

| Relevant legislation<br>(Administering Authority)  | Summary of legislation  | General Requirements  |
|--|---|---|
| <b>Commonwealth legislation</b>  |   |   |
| <p><i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)</p> <p>[Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC)]</p> | <p>The EPBC Act is triggered by developments that will have a significant impact on Matters of National Environment Significance (MNES), including Threatened Ecological Communities (TEC), threatened species and migratory species.</p> <p>The Mount Piper Power Station Ash Placement Project (including the Lamberts North ash placement area) was referred to SEWPaC on 21 May 2010 (EPBC 2010/5506). On 16 July 2010 the Project was deemed not a controlled action and therefore only required assessment under New South Wales legislation.</p> | <p>The Project does not impact on MNES and no further Commonwealth permits, licenses or approvals have been identified for the Project.</p>   |
| <b>New South Wales legislation</b>   |   |   |
| <p><i>Contaminated Land Management Act 1997</i> (CLM Act)</p> <p>(Office of Environment and Heritage)</p>  | <p>Establishes a process for investigating and where appropriate remediating land where contamination presents a significant risk of harm to the environment.</p>   | <p>Environment Protection Licence 13007 allows for the placement of certain types of wastes at the repository site under the PEOA Act 1997.</p> <p>Under the Project Approval a Groundwater Management Plan is required as part of the overall OEMP. The potential contamination of groundwater is to be addressed in that management plan (Section <b>Error! Reference source not found.</b>).</p> <p>Ash repositories are not considered to be contaminated under the CLM Act 1997.</p> |
| <p><i>NSW Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act)</p> <p>(NSW Department of Planning and Infrastructure)</p>   | <p>Establishes a framework to control development in NSW by prohibiting, permitting, or placing conditions on activities. The legislation also details the process by which approval can be gained, and the relevant authority.</p>   | <p>Any new infrastructure or activities, not under an existing approval, may require approval under the EP&amp;A Act.</p> <p>The construction and operation of the new ash placement areas at Lamberts North was approved under the EP&amp;A Act on 16 February 2012(Application No. 09-0186).The Project Approval includes conditions for the entire Project life, from pre-construction to post-operation.</p>  |

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| <p><i>Environmentally Hazardous Chemicals Act 1985</i> (EHC Act)<br/>(NSW Office of Environment and Heritage)</p>        | <p>The EHC Act regulates chemicals, or groups of chemicals, of environmental concern. These requirements are set out in chemical control orders (CCOs). CCOs are typically made where chemical controls are required beyond those set under existing pollution laws and set controls on activities throughout the chemical's lifecycle through general specific requirements.</p> <p>Disposal requirements for designated hazardous waste are identified under the POEO Act.</p>  | <p>No environmentally hazardous chemicals are to be placed inside the Lamberts North repository.</p> <p>There are no components in the ash that are listed in Schedule A of the Scheduled Chemical Wastes CCO 2004.</p> <p>No requirement for permits, licenses or approvals have been identified for the Project.</p>  |
| <p><i>Heritage Act 1977</i> (Heritage Act)<br/>(NSW Office of Environment and Heritage- National Parks and Wildlife)</p> | <p>Protects all items of environmental heritage (natural and cultural) in New South Wales. The Heritage Act does not apply to Aboriginal "relics". Applies if any heritage items are identified during operation works.</p>   | <p>No requirements for permits, licenses or approvals have been identified for the Project. However, if during construction of the Project relics (as defined in the Heritage Act) are uncovered the appropriate authorities are to be notified (procedures are identified in the approved CEMP). Note - relics under the Heritage Act do not include Aboriginal Heritage items or artefacts.</p> |
| <p><i>NSW Industrial Noise Policy 2000</i> (INP)<br/>(NSW Department of Environment and Heritage)</p>                    | <p>This Policy is set in place to establish noise criteria that would protect the community from excessive industrial noise and preserve amenity for specific land uses.</p>  | <p>The Policy is applicable to the operation of the Project.</p> <p>Refer to the Noise Management and Monitoring for further details (Section <b>Error! Reference source not found.</b>).</p>   |
| <p><i>National Parks and Wildlife Act 1974</i> (NPW Act)<br/>(NSW Department of Environment and Heritage)</p>            | <p>The NPW Act provides for the care, control and management of all national parks, historic sites, nature reserves, reserves, Aboriginal areas and state game reserves. Under the NPW Act, most fauna and flora species, as well as indigenous heritage, is protected in New South Wales.</p> <p>In relation to protected flora and fauna, restrictions on the harming flora and fauna under are generally not applicable to "development in accordance with a development consent within the meaning of the <i>Environmental Planning and Assessment Act 1979</i>" [Fauna - s98 (5)(a), Flora - s117(3)(f)(i) ]. The Project approval (under the EP&amp;A Act) requires a Flora and Fauna Management Sub-Plan for the construction period. The sub-plan outlines measures to protect and minimise loss of native vegetation and fauna. A sub-plan is not required for the OEMP.</p> | <p>No requirements for permits, licenses or approvals have been identified for the operation phase of the Project.</p>  |

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| <p><i>Native Vegetation Act 2003</i> (NNSW Environment and Heritage)</p>                       | <p>The Native Vegetation Act regulates the clearing of native vegetation on land in NSW, except for land in National Parks and other conservation areas, State forests and reserves, and urban areas.</p> <p>Native vegetation is any species of vegetation that existed in NSW before European settlement including trees, saplings, shrubs, scrub, understory, groundcover or plants in a wetland.</p> <p>The clearing of native vegetation is subject to differing requirements depending on whether the vegetation is classified as remnant vegetation, protected regrowth or non-protected regrowth.</p> | <p>No mapped vegetation listed under the Native Vegetation Act is required to be removed for the Project.</p> <p>No requirement for permits, licenses or approvals have been identified for the Project.</p>   |
| <p><i>Noxious Weeds Act 1993</i> (NW Act) (Department of Primary Industries - Agriculture)</p> | <p>Provides for the identification, classification and control of noxious weeds in NSW.</p> <p>Applies to the management and disposal of noxious weeds if found and removed during the works.</p>   | <p>No requirement for permits, licences or approvals have been identified for the Project. However, the ongoing operation must comply with the control and disposal requirement under the NW Act, including notification to the local control authority if noxious weeds are identified on site. The CEMP (CDM Smith, 2012a) contains mitigation measures for noxious weeds.</p> |

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| <p><i>rotection of the Environment Operations Act 1997</i> (POEO Act)<br/>(NSW Office of Environment and Heritage)</p>      | <p>The POEO Act controls how activities should be undertaken in consideration of environmental protection for all aspects, including air, water, soil, and noise pollution, as well as waste.</p> <p>The main features and subordinate legislation of the POEO Act are:</p> <ul style="list-style-type: none"> <li>▪ Protection of the Environment Policies (PEPs) – PEPs are instruments for setting environmental standards, foals, protocols and guidelines. Before a licence is granted the development/activity is to be review against relevant PEPs;</li> <li>▪ Integrated Environmental Protection Licensing - The POEO Act provides a single licensing arrangement addressing to air pollution, water pollution, noise pollution and waste management; and</li> <li>▪ Regulation of scheduled and non-scheduled activities.</li> </ul> <p>Under the POEO Act, scheduled activities are required to obtain an Environmental Protection Licences to operate from the Department of Environment and Heritage (DEH) (including licence 13007 for Lambert’s North).</p> | <p>The provisions of Environmental Protection Licence 13007 apply to the operation of the Project. The licence includes conditions that regulate the treatment and disposal of waste ash. The licence is to be reviewed on 1 January 2014.</p> |
| <p><i>NSW Soil Conservation Act 1938</i> (SC Act)<br/>(Department of Environment and Heritage)</p>                          | <p>Controls activities causing or likely to cause soil erosion or land degradation.</p> <p>Project activities must prevent soil erosion or land degradation.</p>  | <p>No requirements for permits, licenses or approvals have been identified for the Project.</p>  |
| <p><i>NSW Threatened Species Conservation Act 1995</i> (TSC Act)<br/>(Office of Environment and Heritage- NPWS)</p>         | <p>The TSC Act provides for the conservation of threatened species, populations and ecological communities of animals and plants. The STC Act amends other Acts to provide for the facilitation of the appropriate assessment, management and regulation of actions that may damage critical habitat or significantly affect threatened species, populations and ecological communities.</p>  | <p>No threatened species populations or communities were recorded within the site.</p> <p>No requirements for permits, licenses or approvals have been identified for the Project.</p>   |
| <p><i>Waste Avoidance and Resource Recovery Act 2001</i> (WARR Act)<br/>(Office Department of Environment and Heritage)</p> | <p>Promotes waste avoidance and resource recovery through strategies and programs, such as the extended producer responsibility scheme for industry.</p>  | <p>The provisions of the WARR Act do not directly impact the Project, however waste strategies developed under the WARR Act may be applicable to the overall operations at Mount Piper.</p>  |

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| <i>Water Act 1912</i> (Water Act)<br>(Department of Primary Industries<br>– Office of Water)  | The Water Act regulates the influence of impacts on waterways, outlining control and remedial measures (i.e. groundwater wells), licensing and offences.   | No requirements for permits, licenses or approvals have been identified for the Project.  |
| <i>Water Management Act Amended Act 2010</i> (WM Act)<br>(Department of Primary Industries<br>– Office of Water)  | The WM Act controls the allocation, use and sharing of water within certain management areas. The Project is located on the western boundary of the Greater Metropolitan Region Unregulated River area.  | Delta will not be seeking allocations of water under the WM Act, for the Project. The provisions of the WM Act do not apply to this Project.              |
| <i>Water Management Regulation 2011</i>   | The regulation supersedes two former Regulations with amendments: the Water Management (General) Regulation 2004 and the Water Management (Water Supply Authorities) Regulation 2004. The regulation makes provisions for access licenses and approvals, irrigation, water supply authorities and miscellaneous matters including management plans, fees and charges and transformation of water entitlements etc. | Waste management will be undertaken in accordance with the waste management plan  |
| <i>Protection of the Environment Operations (Noise Control) Regulation 2008</i>   | This Regulation controls noise from motor vehicles and marine vessels and sets community standards on acceptable noise intrusion in homes from such appliances as intruder alarms, music amplifiers, air conditioners and powered garden tools   | The Noise Management and Monitoring Plan has been prepared to ensure noise is managed in accordance with requirements. No additional licence is required. |
| <i>Interim Noise Construction Guideline 2009</i><br>Authors:<br><i>NSW E&amp;H, NSW DPI, NSW RTA, NSW WorkCover, and NSW Health, local councils and shires.</i> | The guideline is designed to manage noise from construction works regulated by the DECC under the POEO Act 1997, by setting conditions in licenses or other regulatory instruments.<br>This can be used by acoustic engineers in assessing noise and reporting and the contractors and landowners in understanding noise legislation.  | Delta will be carrying out noise monitoring during the life of Project.   |
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