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Condition	Proposed draft condition	AGL Response
EPA1	Noise generated at the premises must not exceed the noise limits at the times and locations in the table [included within the proposed draft conditions, dated 10 th September 2020].	<p>AGL accepts this proposed condition with a minor amendment.</p> <p>AGL requests that the proposed monitoring site located at 18 Homebush Drive Woodberry is removed.</p> <p>Due to the proposed monitoring site at 135 Oakfield Road being located on the same vector approximately 1.2km closer to the Project, compliance at 135 Oakfield Road would ensure compliance at 18 Homebush Drive.</p>
EPA2	<p>For the purposes of condition 1:</p> <ul style="list-style-type: none"> a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays. b) Evening means the period from 6pm to 10pm. c) Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays. 	AGL accepts this proposed condition with no amendment.
EPA3	<p>Noise enhancing meteorological conditions.</p> <ul style="list-style-type: none"> a) The noise limits set out in condition 1 apply under the meteorological conditions [as detailed in the proposed draft conditions, dated 10th September 2020]. b) For those meteorological conditions not referred to in condition L6.3(a), the noise limits that apply are the noise limits in condition 1 plus 5dB. 	AGL accepts this proposed condition with no amendment.
EPA4	For the purposes of condition 3:	AGL accepts this proposed condition with a minor amendment.



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	<ul style="list-style-type: none"> a) The meteorological conditions are to be determined from meteorological data obtained from a meteorological weather station, located on the premises. b) Stability category shall be determined using the following method from Fact Sheet D of the <i>Noise Policy for Industry</i> (NSW EPA, 2017): <ul style="list-style-type: none"> i) Use of sigma-theta data (section D1.4). 	<p>Given the presence of trees and infrastructure on the site, there may be siting limitations that preclude the collection of meteorological data (within the premises) that is suitable for the proposed application.</p> <p>AGL requests that the proposed condition include provision for use of weather data from a suitably positioned offsite monitoring location.</p>
EPA5	<p>To assess compliance:</p> <ul style="list-style-type: none"> a) With the $L_{Aeq(15 \text{ minutes})}$ or the L_{Amax} noise limits in conditions 1 and 3, the noise measurement equipment must be located: <ul style="list-style-type: none"> i) Approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable, ii) In an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary fence; or, where applicable iii) In an area within 50 metres of the boundary of a National Park or Nature Reserve, iv) At any other location identified in condition 1. b) With the $L_{Aeq(15 \text{ minutes})}$ or the L_{Amax} noise limits in condition 1 and 3, the noise measurement equipment must be located: <ul style="list-style-type: none"> i) At the reasonably most affected point at a location where there is no residence at the location; or ii) At the reasonably most affected point within an area at a location prescribed by condition 5(a). 	<p>AGL accepts this proposed condition with no amendment.</p>



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EPA6	<p>A non-compliance of conditions 1 and 3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition 5(a) or 5(b).</p> <p>Note to condition 5 and 6: the reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sounds pressure level from the premises.</p>	AGL accepts this proposed condition with no amendment.
EPA7	For the purposes of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the <i>Noise Policy for Industry</i> (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.	AGL accepts this proposed condition with no amendment.
EPA8	Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.	AGL accepts this proposed condition with no amendment.
EPA9	The meteorological weather station, at a location on the premises, to be approved, must be maintained so as to be capable of continuously monitoring the parameters specified in condition 10.	<p>AGL accepts this proposed condition with a minor amendment.</p> <p>Given the presence of trees and infrastructure on the site, there may be siting limitations that preclude the collection of meteorological data (within the premises) that is suitable for the proposed application.</p> <p>As per proposed condition EPA4, AGL requests that the proposed condition include provision for use of weather data from a suitably positioned offsite monitoring location.</p>



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EPA10	For each monitoring point specified in the table [provided in proposed draft conditions, dated 10 th September 2020] the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in column 1. The licensee must use the sampling method, units of measurement, averaging period and sample at the frequency specified opposite the other columns.	<p>AGL accepts this proposed condition with a minor amendment.</p> <p>Given the presence of trees and infrastructure on the site, there may be siting limitations that preclude the collection of meteorological data (within the premises) that is suitable for the proposed application.</p> <p>As per proposed condition EPA4, AGL requests that the proposed condition include provision for use of weather data from a suitably positioned offsite monitoring location.</p>
EPA11	<p>Within 6 months of full operations a post commissioning attended noise validation monitoring is to be undertaken during a period of full load in accordance with Condition 1 and must:</p> <ul style="list-style-type: none"> a) Occur at each receiver location listed in condition 1; b) Occur during each day, evening and night period as defined in the <i>Noise Policy for Industry</i> for a minimum of: <ul style="list-style-type: none"> • 1.5 hours during the day; • 30 minutes during the evening; and • 1 hour during the night. c) Occur for three consecutive days. 	<p>AGL accepts this proposed condition with a minor amendment.</p> <p>When operational at full load, the plant will constitute a steady-state emission source. Validation of noise limits over multiple monitoring events and extended periods is, therefore, considered unnecessary to achieve the objects of this condition.</p> <p>AGL proposes draft condition EPA11 is amended to the following:</p> <p><i>Within 6 months of full operations, post commissioning attended noise validation monitoring is to be undertaken during a period of full load in accordance with Condition 1 and must:</i></p> <ul style="list-style-type: none"> <i>a) Occur at each receiver location listed in condition 1;</i> <i>b) Occur during day, evening and night periods as defined in the Noise Policy for Industry over two 15minute compliance measurements during each period.</i>
EPA12	On completion of post commissioning attended noise validation monitoring required in Condition 11, that shows compliance with Condition 1, ongoing	AGL accepts this proposed condition with a minor amendment.

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	<p>attended noise monitoring must be undertaken in accordance with Condition 1 and must:</p> <ul style="list-style-type: none"> a) Occur at receiver locations agreed to by the NSW Environment Protection Authority; b) Occur annually in a reporting period; c) Occur during each day, evening and night period as defined in the <i>Noise Policy for Industry</i> for a minimum of: <ul style="list-style-type: none"> • 1.5 hours during the day; • 30 minutes during the evening; and • 1 hour during the night. d) Occur for a duration agreed to by the Environment Protection Authority. 	<p>As per the response to proposed condition EPA11, AGL requests that this condition be amended to include the following wording:</p> <p><i>On completion of post commissioning attended noise validation monitoring required in Condition 11, that shows compliance with Condition 1, ongoing attended noise monitoring must be undertaken in accordance with Condition 1 and must:</i></p> <ul style="list-style-type: none"> a) <i>Occur at one or more receiver locations listed within Table 1, as agreed to by the NSW Environment Protection Authority;</i> b) <i>Occur annually in a reporting period, during a day, evening and night period as defined in the Noise Policy for Industry.</i>
EPA13	<p>A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the post commissioning validation monitoring and any annual monitoring. The assessment must be prepared by a competent person and include:</p> <ul style="list-style-type: none"> a) An assessment of compliance with noise limits presented in Condition 1 and 3; and b) An outline of any management actions taken within the monitoring period to address exceedances of the limits contained in Condition L6.1 and L6.3. 	<p>AGL accepts this proposed condition with a minor amendment.</p> <p>AGL understands this to be a typo and draft Condition 1 and 3 should be referenced.</p>
EPA14	<p>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 or public holidays, unless inaudible at any residential premises.</p>	<p>AGL does not accept this proposed condition.</p> <p>Within the EIS, the construction noise assessment identified compliance with construction noise criteria under all periods, with the exception of specific activities which are not proposed to be conducted outside of 7am to 6pm.</p>



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		<p>AGL is seeking flexibility beyond this proposed condition in order to ensure that the Newcastle Power Station (NPS) is able to be delivered in a timely manner to the National Energy Market (NEM).</p> <p>A condition that aligns with the outcomes of the construction noise assessment that was performed for the EIS is desirable. AGL also recommends including a requirement that any deviation outside of the agreed times must be agreed with the Secretary.</p> <p>AGL requests a meeting with DPIE to further understand the intent of this proposed condition.</p>
EPA15	<p>The following activities may be carried out outside the recommended construction hours:</p> <ul style="list-style-type: none"> a) Construction that causes $L_{Aeq(15 \text{ minutes})}$ noise levels that are: <ul style="list-style-type: none"> 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 <i>Interim Construction Noise Guideline</i> (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 "Variation of construction hours" of [the proposed draft conditions, dated 10th September 2020]. 	<p>AGL does not accept this proposed condition.</p> <p>Within the EIS, the construction noise assessment identified compliance with construction noise criteria under all periods, with the exception of specific activities which are not proposed to be conducted outside of 7am to 6pm.</p> <p>AGL is seeking flexibility beyond this proposed condition in order to ensure that the NPS is able to be delivered in a timely manner to the NEM.</p> <p>A condition that aligns with the outcomes of the construction noise assessment that was performed for the EIS is desirable.</p> <p>AGL requests a meeting with DPIE to further understand the intent of this proposed condition.</p>



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EPA16	<p>The hours of construction activities specified under “Exception to construction hours” d) of this approval may be varied with the prior written approval of the Secretary. Any request to alter the hours of construction shall be:</p> <ul style="list-style-type: none"> 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 e) Accompanied by a noise impact assessment consistent with the requirements of the <i>Interim Construction Noise Guideline</i> (DECCW, 2009). 	<p>AGL does not accept this proposed condition.</p> <p>Within the EIS, the construction noise assessment identified compliance with construction noise criteria under all periods, with the exception of specific activities which are not proposed to be conducted outside of 7am to 6pm.</p> <p>AGL is seeking flexibility beyond this proposed condition in order to ensure that the NPS is able to be delivered in a timely manner to the NEM.</p> <p>A condition that aligns with the outcomes of the construction noise assessment that was performed for the EIS is desirable.</p> <p>AGL requests a meeting with DPIE to further understand the intent of this proposed condition.</p>
EPA17	The proponent must carry on any activity, or operate any plant, in or on the premises by such practicable means as may be necessary to prevent or minimise air pollution.	AGL accepts this proposed condition with a minor amendment requiring ‘reasonably practicable’.
EPA18	<p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <ul style="list-style-type: none"> a) Must be maintained in a proper and efficient condition; and b) Must be operated in a proper and efficient manner. 	AGL accepts this proposed condition with no amendment.
EPA19	The premises must be maintained and operated in a manner that minimises or prevents dust emissions from the premises.	AGL accepts this proposed condition with no amendment.



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EPA20	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.	AGL considers this proposed condition to be duplicative to condition EPA19. AGL requests that this condition be removed or consolidated with EPA19.
EPA21	The proponent shall not permit any offensive odour to be emitted beyond the boundary of the site.	AGL accepts this proposed condition with no amendment.
EPA22	The power station must be designed and constructed so as not to preclude the retrofit of air pollution controls at the premises.	AGL considers this proposed condition to be duplicative to condition EPA30. AGL proposes that proposed condition EPA22 is removed.
EPA23	Fuel burning equipment must not be operated for the purpose of generating electrical power at the premises for more than 2200 cumulative hours per calendar year.	<p>AGL does not accept this proposed condition.</p> <p>As outlined within the EIS, it is anticipated that on average, the NPS will operate in the vicinity of 14% of the time. However, AGL are unable to guarantee that required operation would not exceed the hours nominated in this condition in any given year across the life of the Project. As such, this condition is not consistent with the approval sought, nor the proposal definition and project need.</p> <p>The EIS has considered continuous operation of the NPS, as representative of an upper bound / maximum parameters assessment approach.</p> <p>AGL requests a meeting with DPIE to further understand the intent of this proposed condition and the rationale for the proposed operational limits, given there is no clear linkage with any assumptions or outcomes of the air quality impact assessment.</p>



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EPA24	Fuel burning equipment must not be fired on diesel for the purpose of generating electrical power at the premises for more than 900 cumulative hours per calendar year.	<p>AGL does not accept this proposed condition.</p> <p>As outlined within the EIS, it is anticipated that on average, the NPS will operate in the vicinity of 14% of the time. However, AGL are unable to guarantee that required operation would not exceed the hours nominated in this condition in any given year across the life of the Project. As such, this condition is not consistent with the approval sought, nor the proposal definition and project need.</p> <p>The EIS has considered continuous operation of the NPS, as representative of an upper bound / maximum parameters assessment approach.</p> <p>AGL requests a meeting with DPIE to further understand the intent of this proposed condition and the rationale for the proposed operational limits, given there is no clear linkage with any assumptions or outcomes of the air quality impact assessment.</p>
EPA25	Any application to modify the approved operating hours in Conditions 23 and 24 must be accompanied by a revised air quality impact assessment; demonstration the project is using best available air pollution control technology and a commitment for project operations post modification to be nitrogen oxides (NOx) emission neutral.	<p>AGL does not accept this proposed condition.</p> <p>As outlined within the EIS, it is anticipated that on average, the NPS will operate in the vicinity of 14% of the time. However, AGL are unable to guarantee that required operation would not exceed the hours nominated in this condition in any given year across the life of the Project. As such, this condition is not consistent with the approval sought, nor the proposal definition and project need.</p> <p>The EIS has considered continuous operation of the NPS, as representative of an upper bound / maximum parameters assessment approach.</p> <p>Any application to modify a condition of consent is dealt with by the applicable provisions in the EP&A Act and Regulation and is not usually the subject of further conditions of</p>



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		consent that would add additional requirements to those set out in the legislation and subordinate legislation. A condition of consent cannot usually be applied to change the statutory requirements for modifications of consent conditions. AGL requests a meeting with DPIE to further understand the intent of this proposed condition and the rationale for the proposed operational limits, given there is no clear linkage with any assumptions or outcomes of the air quality impact assessment.
EPA26	Distillate fuel used in the power station must comply with the Australian Government's <i>Fuel Quality Standards (Automotive Diesel) Determination 2019</i> made under the <i>Fuel Quality Standards Act 2000</i> .	AGL accepts this proposed condition with no amendment.
EPA27	<p>The proponent is permitted to exceed the maximum hours specified in Conditions 23 and 24 in the event that operation, or continued operation, is required if:</p> <ul style="list-style-type: none"> a) The Australian Energy Market Operator (AEMO), or a person authorised by AEMO, directs 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. 	<p>AGL does not accept this proposed condition.</p> <p>As outlined within the EIS, it is anticipated that on average, the NPS will operate in the vicinity of 14% of the time. However, AGL are unable to guarantee that required operation would not exceed the hours nominated in this condition in any given year across the life of the Project. As such, this condition is not consistent with the approval sought, nor the proposal definition and project need.</p> <p>The EIS has considered continuous operation of the NPS, as representative of an upper bound / maximum parameters assessment approach.</p> <p>AGL requests a meeting with DPIE to further understand the intent of this proposed condition and the rationale for the proposed operational limits, given there is no clear linkage with any assumptions or outcomes of the air quality impact assessment.</p>



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EPA28	The proponent must notify the Department and the EPA of any and all limit exceedances due to the activation of Condition 27.	<p>AGL does not accept this proposed condition.</p> <p>As outlined within the EIS, it is anticipated that on average, the NPS will operate in the vicinity of 14% of the time. However, AGL are unable to guarantee that required operation would not exceed the hours nominated in this condition in any given year across the life of the Project. As such, this condition is not consistent with the approval sought, nor the proposal definition and project need.</p> <p>The EIS has considered continuous operation of the NPS, as representative of an upper bound / maximum parameters assessment approach.</p> <p>AGL requests a meeting with DPIE to further understand the intent of this proposed condition and the rationale for the proposed operational limits, given there is no clear linkage with any assumptions or outcomes of the air quality impact assessment.</p>
EPA29	Prior to construction, the proponent shall provide a revised Air Quality Impact Assessment (AQIA) to DPIE and EPA that is based on the final design of the plant and includes emission specifications based on manufacturer performance guarantees. 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.	<p>AGL accepts this proposed condition with a minor amendment.</p> <p>AGL requests that proposed condition EPA29 includes clarification that manufacturer guarantees are to be adopted as a priority (i.e. in cases where they are available – e.g. NO_x, CO, filterable particulate), whilst also accommodating the use of emission factors for other pollutants.</p>
EPA30	The final design, installation and operation of the plant must not preclude the ability for air pollution emissions controls to be retrofitted.	AGL considers this proposed condition to be duplicative to proposed condition EPA22. AGL recommends the deletion of proposed condition EPA22.

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EPA31	<p>Within three months of commissioning the plant (or an alternative timeframe agreed to the department in consultation with the EPA) and during a period in which the project is operating under high design loads, the proponent must undertake a monitoring program to confirm the air emission performance of the power station.</p> <p>The monitoring program must include, as a minimum:</p> <ol style="list-style-type: none"> Two rounds of post-commissioning monitoring of the pollutants and parameters in the table 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. Sampling methods as per the NSW EPA's <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i>. 	<p>AGL accepts this condition with a minor amendment.</p> <p>AGL requests that the following is incorporated into the proposed condition:</p> <ul style="list-style-type: none"> Noting the use of CEMS on key pollutants and the repetition of tests across multiple generator units, a single round of commissioning monitoring is nominated as adequate for demonstration of generator performance. The requirement to monitor sulphur dioxide emissions is not considered warranted given the regulation of sulphur content within the proposed fuels. The requirement to monitor PAHs is not clear given the air quality impact assessment outcomes.
EPA32	<p>Within six weeks of completing post-commissioning testing, the applicant must submit a Post Commissioning Verification Report (the Report) to the EPA. The Report must:</p> <ol style="list-style-type: none"> 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 <i>Approved Method for the Sampling and Analysis of Air Pollutants in New South Wales</i>. Describe all the operational parameters during post-commissioning testing. Compare analytical results from post commissioning monitoring against final design emission specifications and modelled emission parameters in 	<p>AGL accepts this proposed condition with a minor amendment.</p> <p>Requirement (e) is not compatible with pollutants assessed under proposed condition EPA29 based on emission factors, as these emission factors are based on averages of monitoring data.</p> <p>AGL requests that the scope of (e) be limited to pollutants for which emissions have been estimated on the basis of a manufacturer's guarantee.</p>

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	<p>the AQIA required under condition 29 (final design verification assessment).</p> <p>e) Should any comparison under (d) identify monitored discharge concentrations or emission rates above the emissions characteristics in the revised AQIA or the <i>Protection of the Environment Operations (Clean Air) Regulation 2010</i> standards of concentration, actions and measures to be implemented to reduce emissions of air pollutants to no greater than those predicted in the AQIA must be identified. Details of the actions and measures and a timetable for implementation shall be submitted to the Department and the EPA for approval.</p>	
EPA33	The following points referred to in the table [provided in draft proposed condition 33, dated 10 th September 2020] are identified for the purposes of monitoring and/or setting of limits for the emission of pollutants to the air from the point.	AGL accepts this proposed condition with no amendment.
EPA34	For each monitoring/discharge point specified by the tables below, the concentration of a pollutant discharged at that point, must not exceed the concentration limits specified for that pollutant in the table [provided in proposed draft conditions, dated 10 th September 2020].	AGL accepts this proposed condition with no amendment.
EPA35	The proponent shall, for each air monitoring/discharge point, determine the pollutant concentrations and emission parameters specified in Table M [of the proposed draft conditions, dated 10 th September 2020]. Monitoring must be undertaken during maximum load. 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 <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .	<p>AGL accepts this proposed condition with a minor amendment.</p> <p>The requirement to apply continuous emission monitoring under maximum load is not appropriate, as loads at the plant may vary. It is recommended that the sentence "Monitoring must be undertaken during maximum load" be removed.</p> <p>AGL requests a meeting with DPIE and EPA to discuss:</p>



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		<ul style="list-style-type: none"> The requirement to continuously monitor carbon monoxide, given the outcomes of the air quality impact assessment and absence of an emission limit. The requirement for full CEMS on all emission points. In the case of a reciprocating engine plant (with 13-15 emission points), AGL would seek to include the provision for a combination of CEMS and a Predictive Emission Monitoring System (PEMS), or composite sampling by stack cluster.
EPA36	All process operational wastewater generated by the activity must be captured and stored at the facility premises and must only be disposed of by tanker transport to a licensed wastewater facility.	AGL accepts this proposed condition with no amendment.
EPA37	The development must comply with Section 120 of the Protection of the Environment Operations Act 1997 (POEO Act) which prohibits the pollution of waters.	<p>AGL accepts this proposed condition with no amendment.</p> <p>AGL notes sections 121-122 of the POEO Act provide a defence to pollution of waters in circumstances prescribed by the regulations or authorised by an EPL. AGL will be seeking a construction and operational EPL for this project.</p>
EPA38	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 the <i>Managing Urban Stormwater: Soils and Construction – Volume 2A Installation of Services</i> (DECC, 2008).	AGL accepts this proposed condition with no amendment.



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EPA39	Any waste materials exposed or created in association with the construction works and proposed to be disposed of to an offsite location, must be classified in accordance with the EPA's Waste Classification Guidelines.	AGL accepts this proposed condition with no amendment.
EPA40	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).	AGL accepts this proposed condition with no amendment.
PSC1	Structural engineers report – alteration and additions: A certificate must be prepared by a qualified Structural Engineer certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads, must be provided to the satisfaction of the Certifying Authority.	AGL accepts this proposed condition with no amendment.
PSC2	Potential Acid Sulfate Soils: A geotechnical assessment of the site is to be undertaken to determine whether the development works will disturb Potential Acid Sulfate Soils (PASS). Should ASS be encountered within the zone of works, an ASS Management Plan is to be prepared by a suitable qualified Geotechnical Engineer and submitted to the Certifying Authority. The recommendations and/or mitigation measures contained within the ASS Management Plan must be complied with during works.	AGL accepts this proposed condition with no amendment.



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PSC3	<p>Civil engineering Plans:</p> <p>Civil engineering plans prepared by a qualified Engineer, indicating drainage, roads, accessways, earthworks, pavement design, street lighting, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, must be prepared in accordance with the approved plans and Council's Infrastructure Specifications.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Note: under the <i>Roads Act 1993</i>, only the Roads Authority can approve commencement of works within an existing road reserve.</p>	AGL accepts this proposed condition with no amendment.
PSC4	<p>Stormwater / Drainage Plans:</p> <p>Detailed stormwater drainage plans must be prepared by a qualified Engineer in accordance with the approved plans, Council's Infrastructure Specifications, Council's Development Control Plans and the current Australian Rainfall and Runoff guidelines using the Hydrologic Soil Mapping data for Port Stephens (available from Council).</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p> <p>Note: under the <i>Roads Act 1993</i>, only the Roads Authority can approve commencement of works within an existing road reserve.</p>	AGL accepts this proposed condition with no amendment.
PSC5	Flood Management Plan:	AGL accepts this proposed condition with no amendment.

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	<p>A Flood Risk Management Plan prepared by a qualified Flood Engineer must be provided to the Certifying Authority demonstrating compliance with the following:</p> <ul style="list-style-type: none"> a) The design must show that the proposed development is capable of withstanding the effects of flood waters, including immersion, structural stability, buoyancy and impact and loading from debris up to and including the 1% Annual Exceedance Probability (AEP) event. b) Certification that the proposed development is capable of withstanding the force of any flood waters experienced up to the Probably Maximum Flood Event (PMF). c) Certification demonstrating that any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property. d) Certification demonstrating that the rainwater tank, finishes, plant fittings and equipment and any other buoyant fixtures will be of materials and functional capacity to withstand the forces of floodwater in events up to and including the 1% AEP event including hydrostatic pressure, hydrodynamic pressure and buoyancy forces. 	
PSC6	<p>Stormwater System Operation and Maintenance Procedure Plan:</p> <p>An Operation and Maintenance Plan for the stormwater system must be prepared by a qualified engineer detailing a regular maintenance programme for pollution control devices, covering inspection, cleaning and waste disposal.</p> <p>Details demonstrating compliance must be provided to the Certifying Authority.</p>	AGL accepts this proposed condition with no amendment.
PSC7	Roads Act Approval:	AGL accepts this proposed condition with no amendment.

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	For construction / reconstruction of Council infrastructure, including vehicular crossings, roads, footpath, kerb and gutter, stormwater drainage, an application must be made for a Roadworks Permit under Section 138B of the <i>Roads Act 1993</i> .	
PSC8	<p>Flood Emergency Response:</p> <p>A Flood Emergency Response Plan (FERP) for the proposed development must be provided to the Principal Certifying Authority. The FERP must include the following as a minimum:</p> <ul style="list-style-type: none"> a) A map of the proposed evacuation route to a suitable location above the Probable Maximum Flood (PMF) that provides adequate shelter from the storm, including the route direction and description and identification of the depth of floodwater along the evacuation route in the 1% Annual Exceedance Probability flood and PMF events; b) Specific trigger heights linked to the nearest river and tidal gauges used for flood warnings and the specific evacuation route cut-off times linked to the gauge height; c) Description of the specific flood inundation at the site and the relevant surrounding area, including flood depths, direction of flow, velocities, hazard and specific relevant vulnerabilities; d) Consideration of and strategies for, the needs of the elderly, disabled and vulnerable who may be on site; e) A realistic time period for evacuation preparations linked to the trigger heights and evacuation route cut-off times, which includes: <ul style="list-style-type: none"> i) Locating important papers, valuables etc, that will be evacuated ii) Locating and stacking possessions that are to be left behind, well above the predicted flood level 	AGL accepts this proposed condition with no amendment.



Condition	Proposed draft condition	AGL Response
	<p>iii) Dealing with all utilities such as electricity, gas, water, fuel, toilets, showers, wastewater system (including removal fuses) and moving pumps and machinery above the predicted flood level</p> <p>iv) Time to gather, identify and load animals (pets, livestock and other animals), including the possible need for additional assistance in handling your animals in an emergency.</p> <p>f) Determining the vehicular needs of the site to appropriately respond to the flood risk;</p> <p>g) A strategy for a night time flood emergency; and</p> <p>h) A strategy for effective flood risk management when the electricity, internet, telecommunications etc, are unavailable.</p> <p>Note: digital elevation data [are] available from Geosciences Australia, current flood studies are available on Council's website and river gauge / tidal gauge data [are] available from the Bureau of Meteorology website.</p>	