINE CONSTRUCTION AND OPERATION	6
DEMOLITION	6
PROTECTION OF PUBLIC INFRASTRUCTURE	7
OPERATION OF PLANT AND EQUIPMENT	7
PART B ENVIRONMENTAL CONDITIONS – GENERAL	8
HAZARDS AND RISKS	8
AVIATION SAFETY	9
TRAFFIC AND TRANSPORT	9
AIR QUALITY	10
NOISE	13
BIODIVERSITY	15
WATER AND SOIL	15
WASTE	17
HERITAGE	17
VISUAL AND LIGHTING	17
PART C ENVIRONMENTAL MANAGEMENT AND REPORTING	19
ENVIRONMENTAL MANAGEMENT	19
COMPLIANCE	19
INDEPENDENT ENVIRONMENTAL AUDIT	20
ACCESS TO INFORMATION	20
UPDATING AND STAGING OF STUDIES, STRATEGIES AND PLANS	21
APPENDIX 1: SCHEDULE OF LAND	22
APPENDIX 2: GENERAL LAYOUT OF DEVELOPMENT	23
APPENDIX 3: ABORIGINAL HERITAGE ITEMS MAP	25
APPENDIX 4: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	26

DEFINITIONS

BAM	The Biodiversity Assessment Method established under the <i>Biodiversity Conservation Act 2016</i>
BCA	Building Code of Australia
BCS	Biodiversity, Conservation and Science Directorate within the Department
BCT	Biodiversity and Conservation Trust
Calendar Year	A period of 12 months from 1 January to 31 December
Conditions of this approval	Conditions contained in Schedules 1 to 4 inclusive
Construction	All physical works associated with the development, including but not limited to demolition and removal of buildings or works, erection or installation of buildings and infrastructure, road upgrades, and the carrying out of works; but excludes minor pre-construction and preliminary works such as road dilapidation surveys, installation of fencing, geotechnical drilling and/or surveying)
Council	Port Stephens Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The demolition and/or removal of buildings, infrastructure and works installed for the development and/or rehabilitation of the site
Department	Department of Planning, Industry and Environment (DPIE)
Development	The development described in the EIS and Amendment Report as modified by the conditions of this approval
Development footprint	The area identified as “development footprint” in Figure 2 in Appendix 2
DPIE Water	Water Group within the Department
EIS	The Environmental Impact Statement titled <i>Newcastle Power Station Project – Environmental Impact Statement</i> dated November 2019, as modified by: <ul style="list-style-type: none"> the Submissions Report titled <i>Newcastle Power Station Project – Environmental Impact Statement Submissions Report</i> dated April 2020; and the Amendment Report titled <i>Newcastle Power Station Project – Environmental Impact Statement Amendment Report</i> dated August 2020.
Electrical transmission line	The electricity transmission line located on the land listed in Appendix 1 and shown in Appendix 2
EPA	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>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build or to implement
FRNSW	Fire and Rescue NSW
Gas Supply Pipelines	Dual gas supply pipelines connecting the power station to the existing PL42 on the land listed in Appendix 1 and shown in Appendix 2
Gas Storage Pipeline	The up to 5 km gas storage pipeline connecting the power station to AGL’s existing Newcastle Gas Storage Facility located on the land listed in Appendix 1 and shown in Appendix 2
Heritage NSW	Heritage NSW within the Department of Premier and Cabinet
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	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
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
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 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)
Maximise	Implement all reasonable and feasible measures to achieve the specified outcome
Minimise	Implement all reasonable and feasible measures to reduce the impacts of the development
Minister	Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring

M1 Upgrade Project	Transport for NSW's M1 Pacific Highway extension to Raymond Terrace critical infrastructure project
Night	The period from 10 pm to 7 am Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance Operation	An occurrence, set of circumstances or development that is a breach of this approval The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
PL42	AGL's PL42 bidirectional pipeline between the Hexham Receiving Station and the Newcastle Gas Storage Facility, which is used to import, and export gas based on seasonal requirements and market demand
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Proponent	AGL Energy Limited (AGL), or any person carrying out the development to which this approval applies
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	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
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Remediation	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact
Secretary	Planning Secretary under the EP&A Act, or nominee
Secretary's Approval	A written approval from the Secretary and/or delegate
Site	As listed in Appendix 1 and shown in Appendix 2
TfNSW	Transport for NSW

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF APPROVAL

- A2. The Proponent must carry out the development:
- (a) generally in accordance with the EIS;
 - (b) in accordance with all written directions of the Secretary; and
 - (c) in accordance with the conditions of this approval.

Note: The general layout of the development is shown in Appendix 2.

- A3. If there is any inconsistency between the documents in condition A2 above, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this approval prevail to the extent of any inconsistency.
- A4. The Proponent must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:
- (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval;
 - (b) any reports, reviews or audits undertaken or commissioned by the Department regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in these documents.

LAPSE OF APPROVAL

- A5. This approval will lapse ten years after the date on which it is granted, unless construction has physically commenced on or before that time.

LIMITS ON APPROVAL

- A6. The development must be a dual fuel power station using natural gas and/or liquid fuel (diesel) and shall comprise of reciprocating engines or open cycle gas turbines power plant with a total nominal output capacity of up to 250 megawatts.

LIMITS ON OPERATIONS

- A7. Fuel burning equipment must be operated for the purpose of generating electrical power at the premises so that the total NO_x (as NO₂ equivalent) emissions do not exceed 338 tonnes annually, from the date of commissioning completion, or until an alternative limit is approved as varied by condition A8.
- A8. Within six weeks following the first 12 months of operation after completion of the commissioning, the Proponent must complete a review of NO_x (as NO₂ equivalent) emissions and provide a report to the Secretary and EPA. The report must be prepared in consultation with the EPA and include:
- (a) the complete NO_x emission monitoring dataset including emission concentrations, emission rates and relevant discharge parameters,
 - (b) unit load data and production data for the period of the review;
 - (c) a summary of total hours of operation on gas and diesel per unit per month and for the 12 months; and
 - (d) a summary of the hourly NO_x emission rates and concentrations and operating parameters per stack;

Based on conditions A8(a) to (d), the Proponent must propose a revised annual total NO_x (as NO₂ equivalent) emission load limit, to be approved by the Secretary and the EPA. The total revised NO_x emissions determined under this condition must not exceed 338 tonnes per annum.

- A9. The annual NO_x load limit in condition A7, or as revised by condition A8, may be exceeded if continued operation of the power station is required, and:

- (a) the Australian Energy Market Operator (AEMO), or a person authorised by AEMO, notifies the Proponent, under the National Electricity Rules, to take relevant actions to maintain or restore the security or reliability of the electricity network; and
- (b) the relevant AEMO direction referred to above remains in force; and
- (c) the licensee takes all practical measures to prevent or minimise air pollution.

The Proponent must notify the Department and the EPA of any and all limit exceedances due to any activation above.

- A10. Distillate fuel used in the power station must comply with the *Australian Government's Fuel Quality Standards (Automotive Diesel) Determination 2019* made under the *Fuel Quality Standards Act 2000*.
- A11. The Proponent must ensure that gas or material flows associated with the development and its components are in accordance with the process flow diagram in Appendix 3 of the Preliminary Hazard Analysis (revision 6, dated 13 August 2020) without any direct gas or material flows between the development and the existing AGL Newcastle Gas Storage Facility (MP 10_0133).
- A12. The Proponent must ensure that the Project's pipeline assets are licensed under the *Pipelines Act 1967*.
- A13. The take-off gas supply pipelines from AGL's PL42 to the power station must not be operated at a pressure exceeding 6.895 megapascals (MPaG).
- A14. The gas storage pipeline must not be operated at a pressure exceeding 15.3 MPaG.

STATUTORY REQUIREMENTS

- A15. The Proponent must ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the development. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent must ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the life of the development.
- A16. For the purpose of section 198 of the EP&A Regulation, the relevant provisions, as defined in section 198(1) of the EP&A Regulation, apply to this approval.

NOTIFICATION

- A17. At least two weeks prior to the commencement of the following activities, the Proponent must notify the Department in writing of the date of commencement of:
 - (a) pre-construction minor works;
 - (b) road upgrade works;
 - (c) construction of the development;
 - (d) commissioning of the pipeline;
 - (e) commissioning of the gas power station;
 - (f) operations; and
 - (g) the decommissioning of the development and rehabilitation of the site.

STRUCTURAL ADEQUACY

- A18. The Proponent 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 BCA.

PIPELINE CONSTRUCTION AND OPERATION

- A19. The Proponent must design and construct the gas pipeline in accordance with the relevant Australian Standards, in particular *AS2885 Pipelines – Gas and Liquid Petroleum*, or its latest version.

DEMOLITION

- A20. The Proponent must ensure that all demolition work on site is carried out in accordance with *AS 2601-2001: The Demolition of Structures*, or its latest version.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A21. Unless the Proponent and the applicable authority agree otherwise, the Proponent 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.

OPERATION OF PLANT AND EQUIPMENT

- A22. The Proponent 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.

SCHEDULE 3

PART B ENVIRONMENTAL CONDITIONS – GENERAL

HAZARDS AND RISKS

Pre-construction

- B1. Prior to the commencement of construction (except for preliminary works outside of the scope of hazard studies), unless otherwise agreed by the Secretary, the Proponent must prepare and submit to the satisfaction of the Secretary:
- (a) A **Fire Safety Study** based on the final detailed design of the project. This study must cover the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study'* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The study must also be submitted for the approval of Fire and Rescue NSW.
 - (b) A **Hazard and Operability Study** based on the final detailed design of the project, chaired by a qualified person independent of the development, approved by the Secretary prior to the commencement of the study. The study must be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'*. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented. The scope of the study must include and not be limited to:
 - (i) components and processes associated with the power station, including the storage, handling and use of diesel fuel;
 - (ii) the gas supply pipelines tie-in from the existing Jemena Gas Network high-pressure gas pipeline (PL42) to the power station;
 - (iii) the 5 km DN 1050 high-pressure gas storage pipeline system; and
 - (iv) outcomes, actions and recommendations from high-pressure gas pipeline Safety Management Studies required under Australian Standard 2885 Pipelines – Gas and liquid petroleum (AS 2885).
 - (c) A **Final Hazard Analysis** based on the final detailed design of the project, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'*. The scope of the study must include and not be limited to:
 - (i) verifying that the final detailed design of the project can comply with conditions A12 to A14;
 - (i) specifying all design variations between the final detailed design and the conceptual design described in the EIS and PHA (revision 6, dated 13 August 2020); and
 - (ii) verifying that the risks from the project, based on the final detailed design and incorporating final safeguards, complies with the individual fatality, injury and accident propagation risk criteria specified in the Department's *Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'* and do not exceed the risks described in the Preliminary Hazard Analysis (revision 6, dated 13 August 2020).

Pre-commissioning

- B2. Prior to the commencement of operations, unless otherwise agreed to by the Secretary, the Proponent must prepare and submit to the satisfaction of the Secretary:
- (a) A comprehensive **Emergency Plan** and detailed emergency procedures for the development. The Emergency Plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.
 - (b) A document setting out a comprehensive **Safety Management System**, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*. The Safety Management System must also include Safety and Operating Plans required under AS 2885.

Pre-startup

- B3. One month prior to the commencement of operation of the development, unless otherwise agreed by the Secretary, the Proponent must submit to the Secretary, a **Pre-Startup Compliance Report** detailing compliance with conditions B1 and B2, including:
- (a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
 - (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and

- (c) responses to any requirement imposed by the Secretary under condition A4 of Schedule 2.

Post-startup

- B4. Three months after the commencement of operation of the development, unless otherwise agreed by the Secretary, the Proponent must submit to the Secretary, a **Post-Startup Compliance Report** verifying that:
- (a) the Emergency Plan required under condition B2(a) is effectively in place and that at least one emergency exercise has been conducted; and
 - (b) the Safety Management System required under condition B2(b) has been fully implemented and that records required by the system are being kept.

Ongoing

- B5. Twelve months after the commencement of operations of the development and every three years thereafter or at such intervals as the Secretary may agree, the Proponent must carry out a comprehensive **Hazard Audit** of the development and within two months of each audit submit a report to the satisfaction of the Secretary for approval. The audits must be carried out at the Proponent's expense by a qualified person or team, independent of the development and approved by the Secretary prior to commencement of the audit. Hazard Audits must be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5, 'Hazard Audit'*. The audit must include a review of the site Safety Management System and a review of all entries made in the incident register since the previous audit. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented.
- B6. The Proponent must store and handle all chemicals, fuels and oils 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 in (a) and (b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

AVIATION SAFETY

- B7. Prior to commencement of construction, unless otherwise agreed by the Secretary, the Proponent must provide an updated plume rise assessment report based on the final generator design to the satisfaction of the Secretary. The report must:
- (a) be prepared in consultation with Department of Defence, RAAF Base Williamtown, Air Services Australia, Aeronautical Information Service – Air Force and Newcastle Airport Pty Ltd;
 - (b) demonstrate that the critical plume extent is consistent with the predictions in the EIS; and
 - (c) demonstrate that reasonable and feasible at source mitigation measures have been applied to further minimise the critical plume extent.
- B8. Prior to the commencement of construction, the Proponent must:
- (a) notify Air Services Australia for the erection of permanent and temporary structures that intrude on the Obstacle Limitation Surface (OLS) of the RAAF Base Williamtown.
 - (b) submit final design drawings to the following organisations:
 - (i) Department of Defence – Land Planning and Regulation Branch;
 - (ii) RAAF Base Williamtown;
 - (iii) Aeronautical Information Service – Air Force;
 - (iv) Air Services Australia;
 - (v) Newcastle Airport Pty Ltd; and
 - (vi) Global Airspace Solutions.

Evidence of notification/ provision of detailed design drawings must be submitted to the Secretary before commencement of construction.

TRAFFIC AND TRANSPORT

Road Upgrades and Infrastructure Design to Accommodate the M1 Upgrade Project

- B9. Prior to the commencement of construction, unless otherwise agreed the Secretary, the Proponent must:
- (a) upgrade Old Punt Road, including provisions of a Channelised Right (CHR) turn treatment, full pavement reconstruction and protection of utilities to the satisfaction of TfNSW; and
 - (b) provide detailed design drawings of the gas supply pipelines and gas storage pipeline crossing underneath Old Punt Road to the satisfaction of TfNSW and the Secretary.

- B10. The Proponent must construct:
- (a) the electrical transmission lines crossing Old Punt Road at a vertical clearance equal to or higher than the existing TransGrid transmission lines, or an alternative height, to the satisfaction of TfNSW and the Secretary; and
 - (b) the gas supply pipelines and gas storage pipeline in accordance with the detailed design drawings provided under condition B9(b).

Traffic Management Requirements

- B11. The Proponent must:
- (a) minimise the impacts of the road and intersection upgrades of the development;
 - (b) maintain all, roads and utility-related infrastructure on site in a safe and serviceable condition;
 - (c) provide sufficient parking on site for all vehicles;
 - (d) ensure heavy vehicles entering and leaving the site have loads covered or contained;
 - (e) minimise dust and/or sediment being tracked onto Old Punt Road and the public road network;
 - (f) minimise the traffic noise impacts of the development;
 - (g) ensure that emergency egress to the Pacific Highway is gated and only used in emergency situations at a location to the satisfaction of TfNSW; and
 - (h) keep the public informed of any road or infrastructure upgrades, disruptions to traffic, the closure of roads or other infrastructure, oversize overmass vehicle use, peak construction periods, and any emergencies.

Traffic Management Plan

- B12. Prior to the commencement of construction, unless otherwise agreed by the Secretary, the Proponent must prepare a Traffic Management Plan in consultation with Council and TfNSW for the development and to the satisfaction of the Secretary. This plan must:
- (a) describe the measures that would be implemented to comply with the transport management requirements in condition B11 above;
 - (b) include details of the transport route to be used for all construction and operational traffic;
 - (c) include details of the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route/s during construction and operations;
 - (d) include oversize overmass requirements and management;
 - (e) include a driver's code of conduct that addresses:
 - (i) travelling speeds;
 - (ii) driver fatigue;
 - (iii) procedures to ensure that drivers adhere to the designated transport route's; and
 - (iv) procedures to ensure that drivers implement safe drive practise;
 - (f) include a program to:
 - (i) record and track vehicle movements; and
 - (ii) monitor the effectiveness of these measures.

The Proponent must implement the approved Traffic Management Plan for the development.

AIR QUALITY

General Operating Conditions

- B13. The Proponent must carry on any activity, or operate any plant, in or on the premises by such reasonably practicable means as may be necessary to prevent or minimise air pollution.
- B14. The premises must be maintained and operated in a manner that minimises or prevents dust emissions from the premises.
- B15. All operations and activities occurring at the premises must be carried out in a manner that will minimise dust at the boundary of the premises.
- B16. The Proponent shall not permit any offensive odour to be emitted beyond the boundary of the site.

Final Design Verification and Manufacturer's Guarantee Assessment

- B17. Prior to construction, unless otherwise agreed by the Secretary, the Proponent shall provide a revised Air Quality Impact Assessment (AQIA) to the Secretary and EPA that is based on the final design of the plant and includes emission specifications based on manufacturer performance guarantees, or emission factors for pollutants where manufacturer performance guarantees are not provided.

In addition to thermal power generation, the final AQIA should also consider gas reception infrastructure and emergency generators. Should the plant design and emission characteristics differ from what was assessed previously (Newcastle Power Station Air Quality Impact Assessment, ERM, 29 April 2020), the AQIA must include remodelling of emissions based on final design.

- B18. The final design, installation and operation of the plant must not preclude the ability for air pollution emissions controls to be retrofitted.

Air Quality Verification

- B19. Within six months of commissioning the plant (unless otherwise agreed by the Secretary in consultation with the EPA) and during a period in which the development is operating under high design loads, the Proponent must undertake a monitoring program to confirm the air emission performance of the power station. The monitoring program must include, as a minimum:
- two rounds of post-commissioning monitoring of the pollutants and parameters in Table 1 below for each discharge point;
 - consideration of the dual-fuel and peaking operability of the power station in capturing representative air pollutant emission concentrations and normal operating parameters; and
 - sampling methods as per the NSW EPA's *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA 2016), or the latest version.

Table 1: Air Quality Verification Monitoring

Pollutant/Parameter	Units of measure	Frequency	Sampling Method
Total solid particles	Milligrams per cubic metre	Special Frequency 1	TM-15
Oxides of nitrogen	Milligrams per cubic metre	Continuous	CEM-2 and USEPA Procedure 1
Sulphur dioxide	Milligrams per cubic metre	Special Frequency 1	TM-4
Volatile organic compounds (VOCs)	Milligrams per cubic metre	Special Frequency 1	TM-34
PAHs (as benzo[a]pyrene)	Milligrams per cubic metre	Special Frequency 1	California Air Resources Board Method 429
Ammonia [#]	Milligrams per cubic metre	Special Frequency 1	ISO 21877
Acrolein [#]	Milligrams per cubic metre	Special Frequency 1	Note 1
Formaldehyde [#]	Milligrams per cubic metre	Special Frequency 1	USEPA Method 323 or USEPA Method 318 or USEPA SW-846 Test Method 0011
Oxygen	Percent	Continuous	CEM-3
Moisture content	percent	Special Frequency 1	TM-22
Molecular weight of stack gases	Grams per gram mole	Special Frequency 1	TM-23
Temperature	Degrees Celsius	Special Frequency 1	TM-2
Velocity	Metres per second	Continuous	CEM-6
Dry gas density	Kilograms per cubic metre	Special Frequency 1	TM-23
Volumetric flow rate	Cubic metres per second	Continuous	CEM-6

Special frequency 1 means two rounds of post commissioning monitoring.

#Ammonia, acrolein and formaldehyde for reciprocating engine option only.

Notes: Where there is no listed approved method, such as for acrolein, the method used must:

- be based on a recognised, published standard or reference method;*
- be demonstrated to be fit for purpose; and*
- the facility conducting the analysis should be familiar with, and where practicable, accredited under ISO 17025 for the analytical method.*

- B20. Within six weeks of completing post-commissioning testing (unless otherwise agreed by the Secretary in consultation with the EPA) the Proponent must submit a Post Commissioning Verification Report (Verification Report) to the EPA and the Secretary. The Verification Report must:
- include all analytical results of post-commissioning monitoring required for all discharge points. Any external report must be reproduced in full;
 - include all the information listed in section 4 of the *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA 2016), or latest version;

- (c) describe all the operational parameters during post commissioning testing; and
- (d) compare analytical results from post commissioning monitoring against final design emission specifications and modelled emission parameters in the AQIA required under condition B17 (Final Design Verification Assessment).

B21. Should any comparison under condition B20(d) identify monitored discharge concentrations or emission rates above the emissions characteristics in the revised AQIA or the *Protection of the Environment Operations (Clean Air) Regulation 2010* standards of concentration, the Proponent must:

- (a) re-assess and evaluate both the emission concentrations against the relevant POEO Clean Air Regulation standards of concentrations and the impacts against the relevant impact assessment criteria in the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA 2017)*, or the latest version; and/or
- (b) identify actions and measures to be implemented to reduce emissions of air pollutants to no greater than those predicted in the AQIA.

Details of the actions and measures and a timetable for implementation shall be incorporated into the Verification Report and submitted to the Secretary and the EPA for approval.

Monitoring/Discharge Points

B22. The following points referred to in Table 2 and Table 3 (or alternative points as permitted by the applicable EPL) below are identified for the purposes of monitoring and/or setting of limits for the emission of pollutants to the air from the point.

Table 2: For adoption of the gas turbine option

Emission point	Type of Monitoring Point	Type of Discharge Point	Description of Location
All gas turbine stacks	Air emissions monitoring	Discharge to Air	At each gas turbine location in accordance with the final design.

Table 3: For adoption of the reciprocating engine option

Emission point	Type of Monitoring Point	Type of Discharge Point	Description of Location
All reciprocating engine stacks	Air emissions monitoring	Discharge to Air	At each engine location in accordance with the final design.

Discharge Limits

B23. For each monitoring/discharge point specified by Table 4 and Table 5 below (or alternative points as permitted by the applicable EPL) the concentration of a pollutant discharged at that point, must not exceed the concentration limits specified for that pollutant in the table (or alternative limits as permitted by the applicable EPL).

Table 4: POINTS, all gas turbine stacks

Pollutant	Fuel type	100 percentile limit (mg/m3)	Reference Conditions	Averaging Period
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Natural gas	51	Dry, 273K, 101.3kPa, 15% O ₂	1 hour
	Diesel	86		

Table 5: POINTS, all reciprocating engine stacks

Pollutant	Fuel type	100 percentile limit (mg/m3)	Reference Conditions	Averaging Period
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	Natural gas	51	Dry, 273K, 101.3kPa, 15% O ₂	1 hour
	Diesel	86		

Monitoring Conditions

B24. The Proponent shall, for each air monitoring/discharge point, determine the pollutant concentrations and emission parameters specified in Table 6 below. For each pollutant, the Proponent must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns. Sampling methods as per the NSW EPA's *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales (EPA 2016)*, or the latest version (or alternative methods as permitted by the applicable EPL).

Table 6: Periodic Pollutant and Parameter Monitoring

Pollutant/Parameter	Units of measure	Frequency	Sampling Method
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	mg/m ³	Continuous	CEM-2 and US EPA Procedure 1
Carbon Monoxide (CO)	mg/m ³	Continuous	CEM-4 and US EPA Procedure 1
Moisture	%	Continuous	Special Method 1 and US EPA Procedure 1
Oxygen	%	Continuous	CEM-3 and US EPA Procedure 1
Temperature	°C	Continuous	TM-2 and US EPA Procedure 1
Velocity	m/s	Continuous	CEM-6 and US EPA Procedure 1
Volumetric flow rate	m ³ /s	Continuous	CEM-6 and US EPA Procedure 1
Selection of sampling positions	-	-	TM-1

For the purpose of Table 6 above, Special Method 1 means any moisture monitoring method approved in writing by the EPA, and USEPA Procedure 1.

NOISE

Noise Limit Conditions

B25. Noise generated at the premises must not exceed the noise limits at the times and locations in the Table 7 below.

Table 7: Noise Limits for Tomago Residential Areas

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
2171 Pacific Highway Heatherbrae	51	48	43	52
135 Oakfield Road, Woodberry	42	42	38	52
838 Tomago Road, Tomago	57	48	43	52
819 Tomago Road, Tomago	63	53	48	52
47 School Drive, Tomago	57	48	43	52
7 Graham Drive, Tomago	57	48	43	52
18 Homebush Drive, Woodberry	42	42	38	52

B26. The noise limits set out in condition B25 apply under the meteorological conditions described in Table 8.

Table 8: Meteorological Conditions

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level.

B27. For those meteorological conditions not referred to in condition B26, the noise limits that apply are the noise limits in condition B25 plus 5dB(A).

B28. The noise criteria in Table 7 and condition B27 do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Proponent has advised the Department in writing of the terms of this agreement.

B29. For the purposes of condition B26 the meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station operating in accordance with condition B31 and the stability category shall be determined using the sigma-theta data method (section D1.4) from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017), or latest version.

B30. For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017), or latest version, must be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

Meteorological Monitoring

- B31. Prior to commencing construction, unless otherwise agreed by the Secretary, the Proponent must ensure there is a suitable meteorological weather station operating located on the premises or at a location approved by the EPA that:
- (a) complies with the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (EPA 2016 or latest version);
 - (b) is capable of continuous real-time measurement of wind speed, wind direction, sigma theta, air temperature, rainfall and relative humidity; and
 - (c) is capable of measuring meteorological conditions in accordance with the *Noise Policy for Industry* (EPA 2017 or latest version).

Noise Monitoring

- B32. Within 6 months of full operation post commissioning attended noise validation monitoring must be undertaken during a period of full load in accordance with condition B25 and must:
- (a) occur at each receiver location listed in condition B25;
 - (b) occur during day, evening and night period as defined in the *Noise Policy for Industry* over two 15-minute compliance measurements during each period; and
 - (c) occur for two consecutive days.
- B33. On completion of post commissioning attended noise validation monitoring required in condition B32, that shows compliance with conditions B25 and B27, ongoing attended noise monitoring must be undertaken to the satisfaction of the EPA.

Noise Monitoring Report

- B34. A noise compliance assessment report must be submitted to the EPA and the Secretary within 30 days, unless otherwise agreed by the Secretary, of the completion of the post commissioning validation monitoring and any annual monitoring. The assessment must be prepared by a qualified person and include:
- (a) an assessment of compliance with noise limits presented in conditions B25 and B27; and
 - (b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in conditions B25 and B27.

Hours of Construction

- B35. All construction work at the premises must be conducted between 7am and 6pm Monday to Friday and between 8am and 1pm Saturdays and at no time on Sundays and public holidays, unless inaudible at any residential premises.

Exceptions to Construction Hours

- B36. The following activities may be carried out outside the recommended construction hours:
- (a) construction that causes LAeq(15minute) noise levels that are:
 - (i) no more than 5dB 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) for the delivery of materials required by the police or other authorities for safety reasons; or
 - (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
 - (d) as approved through the process outlined in condition B37 of this approval.

Variation of Construction Hours

- B37. The hours of construction activities specified under condition B35 of this approval may be varied with the prior written approval of the Secretary. Any request to alter the hours of construction shall be:
- (a) considered on a case-by-case or activity-specific basis;
 - (b) accompanied by details of the nature and justification for activities to be conducted during the varied construction hours;
 - (c) accompanied by written evidence that appropriate consultation with potentially affected sensitive receivers and notification of relevant Council(s) (and other relevant agencies) has been and will be undertaken;
 - (d) all feasible and reasonable noise mitigation measures have been put in place; and
 - (e) accompanied by a noise impact assessment consistent with the requirements of the *Interim Construction Noise Guideline* (DECCW, 2009), or latest version.

BIODIVERSITY

Biodiversity Management Plan

B38. Prior to commencement of construction, unless otherwise agreed by the Secretary, the Proponent 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 and Council;
- (c) describe the short, medium and long-term measures to be undertaken to manage vegetation and fauna habitat on the site;
- (d) describe how biodiversity offsets required in condition B39 will be retired;
- (e) describe measures to be implemented within the site to minimise:
 - (i) the amount of clearing;
 - (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;
 - (vi) indirect impacts to the Ramsar-listed Hunter Estuary Wetlands;
 - (vii) light spill from night works; and
 - (viii) bushfire risk.
- (f) include a program to monitor, evaluate and report on the effectiveness of the measures.

The Proponent must implement the approved Biodiversity Management Plan for the development.

Biodiversity Offsets

B39. Prior to the commencement of construction, unless otherwise agreed by the Secretary, the Proponent must retire biodiversity credits of a number and class specified in Table 9 and 10 below in consultation with the BCS and Council and to the satisfaction of BCT.

The retirement of these credits must be carried out in accordance with the *NSW Biodiversity Offsets Scheme* and can be achieved by:

- (a) acquiring or retiring 'biodiversity credits' within the meaning of the *Biodiversity Conservation Act 2016*;
- (b) making payments into an offset fund that has been developed by the NSW Government; or
- (c) funding a biodiversity conservation action that benefits the threatened entity impacted by the development, consistent with the '*Ancillary Rules: Biodiversity conservation actions*'.

Table 9: Ecosystem Credit Requirements

Vegetation Community	PCT ID	Credits Required
Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	1590	234
Smooth-barked Apple - Blackbutt - Old Man Banksia woodland on coastal sands of the Central and Lower North Coast	1646	8

Table 10: Species Credit Requirements

Species	Credits Required
Squirrel Glider	146
Koala	6
Earp's Gum	6

WATER AND SOIL

Water Supply

B40. The Proponent must ensure it has sufficient water for the development; and if necessary, adjust the scale of development on site to match its available water supply.

Note: Under the Water Management Act 2000, the Proponent must obtain the necessary water licences for the development.

Water Quality

- B41. The Proponent 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.
- B42. All process operational wastewater generated by the activity must be captured and stored at the premises and must only be disposed of by tanker transport to a licensed wastewater facility.
- B43. Prior to the commencement of any construction or other surface disturbance the Proponent must install and maintain suitable sediment and erosion controls onsite, in accordance with the relevant requirements of *Managing Urban Stormwater: Soils and Construction – Volume 2A Installation of Services* (DECC 2008).

Acid Sulphate Soils

- B44. The Proponent 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 Plan

- B45. Prior to the commencement of construction, unless otherwise agreed by the Secretary, the Proponent must prepare a Water Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;
 - (b) be prepared in consultation with HWC, DPIE Water, EPA and Council;
 - (c) include a:
 - (i) **Site Water Balance** that includes details of:
 - predicted annual inflows to and outflows from the site;
 - sources and security of water supply, including reasonable and feasible measures to minimise potable water demand through detailed design and operations;
 - water and wastewater storage capacity;
 - water use and management on site including demineralisation water treatment and wastewater transfer; and
 - reporting procedures;
 - (ii) **Surface Water Management Plan** that includes:
 - baseline data on surface water flows and quality of watercourses and/or water bodies potentially impacted by the development;
 - a detailed description of the surface water management system;
 - detailed plans, design objectives and performance criteria for water infrastructure, including:
 - drainage networks including water run-off diversions, catch drains, water discharge pipelines and stormwater infrastructure;
 - sedimentation pond/s;
 - operation and maintenance procedures for stormwater systems; and
 - incorporation of Treatment Train Effectiveness (TTE) and Neutral or Beneficial Effect (NorBE) principles;
 - detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development for:
 - downstream surface water quality;
 - downstream flooding impacts; and
 - stream and riparian health;
 - a program to monitor and evaluate:
 - disturbance of acid sulphate soils;
 - surface water inflows, outflows, stormwater and storage volumes;
 - rainfall and flooding events; and
 - the effectivity of the surface water management systems to minimise erosion and sediment impacts;
 - reporting procedures for the results of the monitoring program; and
 - a plan to mitigate and/or offset any adverse surface water impacts of the development;
 - (iii) **Groundwater Management Plan** that includes:
 - detailed baseline data of hydrogeology and groundwater levels and quality of groundwater resources potentially impacted by the development;
 - identifies groundwater dependent ecosystems and groundwater flow patterns in the region to the Hunter Estuary Wetlands;
 - a detailed description of the groundwater management and monitoring system;

- water licencing requirements;
 - detailed performance criteria including trigger levels for identifying and investigating any potentially adverse impacts associated with the development on:
 - the Tomago Sandbeds aquifer;
 - groundwater supply and quality;
 - groundwater dependent ecosystems; and
 - the Hunter Estuary Wetlands.
 - a program to monitor and evaluate groundwater flows, groundwater quality and the effectiveness of groundwater management systems;
 - reporting procedures for the results of the monitoring program;
 - a plan to respond to any probable or actual exceedances of the groundwater performance criteria and repair, mitigate and/or offset any adverse groundwater impacts of the development.
- (iv) **Flood Preparedness Plan** that includes an emergency response procedure including a description of predicted flood inundation, evacuation routes, trigger heights, consideration for elderly, disabled or vulnerable on site, timing of evacuation and vehicular access;

The Proponent must implement the approved Water Management Plan for the development.

WASTE

- B46. Any waste materials exposed or created in association with the constructions works and proposed to be disposed of to an offsite location, must be classified in accordance with the EPA's *Waste Classification Guidelines*.
- B47. 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).

HERITAGE

Protection of Heritage Items

- B48. The Proponent must ensure the development does not cause any direct or indirect impacts on heritage items located outside the approved development footprint, or to heritage item NPS01 in Appendix 3.
- B49. Prior to the commencing construction, the Proponent must remove, salvage or repatriate sites NPS02, NPS03 and the eastern extent of the potential archaeological deposit (PAD), as described in Appendix 3, in accordance with the recommendations provided in the *Aboriginal Cultural Heritage Assessment Report* (Submissions Report, Revision 6, 24 April 2020 and Amendment Report, Revision 1, 15 August 2020). The Proponent must ensure that all Aboriginal objects identified in the development footprint are properly recorded, and those records kept up to date in the BCS Aboriginal Heritage Information Management System (AHIMS) Register.
- B50. If Aboriginal archaeological heritage items are unexpectedly discovered during construction of the development, all works must cease, and a suitably qualified and experienced archaeologist be brought in to assess the find. Depending on the nature of the discovery, additional assessment, recording and management measures may be required prior to the recommencement of works in the affected area. Heritage NSW and/or members of the relevant Local Aboriginal Land Council must be notified of this discovery in writing.

VISUAL AND LIGHTING

- B51. The Proponent 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.
- B52. The Proponent 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.

SCHEDULE 4

PART C ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy

- C1. Prior to commencing construction, the Proponent 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:
 - construction noise management plan prepared in consultation with the EPA;
 - construction air quality management plan prepared in consultation with the EPA;
 - construction and operational waste management plan, incorporating management of any contaminated materials disturbed during construction ; and
 - Aboriginal cultural heritage management plan prepared in consultation with Registered Aboriginal Parties (RAPs) and BCS.
 - (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.

Following the Secretary's approval, the Proponent must implement the Environmental Management Strategy.

Revision of Strategies, Plans and Programs

- C2. Within 3 months, unless the Secretary agrees otherwise, of:
- (a) the submission of an incident report under condition C3 below;
 - (b) the submission of an audit report under condition C12 below; and
 - (c) the approval of any modification to the conditions of this approval; or
 - (d) a direction of the Secretary under condition A4 of Schedule 2;

the Proponent must review and, if necessary, revise the studies, strategies or plans required under the conditions of approval 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

- C3. The Secretary must be notified in writing via the Major Projects website immediately after the Proponent 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

- C4. The Secretary must be notified in writing via the Major Projects website within seven days after the Proponent becomes aware of any non-compliance.
- C5. 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.
- C6. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- C7. 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)*.
- C8. 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 Secretary.
- C9. The Proponent must make each Compliance Report publicly available within 60 days of submitting it to the Secretary, unless otherwise agreed by the Secretary.
- C10. Notwithstanding the requirements of the *Compliance Reporting Post Approval Requirements (2020)*, the Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

Final Layout Plans

- C11. Prior to commencing construction, unless otherwise agreed by the Secretary, the Proponent must submit detailed plans of the final layout of the development to the Secretary and TfNSW.

INDEPENDENT ENVIRONMENTAL AUDIT

- C12. Independent Audits of the development must be conducted and carried out in accordance with the *Independent Audit Post Approval Requirements (2020)*.
- C13. Proposed independent auditors must be agreed to in writing by the Secretary prior to the commencement of an Independent Audit.
- C14. The 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)*, upon giving at least 4 weeks' notice (or timing) to the Proponent of the date upon which the audit must be commenced.
- C15. In accordance with the specific requirements in the *Independent Audit Post Approval Requirements (2020)*, the Proponent must:
 - (a) review and respond to each Independent Audit Report prepared under condition C12 of this approval, or condition C14 where notice is given by the Secretary;
 - (b) submit the response to the Secretary; and
 - (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Secretary, unless otherwise agreed by the Secretary.
- C16. Independent Audit Reports and the Proponent's response to audit findings must be submitted to the 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 Secretary.
- C17. Notwithstanding the requirements of the *Independent Audit Post Approvals Requirements (2020)*, the Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

ACCESS TO INFORMATION

- C18. Before the commencement of construction until the completion of all rehabilitation required under this approval, the Proponent must:
 - (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this approval) 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 approval;
 - (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 approval;
 - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this approval, 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) the Annual Reviews of the development;
 - (xi) audit reports prepared as part of any Independent Environmental Audit of the development and the Proponent's response to the recommendations in any audit report;
 - (xii) any other matter required by the Secretary; and
- (b) keep such information up to date, to the satisfaction of the Secretary.

UPDATING AND STAGING OF STUDIES, STRATEGIES AND PLANS

- C19. To ensure the studies, strategies and plans for the project are updated on a regular basis and incorporate any required measures to improve the environmental performance of the project, the Proponent may submit revised studies, strategies or plans required for the development under the conditions of approval at any time. With the agreement of the Secretary, the Proponent may also submit any study, strategy or plan required under the conditions of this approval on a staged basis.
- C20. The Secretary may approve a revised strategy or plan required under the conditions of approval, or the stage submission of these documents, at any time. With the approval of the Secretary, the Proponent may prepare the revised or staged strategy or plan without undertaking consultation with all parties nominated under the applicable condition in this approval.

Notes:

- *While any study, strategy or plan may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable studies, strategies or plans at all times.*
- *If the submission of any study, strategy or plan is to be staged, then the relevant study, strategy or plan must clearly describe the specific stage to which the study, strategy or plan applies, the relationship of this stage to any future stages, and the trigger for updating the study, strategy or plan.*

APPENDIX 1: SCHEDULE OF LAND

Development Site	
Lot	Deposited Plan
2	1043561
3	1043561
4	1043561
1203	1229590
1202	1229590
1201	1229590
202	1173564

APPENDIX 2: GENERAL LAYOUT OF DEVELOPMENT

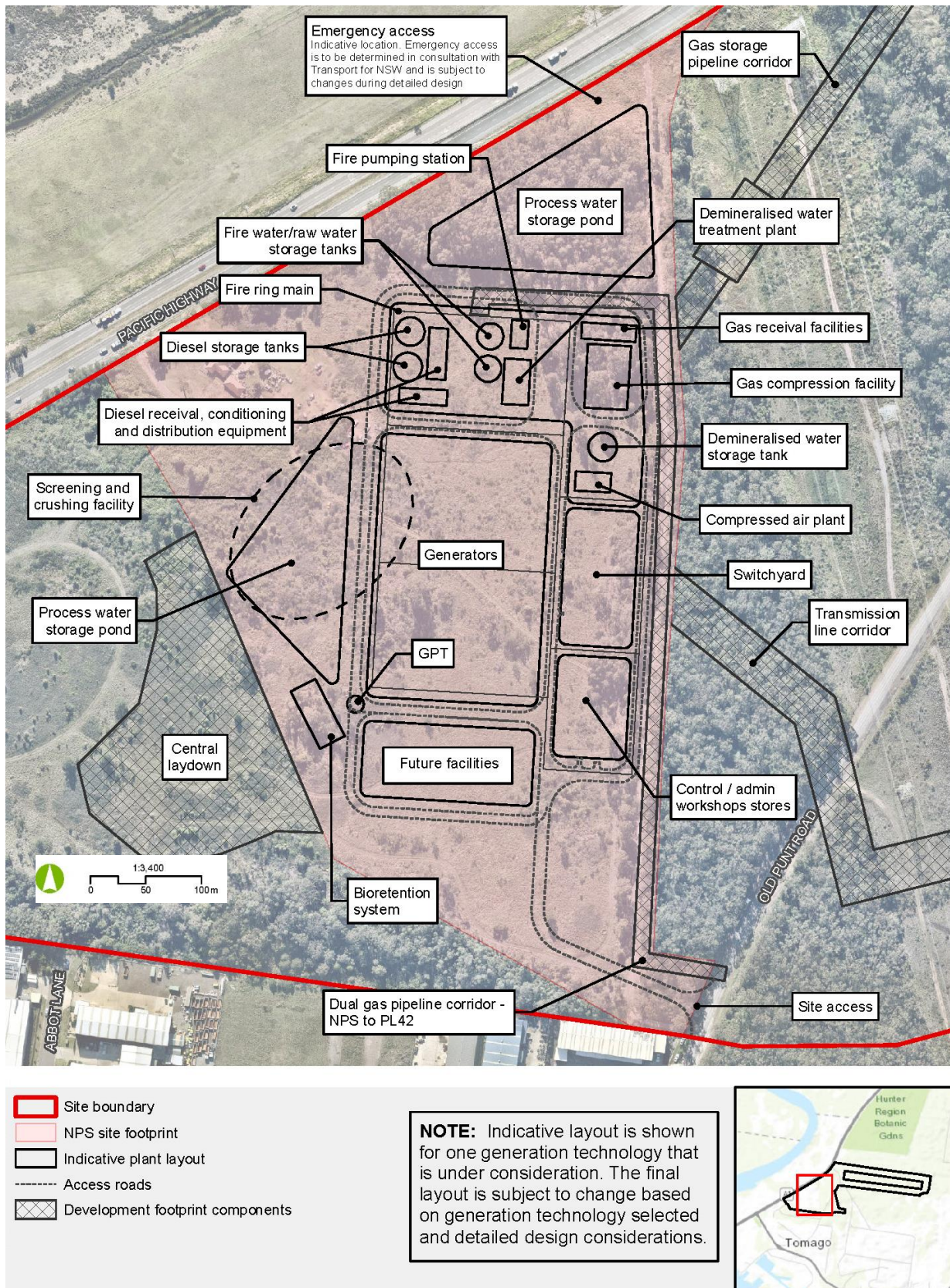


Figure 1: Power Station Layout

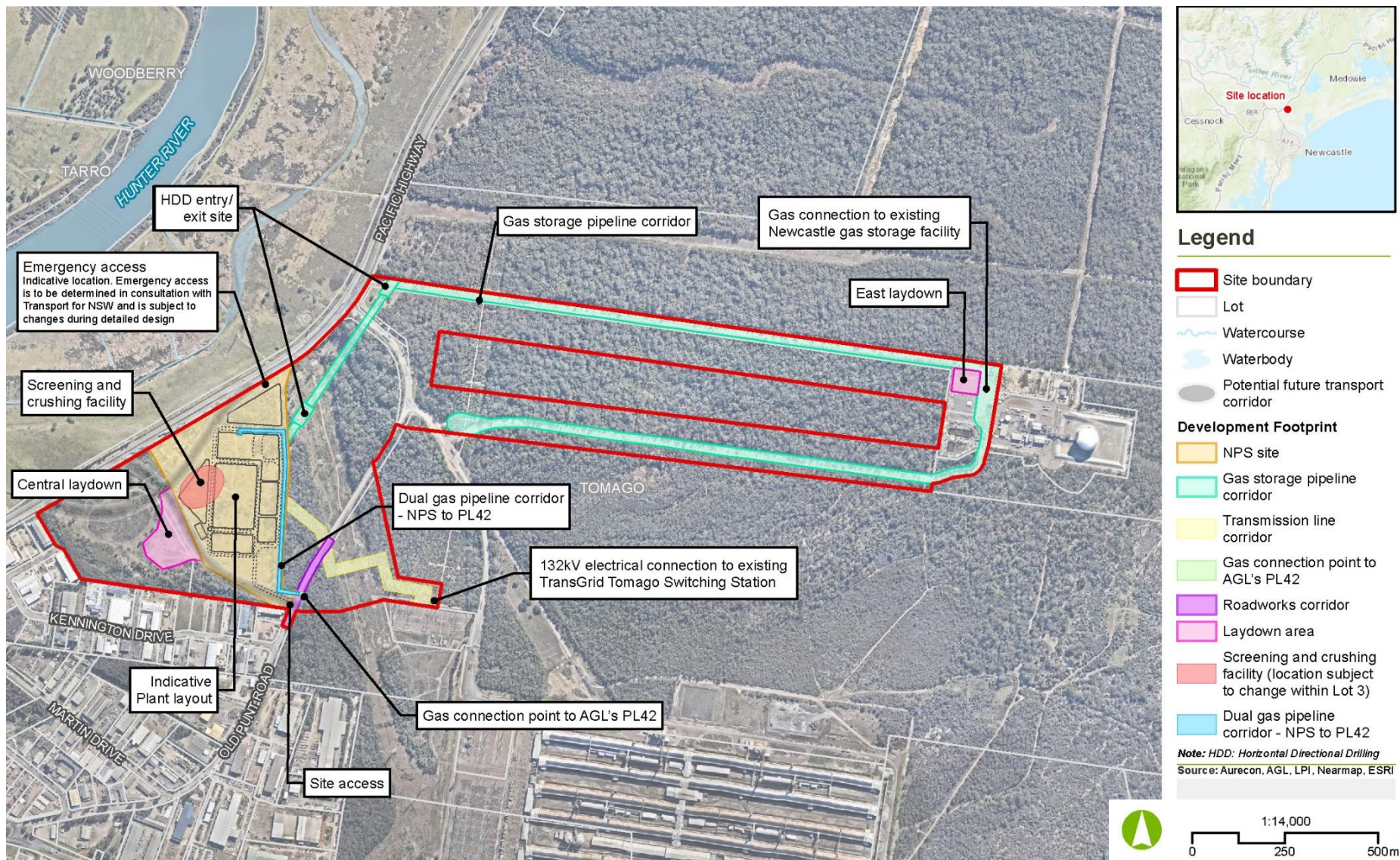


Figure 2: Project Site

APPENDIX 3: ABORIGINAL HERITAGE ITEMS MAP

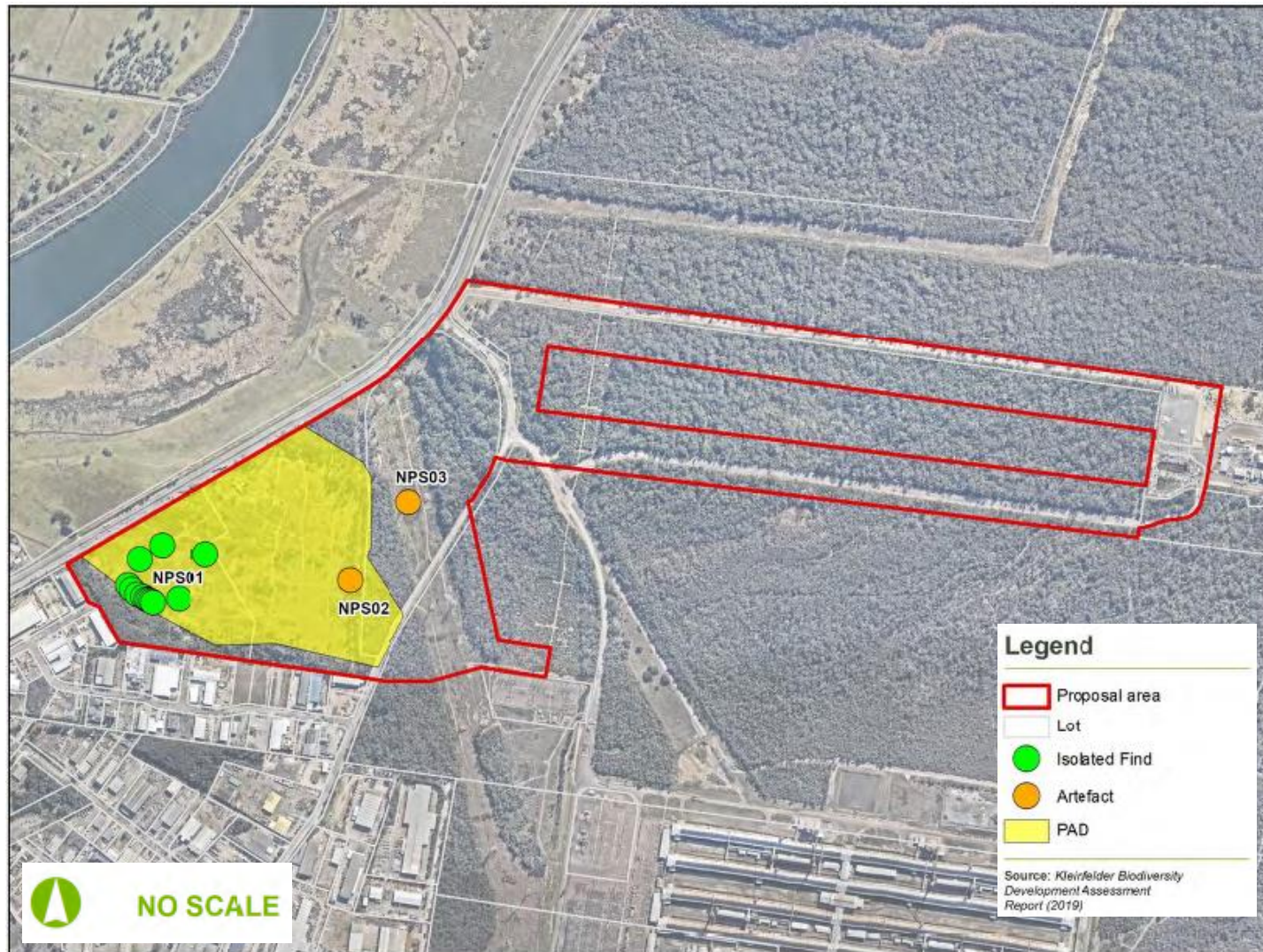


Figure 3: Known Aboriginal Heritage Sites

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 Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition A17 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. 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 Proponent became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (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.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Proponent 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
 - (d) details of any communication with other stakeholders regarding the incident.