CONSOLIDATED CONSENT

DEPARTMENT OF ENVIRONMENT AND PLANNING
OF NEW SOUTH WALES

PROPOSED MT. PIPER POWER STATION

CONSENT TO A DEVELOPMENT APPLICATION REFERRED FOR DETERMINATION PURSUANT TO SECTION 101 OF THE ENVIRONMENTAL PLANNNG AND ASSESSMENT ACT, 1979.

APPLICANT'S NAME AND ADDRESS: EnergyAustralia Pty Limited
(hereinafter called the "Applicant")
350 Boulder Road
Portland, NSW, 2847

(80-10060 Part 2)

Signed at Sydney this first day of April, 1982

Eric Bedford
Minister for Planning and Environment

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

Red type represents the 18 March 1991 modification (Mod 1)
Gold type represents the 21June 1996 modification (Mod 2)
Light blue type represents the 18 January 1999 modification (Mod 3 and Mod 4)
Purple type represents the 3 April 2000 modification (Mod 5)
Dark green type represents the 3 June 2006 modification (Mod 6)
Dark blue type represents the 23 March 2008 modification (Mod 7)
Pink type represents the 24 July 2019 modification (Mod 8)
Orange type represents the 24 June 2025 modification (Mod 9)
Dark Red type represents the June 2026 modification (Mod 10)

FOR INFORMATION

CONSOLIDATED CONSENT

DEFINITIONS

Applicant	EnergyAustralia Pty Ltd, or any person carrying out any development to which this consent applies
Construction	All physical works to enable operation, including but not limited to, the carrying out of earthworks on site and the construction of solar panels and ancillary infrastructure (but excludes upgrades to the public roads required under this consent, geotechnical drilling and surveying).
Council	Lithgow City Council
DCCEEW Water	Water Group within the NSW Department of Climate Change, Energy, the Environment and Water
Department	Department of Planning, Housing and Infrastructure
Development	The development described in the document/s listed in the EIS
DRG	Division of Resources and Geoscience within the Department
EIS	The environmental impact statement titled *"Mt. Piper Power Station Environmental Impact Statement",* dated August, 1980 as varied by the *"Mt. Piper Power Station Environmental Impact Statement Supplementary Information",* dated August 1980, as modified by the: • *Mount Piper Power Station Temporary Storage of Brine Waste Supporting Environmental Information Document,* dated August 1990 (Modification 1); • *Modification of Development Consent – Temporary Storage of Brine at Mount Piper Power Station,* approval letter dated 1 July 1996 (Modification 2); • *Additional Brine Storage Facilities Mt Piper Power Station Statement of Environmental Effects,* dated November 1998 (Modification 3); • *Mount Piper Power Station Brine Conditioned Flyash Co-placement: Statement of Environmental Effects,* dated August 1999 (Modification 5); • *Statement of Environmental Effects Mount Piper Power Station Units 1 and 2 Upgrade,* dated December 2005 (Modification 6); • *Statement of Environmental Effects Mount Piper Power Station Extension of Brine Conditioned Ash Placement Area,* dated 21 June 2007 (Modification 7); • *Mount Piper Power Station- Water Storage Pond Modification Report,* dated April 2019, and associated amendment letter *Mount Piper Power Station Amendment to Development Application DA80/10060-Mod-8 – Water Storage Pond,* dated 28 June 2019 (Modification 8); • *Mount Piper Power Station DA 80-10070 Modification 9* dated February 2025 and additional information provided by the Applicant to support the modification application and included in Appendix A of the Department's assessment report on Modification 9; and • *Mount Piper Power Station DA 80-10070 Modification 10* dated October 2025, *Mount Piper Power Station DA 80-10060 Modification 10 Submissions Report* dated March 2026 and additional information provided by the Applicant

	to support the modification application and included in Appendix A of the Department's assessment report on Modification 10.
EPA	NSW Environment Protection Authority
Heritage NSW	Heritage NSW within the New South Wales Department of Climate Change, Energy, the Environment and Water
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this consent
Material harm	Is harm that: • involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or • results in actual 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). ***Note:*** *This definition excludes "harm" that is either authorised under this consent or any other statutory approval.* ***Note:*** *For the purposes of this definition, material harm excludes incident captured by Work Health and Safety reporting requirements.*
Minister	NSW Minister for Planning and Public Spaces (or delegate)
MPAR	Mount Piper ash repository, including areas identified as Stage 1, Stage 2 and Zone 2 within the Mount Piper ash repository in Modification 9
Non-compliance	An occurrence, set of circumstances or project that is a breach of this consent but is not an incident
POEO Act	*Protection of the Environment Operations Act 1997*
RAPs	Registered Aboriginal Parties, as described in the *National Parks and Wildlife Regulation 2019*
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
RMS	NSW Roads and Maritime Services
Secretary	Planning Secretary under the EP&A Act, or nominee
Site	Mount Piper Power Station
the Act	*Environmental Planning and Assessment Act 1979*
WaterNSW	WaterNSW established under the *Water NSW Act 2014*

WHEREAS:

(a) The Minister for Planning and Environment (hereinafter called "the Minister") gave a Direction in writing (hereinafter called "the Direction") in accordance with Section 101(I) of the *Environmental Planning and Assessment Act, 1979* (hereinafter called "the Act") dated 19 February, 1981, to the Council of the City of Greater Lithgow (hereinafter

called the "Council") to refer to the Secretary of the Department for determination by the Minister any development application specified in the Direction;

(b) A development application (hereinafter called the “application") for the development of a power station to be known as Mt. Piper Power Station (hereinafter called the “proposed development") on land delineated by red edging on the plan annexed hereto and marked with the letter “A” (hereinafter called the “land”) and being an application to which the Direction applies was received by the Council from the applicant and referred to the Department in accordance with Section 101(2) of the Act; and

(c) The persons referred to in Section 101(3) of the Act have not required to be afforded the opportunity of a hearing as provided in Section 101(4) of the Act, before the Minister determines the application.

Now I, the Minister for Planning and Environment, in accordance with Section 101(6) of the Act, do hereby determine the application for the proposed development by granting consent to that application for the proposed development as described in the Environmental Impact Statement (hereinafter called the “Statement”) entitled “Mt. Piper Power Station Environmental Impact Statement”, dated August, 1980, and “Mt. Piper Power Station Environmental Impact Statement Supplementary Information”, dated August 1980, as modified by the works set out in figures 1 and 2 attached to this Notice of Amendment subject to the following conditions:

1. That the Applicant, prior to the commencement of construction of the proposed development or any subsequent modification, obtain from the Environment Protection Authority (EPA) all necessary statutory pollution control approvals and licences under the *Protection of the Environment Operations Act 1997, Waste Avoidance and Resource Recovery Act 2001* and/or any other legislation as advised by the EPA.

2. That the applicant shall meet the reasonable requirements of all public authorities having statutory responsibilities in in respect of the construction and operation of the power station;

3. That the applicant shall prepare and submit to the Council, development applications supported by environmental impact statements (prepared in accordance with the Environmental Planning and Assessment Act and Regulations) in respect of any new coal mines required to provide fuel for the proposed development, and any other designated development associated with the project, prior to the letting of appropriate contracts for these developments;

4. That the applicant shall prepare and submit for the approval of the Commission plans of the proposed desalination plant, including the nature of the salt residues anticipated therefrom, together with evidence of the environmental acceptability of the proposals for the disposal of same;

5. That the applicant shall submit to the DRG a report setting out the reasons for the suitability of the Neubecks Creek site for the construction of the proposed ash disposal dam with particular reference to the stability of the structure, the alienation of mineable coal and the possibility of mining such coal prior to construction of the dam;

6. That the applicant shall inform the Department should it be decided not to construct the Neubecks Creek ash disposal dam and seeks its prior approval to the development of an alternative site which will include consideration of the question of possible sterilization of coal reserves;

FOR INFORMATION

7. That the applicant shall submit to the Commission results of site investigations and studies of existing ground water quality and ground water flows in the catchment of the proposed Neubecks Creek ash disposal dam, together with an assessment of the potential for any increase in acid drainage to the Cox's River from changes to ground water flow that may result from the construction and operation of the dam;

8. That the applicant shall prepare and implement a monitoring programme to the satisfaction of the Commission relative to the quantity and quality of the Neubecks Creek ash disposal dam discharge water and of waters in Neubecks Creek downstream of the power station and make any arrangements required by the Commission to alleviate any significant adverse effects should they arise;

9. That the applicant shall submit to the Commission the results of studies into the pyritic content of its initial coal resources, and of the acid generating potential of run-off from its proposed coal stockpiles for the proposed development;

10. That the applicant shall, prior to commencement of construction of the proposed development, prepare and submit to the Commission comprehensive plans of work necessary, and proposed policies for the controlling of those works for the management of water flowing from the site to watercourses during the period of construction of the proposed development;

11. That the applicant shall prepare and submit to the Commission proposals environmentally acceptable to the Commission for the disposal of any carbonaceous material encountered during the preparation of the power station site;

12. That the applicant shall submit to the Department and to the Commission a report on the current status of the construction and operation of the existing developments known as the Wallerawang Reservoir and the Lilyvale Reservoir, and on action taken and proposed, having regard to the Commission's conditions of approval to the applicant's water supply scheme for its existing development known as Wallerawang Unit 8 and other power station needs;

13. That the applicant shall implement a monitoring programme to the satisfaction of the Commission, of the meteorology in respect of the land the subject of the proposed development;

14. That the applicant shall implement a monitoring programme, to the satisfaction of the Commission, relative to the ground-level concentrations of sulphur dioxide, nitrogen oxide and suspended dust resulting from the operations of the proposed development and the applicant's existing development known as Wallerawang Power Station. Such monitoring programme shall be commenced at least one year before the commissioning of the proposed development;

15. That the applicant shall prepare and implement to the satisfaction of the Commission, a monitoring programme relative to the sulphur dioxide content of the flue gas and opacity of the stack emissions;

16. That the applicant shall, to the satisfaction of the Commission, carry out an appropriate study programme into the meteorology of the area the subject of the proposed development to assist in the final determination of the stack height;

FOR INFORMATION

17. That the applicant shall carry out, to the satisfaction of the Commission, wind tunnel tests modelling buildings; cooling towers and terrain to assist in final determination of the stack height;

18. That the applicant shall prepare and implement, to the satisfaction of the Commission, relative to air particulate concentrations consequent to the coal stockpile and make suitable arrangements to alleviate any significant adverse effects should they arise;

19. That the applicant shall, prior to any site works being carried out, submit to DRG, its proposals for the restoration and rehabilitation of any coal mining operations on the lands the subject of the proposed development which mines are the responsibility of the applicant;

20. That the applicant shall undertake to preserve vegetation on the escarpment to the south of the lands the subject of the proposed development and on the rocky outcrops and canyons in the north of the proposed Neubecks Creek ash disposal area;

21. Deleted.

22. That the applicant shall obtain the approval of RMS to proposals for;
    (a) intersections of the power station access road and Boulder Road;
    (b) crossings for water supply;
    (c) furnace and fly ash disposal pipelines; and
    (d) coal conveyor crossing with Trunk Road No.55;

23. That the applicant shall negotiate with the Council and any other public authority having an interest in the proposed development with a view to meeting any reasonable requirements relative to the proposed development, and shall refer any disputed matters to the Department before determining them. In particular, the applicant shall meet the requirements of the Council as set out in Appendix 2 of the Department's Environmental Impact Assessment Report dated March, 1981, except for those matters involving the provision of on appropriate monetary contribution from the applicant which shall be the subject of negotiations between the Council and the applicant and which shall take into account the value of relevant preinvestment by the applicant;

24. That the applicant shall co-operate with the Inter-Departmental Committee formed to oversight the social impact studies relevant to Local Environmental Studies and to Local Environmental Plans for Greater Lithgow and which will include a review of the social impacts of development proposals in the Lithgow area;

25. That the applicant shall report to the Department, as soon as it is able, to confirm the accommodation, infrastructure and transport requirements of personnel engaged in the construction and operation of the power station in order that appropriate action can be taken to plan and provide for all necessary facilities required;

26. That the applicant shall provide evidence to the Department that the location of the buildings of the proposed development and associated facilities will not without good reason alienate part of the coal reserves of Clutha Development Pty. Ltd. and that it has satisfied all reasonable claims of the Company in that regard;

FOR INFORMATION

27. That the granting of this consent to the proposed development shall not relieve the applicant from any future condition or contribution which may be required by the Council in respect of any of the following:
    (a) the development of coal mines by the applicant for the purposes of or in association with the generation of electricity at the proposed development;
    (b) an expansion of the proposed development; or
    (c) any other development by the applicant;

28. That the applicant shall:
    a) forthwith, take all necessary steps to effect the expeditious transfer to the Council of:
        (i) all those pieces or parcels of land situate at Wallerawang in the City of Greater Lithgow, Parish of Lidsdale and County of Cook, being part of Lot 2, in Deposited Plan 618280, as delineated by red edging on the plan annexed hereto and marked with the letter "B", being part of the estate known as the "Barton Estate", and having on area of 67. 38 hectares or thereabouts, and being known as the "Wallerawang East Site"; and
        (ii) all those pieces or parcels of land situate at Wallerawang in the City of greater Lithgow, Parish of Lidsdale and County of Cook, being part of Lot 2, in Deposited Plan 618280, as delineated by red and yellow edging on the plan referred to in (i) above and having an area of 124.4 hectares or thereabouts, and being known as the Wallerawang South site; and
    (b) upon the transfer to it by the Council of all those pieces or parcels of land situate at Wallerawang in the City of Greater Lithgow, Parish of Lidsdale, and County of Cook, being the land shown in Deposited Plan 443235 (but excluding thereout right of easements for electricity transmission line resumed by Government Gazette of 6th March, 1959 , Folio 665), as delineated by orange edging on the plan referred to in (i) above and having an area of 4.279 hectares, or thereabouts, and described as the "Heel Street Site", make that site available to the Council

    Provided that the transactions referred to in (a)(i), (ii), and (b) above shall be in accordance with the terms and conditions agreed to between the applicant and the Council as set forth in letters dated 20th October, 1981, and 5th November, 1981, respectively, copies of which are annexed hereto and marked with the letters "C" and "D" respectively;

29. That the applicant shall, to the Council's satisfaction, provide access roads, parking areas, landscaping, and boat ramps at the Wallerawang Dam generally in accordance with the Council's Development Plan, a copy of which is annexed hereto and marked with the letter "E".

    Provided that the applicant shall use its best endeavours to complete such works and facilities in order that they may be available for use not later than 1st December, 1982, or such further time as the Council may agree.

30. That the applicant shall, upon the preparation and adoption by the Council of a Development Plan for the Lilyvale Dam Foreshores, negotiate with the Council the carrying out of works in accordance with the Development Plan, as required by the Council;

31. That the applicant shall carry out to the satisfaction of the Council all necessary works to effect the upgrading of the Boulder Road from its intersection with the Mudgee Road to the point of deviation of preferred route for the crossing of the Wallerawang-Gwabegar Railway line;

FOR INFORMATION

32. That the applicant shall contribute the sum of $350,000.00 towards the upgrading of the Wallerawang-Gwabegar Railway line crossing and the extension of such upgrading from that crossing to the intersection of Wallerawang Road and Cullen Street, Portland. Such money to be advanced to match the Council's design and construction programme in respect of all works west of the north-eastern extremity of Portland;

33. Temporary Brine Waste Disposal – The applicant shall construct the temporary brine waste disposal facilities in conformity with the environmental protection measures and general specifications set out in Section 2 of the "Supporting Environmental Information Document" accompanying the application.

34. Deleted

35. The storage capacity of the brine storage ponds shall not be exceeded at any time. Brine reduction initiatives and monitoring of the brine production rate and remaining storage capacity must be undertaken as appropriate to ensure this condition is met.

36. The applicant shall forward a summary progress report and field test results of the long term brine management investigation to the Catchment Services Unit of Sydney Water Corporation annually prior to finalisation of the long term brine management solution.

37. Deleted

38. Deleted.

EXTENSION OF THE EXISTING BRINE AND ASH CO-PLACEMENT AREA

38 A The brine and ash co-placement area may be extended and shall be undertaken generally in accordance with the *Statement of Environmental Effects: Mount Piper Power Station Extension of Brine Conditioned Ash Placement Area*, prepared by Connell Wagner Pty Ltd and dated June 2007. This includes:

(i) The extended area must lie within the existing ash placement area;

(ii) Co-placement activities in the proposed extended area must use existing facilities and methods;

(iii) The placement of brine conditioned ash may only occur between the levels of RL 946 metres (the end-point of the water conditioned ash layer) and RL 980 metres.

38 B Deleted.

38 C Deleted.

38 D The spray irrigation system of the ash disposal area must be automated to operate when conditions indicate the potential for dust movement to occur, with a manual override function, in order to reduce the likelihood of non-compliant dust emissions from the ash placement area. The implementation of the automated system must occur no later than 30 June 2008 or as otherwise agreed by the Secretary.

39. Deleted.

FOR INFORMATION

WATER MONITORING PROGRAMS

40. Deleted.

41. Deleted.

42. Deleted.

WATER MANAGEMENT PLAN

43. Prior to commencing the works as described in Modification 10, or as otherwise agreed by the Secretary, the Applicant must prepare a Water Management Plan for the development to the satisfaction of the Secretary. The Water Management Plan must be prepared by a suitably qualified and experienced person/s, and in consultation with DCCEEW Water, WaterNSW and the EPA. The Water Management Plan must include, and not be limited to:
    (a) details of the monitoring programs for surface water and groundwater:
        - detailed baseline data and monitoring programs presented in the Statement of Environmental Effects of Modification 5 (as updated by subsequent modifications), including baseline data on surface water flows and quality in creeks and waterbodies that could be affected by the development (including Wangcol Creek);
        - monitoring of surface water flows and quality, stream health and channel stability in Wangcol Creek, and downstream of the energy dissipater as described in Modification 9; and
        - water quality testing at a minimum frequency of every three months, including details of water quality management criteria and measures to manage surface water and groundwater impacts, including trigger action response plans.
    (b) a site water balance, including details of:
        - water management on site, including measures to be employed to control and/or capture surface water run-off from the site; and
        - off-site water discharges.
    (c) contingency plans for the mitigation of environmental impacts should run-off or leachate from the site be found to be negatively impacting on natural surface water or groundwater.
    (d) brine management objectives and strategies, with specific reference to measures aimed at reducing the volume of brine produced at the Mount Piper Power Station.
    (e) a program for the ongoing verification and refinement of the groundwater model for the MPAR.
    (f) identification of activities that could cause soil erosion and generate sediment and describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters.
    (g) details of a risk assessment for the proposed coal conditioning agent to be used within the coal stockpile as described in Modification 10, including toxicity, pH and solubility.

43A. The Applicant must implement the approved Water Management Plan.

FOR INFORMATION

43B. The Applicant must provide a copy of the approved Water Management Plan to the EPA, WaterNSW, DCCEEW Water and Council.

43C. Prior to the approval of the revised Water Management Plan as detailed in condition 43, the project's Water Management Plan, as approved following Modification 9, must continue to be implemented, to the satisfaction of the Secretary.

ENVIRONMENTAL MONITORING REPORT

44. The Applicant must provide to the Secretary, EPA, DCCEEW Water, WaterNSW and Council, an Environmental Monitoring Report for the MPAR on a yearly basis, to the satisfaction of the Secretary. The Environmental Monitoring Report must be prepared by a suitably qualified and experienced person/s approved by the Secretary.

45. The Environmental Monitoring Report must include, but not be limited to:

(a) a comprehensive review of the monitoring results from the Water Management Plan over the previous financial year and identify any trends in the water monitoring data over the life of the project;

(b) a discussion of the aims of the Water Management Plan and to what degree these aims have been attained in the context of results and analyses of the Water Monitoring Program, as part of the Water Management Plan;

(c) actions taken, or intended to be taken, if any, to mitigate any adverse environmental impacts and to meet the reasonable requirements of the Secretary, EPA, DCCEEW Water, WaterNSW or Council;

(d) a revised groundwater modelling report to include any potential and/ or the progressive improvements to the existing batters and benches that may contribute towards reducing the impacts from MPAR to the surrounding environment;

(e) identification of any non-compliance or incident which occurred in the previous financial year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence; and

(f) a complaints record of the project's water related impacts (quality and quantity) over the previous financial year.

GROUNDWATER MODELLING

46. Deleted.

47. Deleted.

48. Deleted.

49. Deleted.

50. The Applicant is permitted to upgrade and expand the development in two stages:

(a) stage 1 being the operation of the development at a capacity factor of up to 90%, to generate up to a nominal capacity of 1400 megawatts; and

(b) stage 2 being the implementation of equipment upgrade works or replacements to provide a nominal capacity of 1500 megawatts when operating at a capacity factor of up to 90%.

FOR INFORMATION

51. Expansion and upgrade of the development, as defined under condition 50 of this consent shall be undertaken generally in accordance with *Statement of Environmental Effects: Mount Piper Power Station Units 1 and 2 Upgrade*, prepared by Connell Wagner PPI and dated December 2005.

AIR QUALITY IMPACTS

52. Deleted.

53. Deleted.

54. Deleted.

AIR QUALITY PERFORMANCE VERIFICATION

55. Within 90 days of commissioning Stage 2 of the expanded and upgraded development, or as may be directed by the Secretary, and during a period in which the upgraded and expanded development is operating under design loads and normal operating conditions, the Applicant shall undertake a program to confirm the air emission performance of the development and update air quality modelling. The program shall include, but not necessarily be limited to:
    (a) point source emission sampling and analysis subject to the requirements of the Environment Protection Licence for the site issued under the POEO Act;
    (b) an update of the air quality impact assessment presented in *Statement of Environmental Effects: Mount Piper Power Station Units 1 and 2 Upgrade*, prepared by Connell Wagner PPI and dated December 2005, using actual air emission data collected under a). The assessment shall be undertaken strictly in accordance with the methods outlined in *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales* (DEC, 2005) and to meet the requirements of the EPA with respect to updating the air quality impact assessment;
    (c) a comparison of the results of the air quality impact assessment required under b) above, and the predicted air quality impacts detailed in *Statement of Environmental Effects: Mount Piper Power Station Units 1 and 2 Upgrade*, prepared by Connell Wagner PPI and dated December 2005; and
    (d) a comparison of the results of the air quality impact assessment required under b) above, and the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2005).

    A report providing the results of the program shall be submitted to the Secretary and the EPA with 28 days of completion of the testing required under a).

BIODIVERSITY IMPACTS

55A. Prior to commencing any work that would directly or indirectly impact on biodiversity values, the Applicant must retire biodiversity credits of the number and classes specified in Table 1.

55B. Condition 55A must be carried out in accordance with section 6.4 and section 6.29A of the *Biodiversity Conservation Act 2016* and clause 6.2 of the *Biodiversity Conservation Regulation 2017*.

55C. Prior to carrying out any work that would directly or indirectly impact on biodiversity values, evidence must be provided to the Secretary that conditions 55A and 55B have been met. Evidence must be provided to the Secretary that the correct number and class of credits has been retired prior to commencing the disturbance associated with each offset stage.

FOR INFORMATION

Table 1| Biodiversity credit requirements

Credit Type	Credits Required
Ecosystem Credits	
PCT 3347 – *Southern Tableland Creekflat Ribbon Gum Forest*	16
PCT 3510 – *Capertee Slopes Stringybback-Box Forest*	4
Species Credits	
Black Gum – *Eucalyptus aggregata*	6
Large Bent-winged Bat – *Miniopterus orianae oceanensis*	4
Squirrel Glider – *Petaurus norfolcensis*	36

55D. Prior to any removal of culverts associated with Modification 10, the Applicant must engage a suitably qualified ecologist to inspect potential breeding structures and relocate any roosting microbats for Large Bent-winged Bat (*Miniopterus orianae oceanensis*).

CONSTRUCTION ENVIRONMENTAL MANAGEMENT

56. Prior to the commencement of construction of Modification 10, a Construction Environmental Management Plan (CEMP) must be prepared to outline environmental management practices and procedures to be followed during the construction of Modification 10. The CEMP must:
    (a) be prepared:
        i. in accordance with condition 70; and
        ii. in consultation with NSW Heritage and WaterNSW; and
    (b) include details of measures to be implemented to manage impacts to:
        i. Aboriginal heritage, including:
            - an unexpected finds protocol to manage encountering previously unrecorded or unanticipated Aboriginal objects, developed in consultation with the development's RAPs;
            - an unanticipated skeletal remains protocol including a stop works procedure, measures to secure the area to avoid further harm to remains, notification requirements to local police and Heritage NSW and consultation requirements with RAPs (for reburial) and with the Department to resume works; and
            - measures to protect known Aboriginal heritage sites including AHIMS 45-1-2847;
        ii. biodiversity values, including:
            - short, medium, and long-term measures to be undertaken to manage the remnant vegetation and fauna habitat on the site;
            - a description of measures to be implemented within the approved disturbance areas to:
                - minimise the amount of clearing;
                - minimise impacts on fauna, including outcomes of requirements in condition 55D and management of impacts to roosting microbats for large bent-winged bat (*Miniopterus orianae oceanensis*) prior to removal of potential suitable breeding habitat and culverts; and
                - maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;
            - a description of measures to be implemented in the site to:
                - minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees;

FOR INFORMATION

- protect vegetation and fauna habitat outside of the approved disturbance areas;
- control weeds, including measures to avoid and mitigate the spread of noxious weeds; and
- control access to vegetated or revegetated areas;

iii. water resources, including:

- erosion and sediment controls; and
- measures to minimise groundwater seepage during expansion of the coal setting pond, water storage ponds and pollution control structures as described in Modification 10; and

iv. air quality and noise, including:

- minimising off-site dust, fume and other air pollutants of the development; and
- a description of the reasonable and feasible measures that would be implemented to minimise noise impacts of the development.

57. Construction of Modification 10 must not commence until the CEMP is approved by the Secretary.

57A. The CEMP, as approved by the Secretary, must be implemented.

CAPPING AND LEACHATE MANAGEMENT

58. Prior to the commencement of construction of the leachate barrier management system in Zone 2 of the MPAR, as detailed in Modification 9, the Applicant must demonstrate to the satisfaction of the EPA that the design of the leachate management system is generally consistent with the relevant requirements of the *Environmental Guidelines, Solid Waste Landfills* (EPA, 2016), including:
    (a) the leachate barrier system, including liner and leachate collection system; and
    (b) the leachate storage dam/s including freeboard, appropriate sizing based on site water balance modelling and liner.

59. Within six months of approval of Modification 9, or other timeframe agreed by the Secretary, the Applicant must develop a capping strategy for the entire MPAR to the satisfaction of the EPA. The design for the MPAR capping strategy must provide details of:
    (a) short, medium and long-term solutions for control of migration of the solutes from the entire MPAR and into the receiving environment, including consideration of post-closure measures; and
    (b) additional works required and assessment of measures to reduce water infiltration on the batter slopes of the MPAR.

60. Within three months of approval of the capping strategy in condition 59, the Applicant must review and revise the Water Management Plan in condition 43 and condition 43A, incorporating any outcomes.

TERMS OF CONSENT

61. The Applicant must carry out the project:
    (a) generally in accordance with the EIS;
    (b) in accordance with the conditions of this consent; and
    (c) in accordance with any written directions of the Secretary.

FOR INFORMATION

62. If there is any inconsistency between the above documents in condition 61, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

63. Consistent with the requirements of this consent, the Secretary may make written directions to the Applicant in relation to:
    (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Secretary; and
    (b) the implementation of any actions or measures contained in any such document referred to in condition 61(a).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

64. Within three months, unless the Secretary agrees otherwise of:
    (a) the submission of the Environmental Monitoring Report under condition 44 above;
    (b) the submission of an incident report under condition 66 or 67 below;
    (c) any modification of this consent; or
    (e) a direction of the Secretary under condition 61 above;

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

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

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

STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS

65. With the approval of the Secretary, the Applicant may:
    (a) submit any strategy, plan or program required by this consent on a progressive basis; and
    (b) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required for the project.

    To ensure these strategies, plans or programs are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Secretary for approval.

    With the agreement of the Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this consent.

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

FOR INFORMATION

COMPLIANCE

66. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
    (a) date, time and location;
    (b) a brief description of what occurred and why it has been classified as an incident;
    (c) a description of what immediate steps were taken in relation to the incident; and
    (d) identifying a contact person for further communication regarding the incident.

67. The Applicant must provide the Department with a subsequent incident report in accordance with Appendix 1 (Incident Notification and Reporting Requirements).

NON-COMPLIANCE NOTIFICATION

68. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify the development (including the development application number and name), set out the condition of this consent that the development is noncompliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

    Note: A non-compliance which has been notified as an incident does not need to also be notified as a noncompliance.

ACCESS TO INFORMATION

69. Within three months of approval of Modification 9 and until the completion of all rehabilitation required under this consent, the Applicant must:
    (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:
        - the EIS;
        - all current statutory approvals for the project;
        - all approved strategies, plans and programs required under the conditions of this consent;
        - contact details to enquire about the project or to make a complaint;
        - a complaints register, updated monthly;
        - the Environmental Monitoring Reports of the project and the Applicant's response to the recommendations in any Environmental Monitoring Report;
        - any other matter required by the Secretary; and
    (b) keep such information up to date.

MANAGEMENT PLAN REQUIREMENTS

70. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
    (a) quality control information, including document version control details and the management plan author(s);
    (b) a summary of the environmental management context, including:
        - a brief development description, including visual representation of any development staging; and
        - the purpose and scope of the management plan;

FOR INFORMATION

(c) the relationship of the management plan with other environmental management documents or systems;
(d) a site location plan identifying the development boundary, disturbance area and related environmental aspects;
(e) a brief summary of background or baseline data, where relevant;

Note: If detailed baseline data must be included in a management plan, it must be appended and summarised in the main text of the management plan.

(f) a summary of consultation undertaken during the preparation of the management plan that includes when and how consultation was undertaken and the outcomes of the consultation;
(g) details of the statutory requirements, limits or performance measures and any specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
(h) a description of the measures to be implemented to comply with statutory requirements, and the limits, performance measures, criteria and operational requirements of conditions of this consent;
(i) a program to monitor and report on the:
- impacts and environmental performance of the development; and
- effectiveness of the management measures implemented for the development

(j) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; and
(k) a protocol for periodic review of the plan.

Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.

EVIDENCE OF CONSULTATION

71. Where conditions of this consent require consultation with an identified party, consultation must be undertaken with the relevant party prior to submitting the subject document to the Secretary for approval. Documentary evidence and a tabulated summary of the consultation must be submitted with the subject document via the NSW planning portal Major Projects), including:
(a) dates of the consultation with the identified party, copies of the identified party's response, and a summary of the issues raised;
(b) the outcome of that consultation, including how the issues have been addressed in the subject document; and
(c) details of any disagreement remaining between the party consulted and the Applicant, and how the Applicant has addressed the matters not resolved.

FOR INFORMATION

APPENDIX 1: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).

2. The Applicant must provide notification as required under these requirements, even if the Applicant fails to give the notification required under condition 66 or, having given such notification, subsequently forms the view that an incident has not occurred.

3. Within 7 days (or as otherwise agreed by the Secretary) of the Applicant making the immediate incident notification (in accordance with condition 66), the Applicant is required to submit a subsequent incident report that:
   (a) identifies how the incident was detected;
   (b) identifies when the Applicant became aware of the incident;
   (c) identifies any actual or potential non-compliance with conditions of consent;
   (d) identifies further action(s) that will be taken in relation to the incident;
   (e) a summary of the incident;
   (f) outcomes of an incident investigation, including identification of the cause of the incident;
   (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
   (h) details of any communication with other stakeholders regarding the incident.

4. The Applicant must submit any further reports as directed by the Secretary.

FOR INFORMATION