

APPENDIX A

Detailed Review of Checklist of Approval

Administrative Conditions

Terms of approval

Minister's Condition of Approval A1
<p><i>The proponent shall carry out the project generally in accordance with the:</i></p> <ul style="list-style-type: none"> <i>a) Major Project Application 09_0186;</i> <i>b) Mt Piper Ash Placement (two volumes) – Environmental Assessment, prepared by Sinclair Knight Merz, August 2010 ;</i> <i>c) Mt Piper Ash Placement – Submissions Report, prepared by Sinclair Knight Merz, March 2011;</i> <i>d) Delta's Letter to the Department – Submissions Report response to the Department and Agency Issues, dated 22 June 2011; and</i> <i>e) The conditions of this approval.</i>
<p>Compliance Assessment Observations and Comments</p> <p>Based on the review undertaken, the Lamberts North operations have been carried out in accordance with the above requirements.</p>
Compliance Assessment Finding - Compliant
Minister's Condition of Approval A2
<p><i>In the event of an inconsistency between:</i></p> <ul style="list-style-type: none"> <i>a) The conditions of this approval and any document listed from condition A1a) – A1d) inclusive the conditions of this approval shall prevail to the extent of the inconsistency; and</i> <i>b) Any of the documents listed from the condition A1a) –A1d) inclusive, the most recent document shall prevail to the extent of the inconsistency.</i>
<p>Compliance Assessment Observations and Comments</p> <p>No inconsistencies were observed between the documents listed above during implementation of the project or during the course of the review of operations in preparing this AEMR.</p>
Compliance Assessment Finding - Compliant

Minister's Condition of Approval A3
<i>The proponent shall comply with the reasonable requirements of the Director-General arising from the Department's assessment of:</i>
<ul style="list-style-type: none"> <i>a) Any reports, plans or correspondence that are submitted in accordance with this approval; and</i> <i>b) The implementation of any actions or measures contained in these reports, plans or correspondence.</i>
Compliance Assessment Observations and Comments
A request was made from the Director-General of the DP&E on April 2018 to have commissioned an Independent Environmental Audit by June 2019 during the 2017-2018 reporting period. This has already been organised and conducted.
Compliance Assessment Finding – Compliant
Minister's Condition of Approval A4
<i>The proponent shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this approval, and general consistency with the documents listed under condition A1 of this approval.</i>
Compliance Assessment Observations and Comments
Based on the review undertaken, the Lamberts North operations have been carried out in accordance with the above requirements.
Compliance Assessment Finding – Compliant

Limits of approval

Minister's Condition of Approval A5
<i>This approval shall lapse five years after the date on which it is granted, unless the works that are the subject of this approval are physically commenced on or before that time.</i>
Compliance Assessment Observations and Comments
The Project Approval for Lamberts North Ash Repository (DPI, 2012) is dated 16 February 2012 with construction works on the Lamberts North Ash Repository project commencing 7 January 2013, following approval of the CEMP by DP&E in December 2012. Ash placement commenced in September 2013, well before the 'deadline' date.
Compliance Assessment Finding – Compliant

Statutory requirements

Minister's Condition of Approval A6

The Proponent shall ensure that all licences, permits and approvals are updated and/or obtained as required by law and maintained as required with respect to the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

Compliance Assessment Observations and Comments

Based on the Environmental Assessment (SKM, 2010) and OEMP (CDM Smith, 2013), no permits were required during the operational phase of the project. Prior to construction licences for sinking boreholes were obtained from the NSW Office of Water. No Commonwealth permits, licences or approvals have been identified for the project. The project complies with the requirements of EnergyAustralia NSW's EPL 13007 (See Section 1)

Compliance Assessment Finding – Compliant

Staging

Minister's Condition of Approval A7

Where the Proponent intends to construct and operate the project in discrete stage (i.e. Lamberts North and Lamberts South) it may comply with the requirements in conditions B4, B5, D2, D3 and D4 separately for each stage.

Compliance Assessment Observations and Comments

A CEMP (CDM Smith, 2012a) for construction (CoA B4) including the Construction Noise Management Plan (CoA B5) was approved by the DPI 1 December 2012. An OEMP (CDM Smith, 2013) for operation (CoA D2) of Lamberts North including the Operational Noise Management Plan (CoA D3) and Groundwater Management Plan (CoA D4) was approved by the DPI on 13 May 2013. The abovementioned conditions are compliant for the Lamberts North and have not applied to Lamberts South as no construction works have commenced.

Compliance Assessment Finding – Compliant

Prior to Construction Conditions

Environmental Representative

Minister's Condition of Approval B1

Prior to the commencement of any construction activities, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s). The Proponent shall engage the Environmental Representative(s) during any construction activities, and throughout the life of the project, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:

(a) oversee the implementation of all environmental management plans and monitoring programs required under this approval, and advise the Proponent upon the achievement of these plans/programs;

(b) consider and advise the Proponent on its compliance obligations against all matters specified in the conditions of this approval and the Statement of Commitments; and

(c) have the authority and independence to recommend to the Proponent reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and, failing the effectiveness of such steps, to recommend to the Proponent that relevant activities are to be ceased as soon as reasonably practicable if there is a significant risk that an adverse impact on the environment will be likely to occur.

Compliance Assessment Observations and Comments

In October 2012 Delta Electricity nominated the Senior Environment Officer Kelly Gillen as the Environmental Representative. The Senior Environment Officer was approved as the Environmental Representative by the DPI on 01 December 2012. The Senior Environment Officer oversees the implementation of Lamberts North operations through attendance at Monthly Client Meetings with Lend Lease. The Senior Environment Officer guides the project through site visits, sampling, auditing and other regulatory activities to ensure compliance with the environmental requirements of the CoAs and all relevant licences.

In April 2015, EnergyAustralia NSW notified the DP&E of Ms Gillen's new position within the organisation and nominated the new Senior Environment Officer Coleen Milroy as the Environmental Representative.

In April 2018, EnergyAustralia NSW advised the DP&E of Mrs. Skye Zorz's nomination for the role of Environmental Representative for the Mount Piper Ash Placement Project and this was approved by the Secretary and Mrs. Zorz was approved for the role of Environmental Representative.

Compliance Assessment Finding – Compliant

Groundwater Modelling

Minister's Condition of Approval B2

The Proponent shall undertake groundwater modelling by either adapting the existing UTS (2007) groundwater model to Lamberts North or developing a new groundwater model for Lamberts North. The updated model should be calibrated to site-specific data. In either case, the model shall incorporate the findings of groundwater monitoring of the existing ash placement areas. The Proponent shall consult with the SCA in the preparation of the groundwater model and the model shall be provided to the SCA within five months of project approval, unless otherwise agreed by the Director-General.

The model shall address but not necessarily be limited to the following:

- a) The findings of the groundwater monitoring of existing ash placement areas and be based on average groundwater quality data;*
- b) Updated predictions of the long-term behaviour, fate and impacts of ash placement, in particular for water quality parameters such as sulphates, chloride, boron manganese, nickel, zinc, molybdenum, copper, arsenic and barium;*
- c) Updated risk assessment for ground and surface water quality impacts under a range of rainfall events of differing duration and intensities (including up to a 100 year ARI event);*
- d) Calibration to site-specific data; and*
- e) Identification of appropriate surface and groundwater management measures required in order to achieve a neutral or beneficial effect on water quality.*

Prior to construction of Lamberts South, the Lamberts North groundwater model is updated as set out above in items a) – e) in consultation with the SCA, to apply to Lamberts South.

Compliance Assessment Observations and Comments

A Groundwater modelling report was prepared by CDM Smith in November 2012 (CDM Smith, 2012b). The report was prepared in consultation with the SCA and evaluated the potential impacts of construction and operational activities at the site and to assist in determining appropriate surface and groundwater management measures. No construction work has commenced at Lamberts South.

Compliance Assessment Finding – Compliant

Groundwater Monitoring

Minister's Condition of Approval B3

Baseline groundwater monitoring data, including groundwater quality, location of groundwater monitoring wells, depth and flow of groundwater in the project area should be obtained for a minimum of two sampling events prior to construction and a minimum of two sampling events after construction and prior to ash placement commencing. The baseline monitoring data along with the modelling predications in B2 should be used in the consideration of the design of the ash placement facilities. The location of groundwater monitoring wells and parameters to be monitored should be undertaken in consultation with the SCA.

Prior to construction of Lamberts South, the Proponent shall conduct baseline groundwater data collection as set out above, and use the results and the modelling predications in B2 in the consideration of the design of the ash placement facilities.

Compliance Assessment Observations and Comments

Groundwater bores were installed in July 2012 and were licenced for their construction with NSW Office of Water. The first sampling event for baseline testing was performed upon installation and prior to construction. The location and parameters to be undertaken were done in consultation with SCA. Existing historical groundwater bores that were established since the construction of Mt Piper are used to supplement the newly installed groundwater bores.

Compliance Assessment Finding – Compliant

Construction Environmental Management Plan

Minister's Condition of Approval B4

The Proponent shall prepare and implement a Construction Environmental Management Plan (CEMP) to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be prepared in consultation with Lithgow City Council and relevant government agencies, and be consistent with the Guideline for the Preparation of Environmental Management Plants (DIPNR, 2004 or its latest revision) and shall include, but not necessarily be limited to:

- a) A description of all relevant activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;*
- b) Identification of the potential for cumulative impacts with other construction activities occurring in the vicinity and how such impacts would be managed;*
- c) Details of any site compounds and mitigation, monitoring, management and rehabilitation measures specific to the site compound(s) that would be implemented;*
- d) Statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;*
- e) Evidence of consultation with relevant government agencies required under this condition and how issues raised by the agencies have been addressed in the plan;*
- f) A description of the roles and responsibilities for all relevant employees involved in the construction of the project including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions of approval;*

- g) Details of how the environmental performance of construction will be managed and monitored, and what actions will be taken to address identified potential adverse environmental impacts;*
- h) Specific consideration of relevant measures to address any requirements identified in the documents referred to under conditions A1b) and A1d);*
- i) A complaint handling procedure during construction;*
- j) Emergency management measures including measures to control bushfires;*
- k) Details of waste management including reuse and/or recycling of waste material, to minimise the need for treatment or disposal of those materials outside the site; and*
- l) The additional requirements of this approval.*

The CEMP for the project (or any stage of the project_ shall be submitted to the Director-General for approval at least four weeks prior to the commencement of any construction work associated with the project (or stage as relevant), unless otherwise agreed by the Director-General. Construction shall not commence until written approval has been received from the Director-General.

Compliance Assessment Observations and Comments

A CEMP (CDM Smith, 2012a) for construction at Lamberts North was developed in consultation with Delta Electricity Environment Section, NOW and SCA. The CEMP was approved by the DPI in November 2012.

Compliance Assessment Finding – Compliant

Minister's Condition of Approval B5

As part of the CEMP for the project, the Proponent shall prepare and implement the following plans:

- a) A Construction Noise Management Plan to detail how construction noise impacts would be minimised and managed. The Plan shall be developed in consultation with the EPA and shall include, but not necessarily be limited to:*
 - i) Details of how construction activities and an indicative schedule for construction works;*
 - ii) Identifications of construction activities that have the potential to generate noise impacts on sensitive receivers;*
 - iii) Identification of noise criteria and procedures for assessing noise levels at sensitive receivers;*
 - iv) Details of reasonable and feasible actions and measures to be implemented to minimise noise impacts;*
 - v) Details of noise monitoring and if any noise exceedence is detected, how any non-compliance would be rectified; and*
 - vi) Procedures for notifying sensitive receivers of construction activities that are likely to affect their noise amenity.*
- b) A Groundwater Management Plan to detail measures to manage groundwater impacts. The Plan shall be prepared in consultation with the NOW and the SCA and include, but not necessarily be limited to:*
 - i) Identification of the construction activities that could affect groundwater at the site, including groundwater interference and impacts to groundwater users and dependent species;*
 - ii) A description of the management controls to minimise impacts to groundwater during construction;*
 - iii) Methods for monitoring groundwater during construction including a program to monitor groundwater flows and groundwater quality in the project area;*
 - iv) A response program to address identified exceedences of existing groundwater quality criteria approved for Area 1 (the existing ash placement area); and*
 - v) Provisions for periodic reporting of results to the SCA during construction.*
- c) A Soil and Surface Water Management Plan to outline measures that will be employed to manage water on the site, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/or waters throughout the construction period. The Plan shall be based on best environmental practice and shall be prepared in consultation with the SCA and the NOW and any other relevant government agency. The Plan shall include, but not necessarily be limited to:*
 - i) Baseline data on the water quality and available flow data in Huons Creek, Lamberts Gully Creek and Neubecks Creek;*
 - ii) Water quality objectives and impact assessment criteria for Huons Creek, Lamberts Gully Creek and Neubecks Creek;*
 - iii) A geomorphic assessment of the capacity of Lamberts Gully Creek to accommodate additional flow under a range of rainfall events and duration, prior to commencement of construction works;*
 - iv) Identification of the construction activities that could cause soil erosion or discharge sediment or water pollutants from the site;*
 - v) Description of stockpile locations and disposal methods;*

- vi) A description of the management methods to minimise soil erosion or discharge of sediment or water pollutants from the site, including a strategy to minimise the area of bare surfaces, stabilise disturbed areas, and minimise bank erosion*
- vii) Demonstration that the proposed erosion and sediment control measures will conform with, or exceed, the relevant requirements of Managing Urban Stormwater: Soils and Construction (Landcom, 2004)*
- viii) A site water management strategy identifying drainage design including the separation of clean and dirty water areas for the project, details of the lining of surface water collection ponds and the associated water management measures including erosion and sediment control and provisions for recycling/reuse of water and the procedures for decommissioning water management structure on the site and consideration to the treatment of water prior to discharge to the environment;*
- ix) Measures to monitor and manage soil and water impacts in consultation with NOW and DPI (Fisheries) including: control measures for works close to or involving waterway crossings (including rehabilitation measures following disturbance and monitoring measures and completion criteria to determine rehabilitation success);*
- x) Measures to monitor and manage flood impacts in consultation with NOW and shall include, but not necessarily be limited to a flood model for predicted water levels and contingency measures for the site during potential floods;*
- xi) A program to monitor surface water quality, including Lamberts Gully Creek and Neubecks Creek;*
- xii) A protocol for the investigation of identified exceedences in the impact assessment criteria;*
- xiii) A response plan to address potential adverse surface water quality exceedences; and*
- xiv) Provisions for periodic reporting of results to DPI (Fisheries), NOW and the SCA as per condition B8.*
- d) An Air Quality Management Plan, to provide details of dust control measures to be implemented during the construction of the project. The Plan shall be prepared in consultation with the EPA and should include, but not necessarily be limited to:*
 - i) Identification of sources of dust deposition including, truck movements, regrading, backfilling, stockpiles and other exposed surfaces;*
 - ii) Identification of criteria, monitoring and mitigation measures for the above sources; and*
 - iii) A reactive management programme detailing how and when construction operations are to be modified to minimise the potential for dust emissions, should emissions exceed the relevant criteria.*
- e) A Flora and Fauna Management Plan, to outline measures to protect and minimise loss of native vegetation and native fauna habitat as a result of construction of the project. The Plan shall be prepared in consultation with the EPA and shall include, but not necessarily be limited to:*
 - i) Plans showing terrestrial vegetation communities; important flora and fauna habitat areas; locations of threatened flora and fauna and areas to be cleared. The plans shall also identify vegetation adjoining the site where this contains important habitat areas and/or threatened species, populations or ecological communities;*
 - ii) Procedures to accurately determine the total area, type and condition of vegetation community to be cleared;*

- iii) *Methods to manage impacts on flora and fauna species and their habitat which may be directly or indirectly affected by the project, procedures for vegetation clearing or soil removal/stockpiling and procedures for identifying and re-locating hollows, installing nesting boxes and managing weeds; and*
- iv) *A procedure to review management methods where they are found to be ineffective.*
- f) *An Aboriginal Heritage Plan, to monitor and manage Aboriginal heritage impacts in consultation with the EPA. The plan should include, but not necessarily limited to:*
 - i) *An updated Cultural Heritage Management Plan to cover the protection of sites previously recorded in the 2005 Aboriginal heritage assessment;*
 - ii) *Procedures for the management of unidentified objects and/or human remains, including ceasing work;*
 - iii) *Aboriginal cultural heritage induction processes for construction personnel; and*
 - iv) *Procedures for ongoing Aboriginal consultation and involvement should Aboriginal heritage sites or objects be found during construction.*
- g) *An Ash Transportation Plan, to provide details on the preferred option for the transportation of ash from Mt Piper Power Station to the ash placement areas. The Plan shall include but not necessarily be limited to:*
 - i) *Justification of the proposed option for ash transportation (either haulage access roads and/or conveyor) for ash transportation;*
 - ii) *Details of the proposed option, including construction requirements, impacts and mitigation measures;*
 - iii) *Plans showing the location of the chosen option; and*
 - iv) *Provision of mitigation measures should the conveyor breakdown.*

Compliance Assessment Observations and Comments

The CEMP for construction and all associated sub-plans for Lamberts North (CDM Smith, 2012a) was developed in consultation with Delta Electricity's Environment Section, NOW and SCA. The CEMP was approved by the DPI on 01 December 2012.

Compliance Assessment Finding – Compliant

Biodiversity Offsets

Minister's Condition of Approval B6

The Proponent shall develop and submit for approval of the Director-General, a Biodiversity Offset Management Plan. The Biodiversity Offset Management Plan is to be submitted within 12 months of the project approval, unless otherwise agreed to by the Director-General. The Plan shall be developed in consultation with the EPA and shall:

- a) Identify the objectives and outcomes to be met by the Biodiversity Offset Management Plan;*
- b) Describe the size and quality of the habitat/vegetation communities of the offset;*
- c) Identify biodiversity impacts, including impacts related to the loss of impacted flora and fauna including threatened Capertee Stringybark (*Eucalyptus cannonii*), nine (9) hectares on remnant vegetation (including Red Stringy Bark Woodland, Scribbly Gum Woodland, Ribbon Gum Woodland), habitat for microbat and woodland bird species and the 31 ha of rehabilitated vegetation to be removed;*
- d) Describe the decision-making framework used in selecting the priority ranking of compensatory habitat options available in the region. Where possible, this should include purchase of land, development of agreements with identified land management authorities (e.g. EPA, local Council) for long term management and funding of offsets and mitigation measures;*
- e) Include an offset for direct and indirect impacts of the proposal which maintains or improves biodiversity values;*
- f) Identify the mechanisms for securing the biodiversity values of the offset measures in perpetuity and identify a monitoring regime, responsibilities, timeframes and performance criteria; and*
- g) Detail contingency measures to be undertaken should monitoring against performance outcomes. Rehabilitation measures are required to be implemented to ensure that the biodiversity impacts are consistent with a maintain or improve biodiversity outcome.*

Compliance Assessment Observations and Comments

A Biodiversity Offset Management Plan (BOMP) for Lamberts North in consultation with OEH was submitted 14 May 2013 to DPI. The BOMP (Delta Electricity, 2012) was not approved 18 June 2013 and DPI requested the BOMP to be revised to include an offset of 1:1 to the existing rehabilitation site and be resubmitted. The BOMP was revised in consultation with OEH and submitted 23 July 2015. The revised BOMP (EANSW, 2015a) was approved 24 August 2015. A Biodiversity Offset Strategic Outline (BOSO) was prepared for Lamberts South and was considered appropriate by the Department.

Compliance Assessment Finding – Compliant

Ecological Monitoring & Compliance Monitoring & Tracking

Minister's Condition of Approval B7

The Proponent shall prepare and implement an Ecological Monitoring Program prior to construction, in consultation with the NOW and the DPI (Fisheries), to monitor and quantify the impacts on the ecology of Neubecks Creek and the associated riparian environment. The Program shall include, but not necessarily be limited to:

- a) A sampling, data collection and assessment regime to establish baseline ecological health and for ongoing monitoring of ecological health of the in-stream environment during construction and throughout the life of the project (including operation);*
- b) At least one in-stream sampling period prior to ash placement at Neubecks Creek and at least two (2) sampling periods following ash placement at each of Lamberts North and Lamberts South;*
- c) An assessment regime for monitoring the ecological health of the riparian environment for a period of at least five (5) years after final capping; and*
- d) Management measures to address any adverse ecological impacts.*

Compliance Assessment Observations and Comments

The Ecological Monitoring Plan (EMP) was produced 31 November 2012 in consultation with NOW and DPI (Fisheries). Baseline data was sampled 7 November 2012 and autumn and spring sampling obtained for 2013 and 2014. Spring sampling for the September 2016 – August 2017 reporting period was performed in December 2016 (Cardno, 2017). Autumn sampling for the September 2017 – August 2018 reporting period was performed in May 2018 (Cardno 2018).

Compliance Assessment Finding - Compliant

Minister's Condition of Approval B8 & B9

B8 - The Proponent shall develop and implement a Compliance Tracking Program for the project, prior to commencing construction, to track compliance with the requirements of this approval and shall include, but not necessarily be limited to:

- a) Provisions for periodic review of the compliance status of the project against the requirements of this approval and the Statement of Commitments detailed in the document referred to in condition A1c) of this approval;*
- b) Provisions for periodic reporting of the compliance status to the Director-General;*
- c) A program for independent environmental auditing in accordance with AS/NZ ISO 19011:2003 – Guidelines for Quality and/or Environmental Management Systems Auditing;*
- d) Procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;*
- e) Mechanisms for recording environmental incidents and actions taken in response to those incidents;*
- f) Provisions for reporting environmental incidents to the Director-General during construction and operation; and*

- g) Provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.***

The Compliance Tracking Program shall be implemented prior to construction of the project with a copy submitted to the Director-General for approval at least four weeks prior to the commencement of the project, unless otherwise agreed by the Director-General.

B9 – Nothing in this approval restricts the Proponent from utilising any existing compliance tracking programs administered by the Proponent to satisfy the requirements of condition B8. In doing so, the Proponent must demonstrate to the Director-General how these systems address the requirements and/or have been amended to comply with the requirements of the condition.

Compliance Assessment Observations and Comments

A Compliance Tracking program was developed & implemented prior to commencing construction. The Compliance and Tracking document was approved by DPI on 13 December 2012.

Compliance Assessment Finding - Compliant

Community Information & Complaints Management

Minister's Condition of Approval B10

Prior to construction of the project, the Proponent shall establish and maintain a website for the provision of electronic information associated with the project. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:

- a) The documents referred to under condition A1 of this approval;***
- b) This project approval, Environment Protection Licence and any other relevant environmental approval, licence or permit required and obtained in relation to the project;***
- c) All strategies, plans and programs required under this project approval, or details of where this information can be viewed;***
- d) Information on construction and operational progress; and***
- e) The outcomes of compliance tracking in accordance with the requirements of this project approval.***

Compliance Assessment Observations and Comments

A project website is available for the Lamberts North Project:

<https://www.energyaustralia.com.au/about-us/energy-generation/lamberts-north-ash-repository>

The webpage hosts the Environmental Assessment, Submissions report and approvals, as well as Environmental Management Plans, Annual Environmental Management Reports and Compliance Tracking.

Progress on operations and outcomes of compliance tracking are detailed within the Quarterly Community meeting and the minutes from this meeting are available from the following website:

<https://www.energyaustralia.com.au/about-us/energy-generation/mt-piper-power-station/mt-piper-and-wallerawang-community>

Compliance Assessment Finding – Compliant

Minister's Condition of Approval B11

Prior to the construction of the project, the Proponent shall ensure that the following are available for community complaints and enquiries during construction and operation:

- a) A 24 hour contact number(s) on which complaints and enquiries about construction and operational activities may be registered;*
- b) A postal address to which written complaints and enquiries may be sent; and*
- c) An email address to which electronic complaints and enquiries may be transmitted.*

The telephone number, postal address and email address shall be published in a newspaper circulating in the local area prior to the commencement of the project. The above details shall also be provided on the website required by condition B11 of this approval.

Compliance Assessment Observations and Comments

Contact details are available from the following website:

<https://www.energyaustralia.com.au/about-us/energy-generation/mt-piper-power-station>

This website lists the following contact details for the project:

24 hour contact number – call Mt Piper Power Station on (02) 6354 8111

Postal Address:

EnergyAustralia NSW – Mt Piper Power Station

Locked Bag 1000

Portland NSW 2847

Email: contactus@energyaustraliansw.com.au

Compliance Assessment Finding – Compliant

Minister's Condition of Approval B12

The Proponent shall record the details of complaints received through the means listed under condition B11 of this approval in a Complaints Register. The Register shall record, but not necessarily be limited to:

- a) The date and time of the complaint;*

- b) The means by which the complaint was made (e.g. telephone, email, mail, in person);*
- c) Any personal details of the complainant that were provided, or if no details were provided a note to that effect;*
- d) The nature of the complaint;*
- e) The time taken to respond to the complaint;*
- f) Any investigations and actions taken by the Proponent in relation to the complaint;*
- g) Any follow-up contact with, and feedback from, the complainant; and*
- h) If no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.*

The Complaints Register shall be made available for inspection by the Director-General upon request.

Compliance Assessment Observations and Comments

Any complaints to EnergyAustralia NSW go via the switchboard, or through email or mail and are then redirected to the appropriate area of EnergyAustralia NSW operations. All complaints are recorded in the Ellipse system in the Incidents and Complaints Register with all details captured including actions to be taken if necessary as per Environment Management System Administration Procedure for non-conformity, corrective and preventative action. If actions were necessary, a review of those actions is undertaken before the work order is closed. In addition, the ash contractors produce a monthly compliance report including a record of any complaints received. A complaint was received regarding the Ash Repository which included the Lamberts North Project for the reporting period that was deemed not substantiated by the EPA.

Compliance Assessment Finding - Compliant

Minister's Condition of Approval B13

Prior to the commencement of construction of the project, the Proponent shall prepare and implement a Community Information Plan which sets out the community communications and consultation processes to be undertaken during construction and operation of the project. The Plan shall include but not be limited to:

- a) Measures for disseminating information on the development status of the project and methods for actively engaging with surrounding landowners, including Forests NSW and affected stakeholders regarding issues that would be of interest/concern to them during construction and operation of the project; and*
- b) Procedures to inform the community where work has been approved to be undertaken outside the normal construction hours, in particular noisy activities.*

A copy of the plan shall be provided to the Director-General one month prior to the commencement of construction.

Compliance Assessment Observations and Comments

The *Lamberts North Ash Placement Stakeholder Communications Plan* (September 2012) was specifically prepared and implemented for the purposes of this project. The CIP was published in the local newspaper Lithgow Mercury 08 December 2012. A Community Information Plan (CIP) was also prepared in October 2013. The CIP was recently updated to reflect EnergyAustralia (EA) as the owners and remove any references to Delta Electricity in accordance with a recommendation from the Independent Environmental Audit (Aurecon, 2014).

Compliance Assessment Finding – Compliant**Design****Minister's Condition of Approval B14**

The ash placement areas shall be designed by a suitable qualified expert to ensure structural stability of the ash placement areas.

Compliance Assessment Observations and Comments

Design approved by DP&E 01 December 2012. The ash placement areas were designed by JK Williams, in consultation with Principal Contractors Lend Lease, to ensure structural stability of the ash placement areas. The ash placement areas were constructed in line with the design.

Compliance Assessment Finding - Compliant

During construction conditions

Environmental Incident reporting**Minister's Condition of Approval C1**

The Proponent shall notify the Director-General of any environmental incident within 12 hours of becoming aware of the incident. The proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.

Compliance Assessment Observations and Comments

No environmental incidents requiring notification of the Director-General occurred within the September 2017-August 2018 reporting period.

Compliance Assessment Finding – Compliant**Minister's Condition of Approval C2**

The Proponent shall meet the requirements of the Director-General to address the cause or impact of any environmental incident, as it relates to this approval, reported in accordance with condition C1 of this approval, within such period as the Director-General may require.

Compliance Assessment Observations and Comments

Not applicable as no incidents requiring notification of the Director-General occurred within the September 2017-August 2018 reporting period.

Compliance Assessment Finding – Not applicable

Construction Hours

Minister's Condition of Approval C3

Construction activities associated with the project shall only be undertaken during the following hours:

- a) 7:00 am to 6:00 pm, Monday to Fridays, inclusive;**
- b) 8:00 am to 1:00 pm on Saturday; and**
- c) At no time on Sundays or public holidays.**

Compliance Assessment Observations and Comments

A CEMP was prepared for the works associated with the development of Lamberts North in preparation for ash placement and included a Construction Noise Management Plan and Noise Monitoring Program which addressed the construction hours. This was submitted and approved by the DP&I in November 2012.

No construction activities have occurred during this reporting period.

Compliance Assessment Finding – Not applicable

Minister's Condition of Approval C4

Construction outside the hours stipulated in condition C3 of this approval is permitted in the following circumstance:

- a) Where construction works do not cause audible noise at any sensitive receiver; or**
- b) For the delivery of materials required outside these hours by the Police or other authorities for safety reasons; or**

Where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

Compliance Assessment Observations and Comments

No construction activities have been performed during the this reporting period.

Compliance Assessment Finding – Not applicable

Minister's Condition of Approval C5

- a) *The hours of construction activities specified under condition C3 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition C3 shall be:*
- b) *A) considered on a case-by-case basis;*
- c) *Accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and*
- d) *Accompanied by information necessary for the Director-General to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of sensitive receiver in the vicinity of the site.*

Compliance Assessment Observations and Comments

Approval was not required for a variation to construction hours.

Compliance Assessment Finding – Not applicable

Construction Noise

Minister's Condition of Approval C6

The construction noise objective for the project is to manage noise from construction activities (as measured by $L_{Aeq(15\text{ minute})}$ descriptor) so as not to exceed:

<i>Location</i>	<i>Day ($L_{Aeq(15\text{ minute})}$) dB(A)</i>
<i>All private receivers within the township of Blackmans Flat</i>	<i>46</i>
<i>All other residences</i>	<i>43</i>

The Proponent shall implement reasonable and feasible noise mitigation measures with the aim of achieving the construction noise objective consistent with the requirements of the Interim Construction Noise Guideline (DECC, July 2009), including noise generated by heavy vehicle haulage and other construction traffic associated with the project. Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the Construction Noise Management Plan (as referred to under Condition B5a of this approval).

Compliance Assessment Observations and Comments

Construction noise mitigation is detailed in CEMP Noise sub-plan approved by DPI 01 December 2012.

No construction activities have been performed during this reporting period.

Compliance Assessment Finding – Not applicable

Dust Generation

Minister's Condition of Approval C7
<i>The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown from earth works and stockpiles and traffic-generated dust. All activities on the site shall be undertaken with the objective of preventing visible emissions of dust from the site. Should visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate, such that emissions of visible dust cease.</i>
<p>Compliance Assessment Observations and Comments</p> <p>Dust generation mitigation is detailed in CEMP Air quality sub-plan approved by DPI 01 December 2012.</p> <p>No construction activities have been performed during this reporting period.</p>
Compliance Assessment Finding – Not applicable

Heritage Impacts

Minister's Condition of Approval C8
<i>If during the course of construction, the Proponent becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) shall cease immediately and the EPA (OEH) informed in accordance with the National parks and Wildlife Act 1974. In addition, registered Aboriginal stakeholders shall be informed of the finds. Works shall not recommence until an appropriate strategy for managing the objects has been determined in consultation with the EPA (OEH) and the registered Aboriginal stakeholders and written authorisation from the EPA (OEH) is received by the Proponent.</i>
<p>Compliance Assessment Observations and Comments</p> <p>The course of action for Aboriginal objects identified during construction is detailed in CEMP Aboriginal sub-plan approved by DPI 01 December 2012. No Aboriginal artefacts were discovered during construction.</p>
Compliance Assessment Finding – Compliant
Minister's Condition of Approval C9
<i>If during the course of construction, the Proponent becomes aware of any unexpected historical relic(s), all work likely to affect the relic(s) shall cease immediately and the EPA (OEH (Heritage Branch)) notified in accordance with the Heritage Act 1977. Works shall not recommence until the Proponent receives written authorisation from the EPA (OEH (Heritage Branch)).</i>
<p>Compliance Assessment Observations and Comments</p> <p>No historic relics were discovered during construction.</p>
Compliance Assessment Finding – Compliant

Soil and Water Quality Impacts

Minister's Condition of Approval C10
<i>The Proponent shall comply with section 120 of the Protection of the Environment Operations Act 1997 which prohibits the pollution of waters.</i>
Compliance Assessment Observations and Comments Compliance is achieved through the CEMP Soil and water sub-plan approved by DPI 01 December 2012 and EPL 13007.
Compliance Assessment Finding – Compliant
Minister's Condition of Approval C11
<i>Soil and water management controls shall be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities, in accordance with:</i> <ul style="list-style-type: none"> <i>a) Managing Urban Stormwater: Soils and Conservation (Landcom, 2004);</i> <i>b) Managing Stormwater: Urban Soils and Construction 2A Installation of Services (DECC 2008); and</i> <i>c) Managing Stormwater: Urban Soils and Construction Vol. 2C Unsealed Roads (DECC 2008).</i>
Compliance Assessment Observations and Comments Soil and water controls are detailed in CEMP Soil and Water sub-plan approved by DPI 01 December 2012.
Compliance Assessment Finding – Compliant
Minister's Condition of Approval C12
<i>During construction, the Proponent shall maintain of buffer of 50 metres from the construction work to Neubecks Creek.</i>
Compliance Assessment Observations and Comments Buffer was maintained as documented in JKW contractor meeting minutes.
Compliance Assessment Finding – Compliant
Minister's Condition of Approval C13
<i>Surface water drainage must be appropriately engineered and stabilised to convey run off without collapse or erosion. Surface water runoff collection ponds are to be lined.</i>

<p>Compliance Assessment Observations and Comments</p> <p>Surface water drainage engineered and stabilised as per CEMP Soil and Water sub-plan approved by DPI 01 December 2012.</p>
<p>Compliance Assessment Finding – Compliant</p>
<p style="text-align: center;">Waste Generation and Management</p>
<p>Minister's Condition of Approval C14</p>
<p><i>All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.</i></p>
<p>Compliance Assessment Observations and Comments</p> <p>EnergyAustralia NSW manages all site waste in accordance with EPL 13007 disposal and restricted waste area or via waste contractors with licenced waste contractor.</p>
<p>Compliance Assessment Finding – Compliant</p>
<p>Minister's Condition of Approval C15</p>
<p><i>The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997, if such a licence is required in relation to that waste.</i></p>
<p>Compliance Assessment Observations and Comments</p> <p>No wastes generated outside the Lamberts North site were allowed to enter the area.</p> <p>To prevent the unlawful access to the repository area, regular security patrols are conducted across the site. Both Lend Lease and EnergyAustralia NSW personnel are required to report if they encounter any rubbish or wastes outside those that are allowed during routine operations.</p>
<p>Compliance Assessment Finding – Compliant</p>
<p>Minister's Condition of Approval C16</p>
<p><i>The Proponent shall ensure that all liquid and/or non-liquid waste generated and/or stored on the site is assessed and classified in accordance with the Waste Classification Guidelines (DECC, 2008), or any future guideline that may supersede that document.</i></p>
<p>Compliance Assessment Observations and Comments</p> <p>EANSW manages all site waste in accordance with EPL 13007 disposal and restricted waste area or via waste contractors with licenced waste contractor.</p>
<p>Compliance Assessment Finding – Compliant</p>

Prior to Operations conditions

Ash Management

Minister's Condition of Approval D1
<i>The Proponent shall prepare a long-term ash management strategy including a program for investigation and assessment of alternative ash management measures with a goal of 40% reuse of ash by 31 December 2020. The report shall be submitted to the Director-General six months prior to the commencement of operations. The Proponent shall report on the status and outcomes of its investigations to the Director-General every two years from the commencement of the operation of the project, unless otherwise agreed by the Director-General.</i>
Compliance Assessment Observations and Comments
Lamberts North Consistency Report (SKM, 2012) and Ash Management Strategy (DMC, 2010) approved by DPI 30 July 2012 detailing the long-term ash management strategy for ash re-use.
Compliance Assessment Finding – Compliant

Operational Environmental Management Plan

Minister's Condition of Approval D2
<i>The Proponent shall prepare and implement an Operational Environmental Management Plan (OEMP) to detail an environmental management framework, practices and procedures to be followed during operation of the project. The Plan shall be prepared in consultation with Lithgow City Council and relevant government agencies, and shall be consistent with the Guideline for the Preparation of Environmental Management Plans (DIPNR 2004) and shall include, but not necessarily be limited to:</i>
<ul style="list-style-type: none"> <i>a) Identification of all statutory and other obligations that the Proponent is required to fulfil in relation to operation of the project, including all approvals, licences, approvals and consultations;</i> <i>b) A description of the roles and responsibilities for all relevant employees (including contractors) involved in the operation of the project;</i> <i>c) Overall environmental policies and principles to be applied to the operation of the project;</i> <i>d) Standards and performance measures to be applied to the project, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;</i> <i>e) Management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval;</i> <i>f) The environmental monitoring requirements outlined under condition E12 to E18 inclusive;</i>

- g) Details of waste management including reuse and/or recycling of waste material, to minimise the need for treatment or disposal of those materials outside the site;*
- h) Specific consideration of relevant measures to address any requirements identified in the documents referred to under conditions A1b and A1d of this approval; and*
- i) The additional requirements of this approval.*

The Plan shall be submitted for the approval of the Director-General no later than four weeks prior to the commencement of operation of the project, unless otherwise agreed by the Director-General. Operation shall not commence until written approval has been received from the Director-General.

Nothing in this approval precludes the Proponent from incorporating the requirements of the Operational Environmental Management Plan into existing environmental management systems and plans administered by the Proponent.

Compliance Assessment Observations and Comments

The Operation Environmental Management Plan (CDM Smith, 2013) was approved by DPI in May 2013 and operations at Lamberts North commenced in September 2013.

Compliance Assessment Finding – Compliant

Minister's Condition of Approval D3

As part of the OEMP for the project, required under condition D2 of this approval, the Proponent shall prepare and implement the following Management Plans:

- a) An Operational Noise Management Plan to detail measures to mitigate and manage noise during operations of the project. The Plan shall be prepared in consultation with the EPA and include, but not necessarily be limited to:

 - i) Identification of activities that will be carried out in relation to the project and the associated noise sources;*
 - ii) Identification of all relevant sensitive receivers and the applicable criteria at those receivers commensurate with the noise limit specified under condition E7 of this approval;*
 - iii) Noise monitoring procedures (as referred to in condition E12 of this approval) for periodic assessment of noise impacts at the relevant receivers against the noise limits specified under this approval and the predicted noise levels as detailed in the EA;*
 - iv) Details of all management methods and procedures that will be implemented to control individual and overall noise emissions from the site during operation, including the feasibility of noise reducing benching;*
 - v) Procedures to ensure that all reasonable and feasible noise mitigation measures are applied during operation of the project and procedures and corrective actions to be undertaken if non-compliance against the operational noise criteria as detailed in condition E7 is detected at the sensitive receivers; and*
 - vi) Provisions for periodic reporting of results to the EPA as per condition B8.**
- b) A Groundwater Management Plan to detail measures to mitigate and manage groundwater impacts. The Plan shall be prepared in consultation with the NOW and the SCA and include, but not necessarily be limited to:*

- i) Consideration of the revised updated groundwater model as per condition B2;*
 - ii) Baseline data on groundwater quality (including Huons Creek), location of groundwater monitoring wells, depth and available flow of groundwater in the project area;*
 - iii) Identification of potential sources of water pollutants and management measures;*
 - iv) Groundwater assessment criteria including trigger levels for remedial measures;*
 - v) A contingency plan for events that have the potential to pollute or contaminate groundwater sources of water. The plan shall include remediation actions and communication strategies (including notification of potentially affected nearby bore users) for the effective management of such an event to prevent discharge of these pollutants from all sources within the project area;*
 - vi) A monitoring program as per condition E15 for groundwater connectivity, water levels, groundwater flow and water quality over the short and long term that includes upstream and downstream locations. The program shall continue for a minimum of five years following final capping and landscaping;*
 - vii) A protocol for the investigation of identified exceedences of the groundwater impact assessment criteria; and*
 - viii) Provisions for periodic reporting of results to the SCA as per condition B8.*
- c) A Soil and Surface Water Management Plan to outline measures that will be employed to manage water on the site, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/or waters throughout the life of the project. The Plan shall be based on best environmental practice and shall be prepared in consultation with the NOW and the SCA and DPI (Fisheries). The Plan shall include, but not necessarily be limited to:*
- i) Baseline data on the surface water quality and available flow in Neubecks Creek and Lamberts Gully Creek;*
 - ii) Water quality objectives and impact assessment criteria for Neubecks Creek and Lamberts Gully Creek;*
 - iii) Identification of the operation activities that could cause soil erosion or discharge sediment or water pollutants from the site;*
 - iv) A description of the management controls to minimise soil erosion or discharge of sediment or water pollutant from the site, including a strategy to minimise the area of bare surfaces, stabilise disturbed areas and minimise bank erosion;*
 - v) Demonstration that the proposed erosion and sediment control measured will conform with, or exceed, the relevant requirements of Managing Urban Stormwater: Soils and Construction (Landcom, 2004);*
 - vi) Details of the water management system including separation of clean and contaminated/polluted water flows, provision for the treatment, recycling/reuse and/or discharge of flows;*
 - vii) Site water balance including water usage for ash placement, sources of water and quantity of run-off generated;*
 - viii) Details of the lining for the surface water collection ponds;*
 - ix) Measures to minimise potential surface water infiltration;*
 - x) A flow and water quality monitoring program for Neubecks Creek and Lamberts Gully Creek that includes discharge points, upstream and downstream locations as per condition E16 and limits for identified pollutants;*

- xi) Specified remedial actions and contingency plans to mitigate any water quality exceedences on receiving waters including identified trigger levels for remedial measures or the activation of contingency plans; and*
- xii) Provisions for periodic reporting to the DPI (Fisheries) and the SCA as per condition B8.*
- d) An Air Quality Management Plan to outline measures to minimise impacts from the project on local air quality. The Plan shall be prepared in consultation with NSW Health and the EPA and include, but not necessarily be limited to:**
 - i) Baseline data on dust deposition levels;*
 - ii) Air quality objectives and impact assessment criteria;*
 - iii) An assessment of alternative methods of ash placement to minimise the exposure of active placement areas to prevailing winds;*
 - iv) Mitigation measures to be incorporated during ash placement activities, haulage, etc.;*
 - v) An operating protocol for the ash placement irrigation system including activation rates, application rates and area of coverage and means of dealing with water shortages;*
 - vi) Detail how ash placement moisture levels will be maintained;*
 - vii) A contingency plan to deal with high winds and dust suppression;*
 - viii) A protocol for the investigation of visible emissions from the ash placement area;*
 - ix) A response plan to address exceedences in visible emissions including PM₁₀, TSP and deposited dust from the ash placement areas; and*
 - x) An air quality monitoring program as referred to in condition E18 of this approval including identified air quality monitoring locations (including monitoring at sensitive receivers) and meteorological monitoring to predict high wind speed events;*
 - xi) Provisions for periodic reporting of results to the EPA as per condition B8; and*
 - xii) A protocol for suppressing dust emissions within licence limits under normal and adverse weather conditions at all stages of the ash placement process.*
- e) A Landscape/Revegetation Plan to outline measure to minimise the visual impacts of the ash placement areas and ensure the long-term stabilisation of the site and compatibility with the surrounding landscape and land use. The Plan shall include, but not necessarily be limited to:**
 - i) Identification of design objectives and standards based on local environmental values, vistas, and land uses;*
 - ii) Identification of the timing and progressive implementation of revegetation works for ash placement areas as they are completed, including short-term and long term goals including landscape plans;*
 - iii) A schedule of species to be used in revegetation, including the use of local native species in revegetation works selected by a qualified expert to ensure the rehabilitation works do not compromise the long term integrity of the capping; and*
 - iv) Procedures and methods to monitor and maintain revegetated areas during the establishment phase and long-term.*
- f) A Site Rehabilitation Management Plan to outline measures to stabilise and rehabilitate the site following project completion. The Plan shall be prepared in consultation with the SCA. The Plan shall include, but not necessarily be limited to:**

- i) Reinstatement of geomorphologic stable drainage lines on the rehabilitated areas and a timeframe for rehabilitation;*
- ii) Restoration, rehabilitation and revegetation of the project's site;*
- iii) Measures to control water pollutants from rehabilitated areas; and*
- iv) A program and timeframe for monitoring rehabilitated areas.*

Compliance Assessment Observations and Comments

The Operation Environmental Management Plan was prepared by CDM Smith. Sections 6.3 – 6.7 detail the required management plans as outlined above. Approval of the OEMP was granted in May 2013 and operations at Lamberts North commenced in September 2013.

Condition D3 (biv) Groundwater assessment criteria including trigger levels for remedial measures

It is noted that the ground and surface water monitoring carried out during the reporting period identified some exceedances of the surface water and groundwater environmental goals identified in the relevant sub-plans contained in the approved Lamberts North Ash Placement Project Operation Environmental Management Plan dated May 2013 (Lamberts North OEMP) triggering the contingency measures contained in the Lamberts North OEMP. These contingency measures require the carrying out of a further surface water and groundwater investigations and these investigations are currently under way.

Compliance Assessment Finding – Compliant

Groundwater Quality and Geotechnical Impacts**Minister's Condition of Approval D4**

Prior to commencement of operation, the Proponent shall submit a geotechnical report prepared by a suitably qualified expert that demonstrates the site has been engineered as being suitable for ash placement. The report must also provide an evaluation of groundwater levels once re-profiling has been completed.

Compliance Assessment Observations and Comments

An evaluation of groundwater levels at Lamberts North (CDM Smith, 2012b) was provided to DPI May 2013. The groundwater level evaluation report demonstrated that the activities associated with preparation and re-profiling of Lamberts North area had minimal impact on groundwater levels on and immediately adjacent to the site.

Compliance Assessment Finding – Compliant

Operational conditions

Operational Hours

Minister's Condition of Approval E1
<i>Operational activities associated with the project shall only be undertaken from 6:00 am to 8:00 pm, Monday to Friday and 6:00 am to 5:00 pm Saturday and Sunday.</i>
Compliance Assessment Observations and Comments Lend Lease have advised that no operational activities have taken place outside the hours designated above. Ash haul truck logs support this statement.
Compliance Assessment Finding – Compliant
Minister's Condition of Approval E2
<i>Operations outside the hours stipulated in condition E1 of this approval are only permitted in the following emergency situations:</i> <ul style="list-style-type: none"> <i>a) Where it is required to avoid the loss of lives, property and/or to prevent environmental harm; or</i> <i>b) Breakdown of plant and/or equipment at the ash placement areas or the Mt Piper Power Station and the proposed Mt Piper Power Station Extension project with the effect of limiting or preventing ash storage at the power station outside the operating hours defined in condition E1; or</i> <i>c) A breakdown of an ash haulage truck(s) or the conveyor preventing haulage during the operating hours stipulated in condition E1 combined with insufficient storage capacity at the Mt Piper Power Station including the proposed Mt Piper Power Station Extension to store ash outside of the project operating hours; or</i> <i>d) In the event that the Australian Energy Market Operator (AEMO), or a person authorised by AEMO, directs the Proponent (as a licensee) under the National Electricity Rules to maintain, increase or be available to increase power generation for system security and there is insufficient ash storage capacity at the Mt Piper Power Station to allow for the ash to be stored.</i> <p><i>In the event of conditions E2b or E2c arising, the Proponent is to take all reasonable and feasible measures to repair the breakdown in the shortest time possible.</i></p>
Compliance Assessment Observations and Comments Lend Lease have advised that no operational activities have taken place outside the hours. No emergencies requiring out of hours' operation have occurred within the reporting period.
Compliance Assessment Finding –Not applicable

Minister's Condition of Approval E3
<p><i>In the event that an emergency situation as referred to under condition E2b or E2c occurs more than once in any two-month period, the Proponent shall prepare and submit to the Director-General for approval a report including, but not limited to:</i></p> <ul style="list-style-type: none"> <i>a) The dates and a description of the emergency situations;</i> <i>b) An assessment of all reasonable and feasible mitigation measures to avoid recurrence of the emergency situations;</i> <i>c) Identification of a preferred mitigation measure(s); and</i> <i>d) Timing and responsibility for implementation of the mitigation measure(s).</i> <p><i>The report is to be submitted to the Director-General within 60 days of the second emergency situation occurring. The Proponent shall implement all reasonable and feasible mitigation measures in accordance with the requirements of the Director-General.</i></p>
<p>Compliance Assessment Observations and Comments</p> <p>Lend Lease have advised that no operational activities have taken place outside the hours. No emergencies requiring out of hours' operation have occurred within the reporting period.</p>
Compliance Assessment Finding –Not applicable
Minister's Condition of Approval E4
<p><i>The Proponent shall notify the EPA prior to undertaking any emergency ash haulage or placement operations outside the hours of operation stipulated in condition E1 of this approval and keep a log of such operations.</i></p>
<p>Compliance Assessment Observations and Comments</p> <p>Lend Lease have advised that no operational activities have taken place outside the hours. No emergencies requiring out of hours' operation have occurred within the reporting period.</p>
Compliance Assessment Finding –Not applicable
Minister's Condition of Approval E5
<p><i>The Proponent shall notify the Director-General in writing within seven days of undertaking any emergency ash haulage or placement operations outside of the hours of operation stipulated in condition E1 of this approval.</i></p>
<p>Compliance Assessment Observations and Comments</p> <p>Lend Lease have advised that no operational activities have taken place outside the hours. No emergencies requiring out of hours' operation have occurred within the reporting period.</p>

Compliance Assessment Finding –Not applicable
Minister's Condition of Approval E6
<i>The Proponent shall notify nearby sensitive receivers (as defined in the Operational Noise Management Plan required under condition D3s of this approval) prior to 8.00 pm where it is known that emergency ash haulage or placement operations will be required outside the hours of operation stipulated in condition E1 of this approval.</i>
Compliance Assessment Observations and Comments Lend Lease have advised that no operational activities have taken place outside the hours. No emergencies requiring out of hours' operation have occurred within the reporting period.
Compliance Assessment Finding –Not applicable

Operational Noise

Minister's Condition of Approval E7			
<i>The cumulative operational noise from the ash placement area and ash haulage activity shall not exceed the following $L_{Aeq(15\text{ minute})}$ dB(A):</i>			
<i>Location</i>	<i>Day (7am to 6pm)</i>	<i>Evening (6pm to 10pm)</i>	<i>Night (10pm to 7am)</i>
<i>All private sensitive receivers within the township of Blackmans Flat</i>	<i>42</i>	<i>38</i>	<i>35</i>
<i>All other sensitive receivers</i>	<i>42</i>	<i>38</i>	<i>35</i>
<i>This noise criteria set out above applies under all meteorological conditions except for any of the following:</i>			
<ul style="list-style-type: none"> <i>a) Wind speed greater than 3 metres/second at 10 metres above ground level;</i> <i>b) Stability category F temperature inversion conditions and wind speed greater than 2 metres/second at 10 metres above ground level; and</i> <i>c) Stability category G temperature inversion conditions.</i> 			
<i>This criteria does not apply where the Proponent and an affected landowner have reached a negotiated agreement in regard to noise, and a copy of the agreement has been forwarded to the Director-General and the EPA.</i>			
<i>Compliance Assessment Observations and Comments</i>			
Noise criteria is included in Table 6-4 of the approved OEMP. Meteorological conditions to which the above criteria apply are included in Section 6.3.5.3 of the approved OEMP.			
Compliance Assessment Finding – Compliant			

Minister's Condition of Approval E8
<p>To determine compliance with the $L_{Aeq(15\text{ minute})}$ noise limits, the noise monitoring equipment must be located at the most affected point:</p> <ul style="list-style-type: none"> a) Within 30 metres of a dwelling façade where any dwelling on the property is situated more than 30 metres from the property boundary that is closest to the premises; or b) Approximately on the boundary where any dwelling is situated 30 metres or less from the property boundary that is closest to the premises.
<p>Compliance Assessment Observations and Comments</p> <p>Addressed in section 6.3.5.4 of the approved OEMP and section 6.2.2 of this AEMR.</p>
Compliance Assessment Finding – Compliant
Minister's Condition of Approval E9
<p>For the purposes of monitoring noise from the premises to determine compliance with the noise limits:</p> <ul style="list-style-type: none"> a) Class 1 or 2 noise monitoring equipment as defined by AS IEC61672.1-2004 and AS IEC61672.2-2004, or other noise monitoring equipment accepted by the EPA in writing, must be used; b) The modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment; c) The meteorological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station at the premises; and d) Stability category temperature inversion conditions are to be determined by the sigmatheta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.
<p>Compliance Assessment Observations and Comments</p> <p>Addressed in Section 6.3.5.4 of the approved OEMP.</p>
Compliance Assessment Finding – Compliant
Minister's Condition of Approval E10
<p>The Proponent shall implement measures to ensure noise attenuation of truck. These measures may include, but are not necessarily limited to, installation of residential class mufflers, engine shrouds, body dampening, speed limiting, fitting of rubber stoppers to tail gates, limiting the use of compression braking, and ensuring trucks operate in a one-way system at the ash placement areas where feasible.</p>

Compliance Assessment Observations and Comments

The plant and equipment mitigation measures are included in Table 6-3 of the approved OEMP. No noise complaints have been received for Lamberts North within this reporting period.

Compliance Assessment Finding – Compliant

Operational Noise Review**Minister's Condition of Approval E11**

Within 60 days of the commencement of operation of the project, unless otherwise agreed to by the Director-General, the Proponent shall submit to the Director-General an Operational Noise Review to confirm the operational noise impacts of the project. The Operational Noise Review shall be prepared in consultation with the EPA. The Review shall:

- a) Identify the appropriate operational noise objectives and levels for sensitive receivers;*
- b) Describe the methodologies for noise monitoring, including the frequency of measurements and location of monitoring sites;*
- c) Document the operational noise levels at sensitive receivers as ascertained by the noise monitoring program;*
- d) Assess the noise performance of the project against the noise criteria specified in condition E7 of this approval and the predicted noise levels as detailed in the report referred to under condition A1b) of this approval; and*
- e) Provide details of any entries in the Complaints Register relating to noise impacts.*

Where monitoring indicates noise levels in excess of the operational noise criteria specified in condition E7 of this approval, the Proponent shall prepare a report as required by condition E13 of this approval

Compliance Assessment Observations and Comments

The *Operation Noise Review Report* was prepared in October 2013 by Aurecon. The report was submitted to the DPI on 9th October 2013 and the EPA 10th October 2013 for review. The report concluded that the noise resulting from Lamberts North operations comply with the criteria specified in condition E7 at the representative residential receivers at Location 1 and Location 2.

No complaints regarding noise from Lamberts North have been recorded during this reporting period.

Compliance Assessment Finding – Compliant

Ongoing Operational Noise Monitoring**Minister's Condition of Approval E12**

The Proponent shall prepare and implement an Operational Noise Monitoring Program to assess compliance against the operational noise criteria stipulated in condition E7 of this approval, throughout the life of the project. The noise monitoring program shall be prepared in consultation with the EPA and must include the proposed frequency of monitoring and as a minimum must include monitoring when there are any significant changes in work locations or processes.

The noise monitoring program shall be prepared in accordance with the requirements of the New South Wales Industrial Noise Policy (EPA, 2000) and shall include, but not be limited to:

- a) Monitoring at Lamberts North, Lamberts South and Blackmans Flat during ash placement activities; and*
- b) Monitoring of the effectiveness of any noise mitigation measures implemented under condition D3a) of this approval, against the noise criteria specified in condition E7 of this approval.*

The Proponent shall forward to the EPA and the Director-General a report containing the results of any non-compliance within 14 days of conducting a noise assessment. The monitoring program shall form part of the Operational Noise Management Plan referred to in condition D3a) of this approval.

Compliance Assessment Observations and Comments

The operational noise monitoring program is included in Table 6-5 of the approved OEMP. Six-monthly monitoring was performed during 2017-2018. Both reports state that the noise resulting from Lamberts North operations complies with the criteria specified under condition E7 at the representative residential receivers at Location 1 and Location 2.

Compliance Assessment Finding – Compliant

Minister's Condition of Approval E13

Where noise monitoring including as required by condition E11 and E12 of this approval identifies any non-compliance with the operational noise criteria specified under condition E7 of this approval, the Proponent shall prepare and submit to the Director-General a report including, but not limited to:

- a) An assessment of all reasonable and feasible physical and other mitigation measures for reducing noise at the source;*
- b) Identification of the preferred measure(s) for reducing noise at the source;*
- c) Feedback from directly affected property owners and the EPA on the proposed noise mitigation measures; and*
- d) Location, type, timing and responsibility for implementation of the noise mitigation measure(s).*

The report is to be submitted to the Director-General within 60 days of undertaking the noise monitoring which has identified exceedences of the operational noise criteria specified under condition E7, unless otherwise agreed to by the Director-General. The Proponent shall implement all reasonable and feasible mitigation measures in accordance with the requirements of the Director-General.

Compliance Assessment Observations and Comments

No non-compliances with the operational noise criteria specified under condition E7 has been reported during this reporting period.

Compliance Assessment Finding – Compliant

Minister's Condition of Approval E14
<i>If after the implementation and feasible source controls, as identified in the report required by condition E13, the noise generated by the project continues to exceed the criteria stipulated in condition E7, the Proponent shall implement at the receiver reasonable and feasible noise mitigation measures, such as double glazing, insulation, air conditioning and/or other building acoustic treatments, in consultation with and with the agreement of the affected landowner.</i>
Compliance Assessment Observations and Comments No non-compliances with the operational noise criteria specified under condition E7 has been reported during this reporting period.
Compliance Assessment Finding – Not applicable

Groundwater Monitoring

Minister's Condition of Approval E15

The Proponent shall prepare and implement a Groundwater Monitoring Program to monitor the impacts of ash placement activities on local groundwater quality and hydrology. The Program shall be developed in consultation with the SCA, and shall describe the location, frequency, rationale and procedures and protocols for collecting groundwater samples as well as the parameters analysed and methods of analysis. The monitoring program shall be ongoing for the operation of the project and for a minimum of 5 years following project completion and include, but not be limited to:

- a) Monitoring at established bore sites (or replacement bore sites in the event that the existing sites are damaged or lost) as described in the Groundwater Management Plan as per condition D3b); and*
- b) A schedule for periodic monitoring of groundwater quality, depth and flow at all monitoring sites, at an initial frequency of no less than once every month for the first 12 months of operation.*

The monitoring program shall form part of the Groundwater Management Plan referred to in condition D3b) of this approval.

Compliance Assessment Observations and Comments

The Groundwater Monitoring program is included as part of the Groundwater Management Plan as Section 6.4.3 of the approved OEMP. Monitoring has been carried out on a continual monthly basis including the first 12 months of operations to establish baseline data.

Results of Groundwater monitoring during the reporting period have been addressed in Section 7.2.2 of this AEMR and can be found in Appendix D.

Compliance Assessment Finding – Compliant

Surface Water Quality Monitoring

Minister's Condition of Approval E16

The Proponent shall prepare and implement a surface water quality monitoring program to monitor the impacts of the ash placement activities on Neubecks Creek and Lamberts Gully. The Program shall be developed in consultation with the DPI (Fisheries) and the SCA, and shall describe the location, frequency, rationale and the procedures and protocols for collecting water samples as well as the parameters analysed and methods of analysis. The program shall include, but not necessarily be limited to:

- a) Monitoring at the existing water quality monitoring sites as described in the document referred to under condition A1b);*
- b) Monitoring at surface water discharge points from Lamberts Gully Creek;*
- c) Monitoring at surface water discharge points into Neubecks Creek;*
- d) Wet weather monitoring with a minimum of two events recorded within the first 12 months operation of the project; and*
- e) A schedule for periodic monitoring of surface quality at all sites throughout the life of the project, at an initial frequency of no less than once every month for the first 12 months and must include, but not be limited to, monitoring of dissolved oxygen, turbidity, sulphates, salinity, boron, manganese, iron, chloride, total phosphorous and total nitrogen.*

Compliance Assessment Observations and Comments

The Surface water monitoring programme is included in Table 6.21 of the approve OEMP.

Monthly monitoring is performed at the Final Holding Pond monitoring station to Neubecks Creek (LDP01), and at NC01 and WX22.

Wet weather monitoring was performed in October 2013 and March 2014.

Results of Surface water monitoring during the reporting period have been addressed in Section 7.1.2 of this AEMR and can be found in Appendix D.

Compliance Assessment Finding – Compliant

Hydrological Monitoring Program

Minister's Condition of Approval E17

A Hydrological Monitoring Program to assess and quantify the impacts and effectiveness of the transformed section of Huons Creek into a sub-surface drainage line in consultation with the DPI (Fisheries). Monitoring is to be undertaken for a period of five (5) years upon completion of the creek transformation. The program must include sampling for identified pollutants before and after the transformation works and include a sampling site downstream of the sub-surface section of Huons Creek. In the first 12 months following completion of the transformation, monitoring is to be undertaken at least every three (3) months upon completion of the creek transformation and after any heavy wet weather event.

The monitoring program shall form part of the Soil and Surface Water Management Plan referred to in condition D3c) of this approval.

Compliance Assessment Observations and Comments

Huons Creek was filled in during construction of the Lamberts North ash placement site commenced. As such, it was not developed as a sub-surface drain as was originally proposed. A Consistency report (SKM, 2012) was submitted to the DPI on 30 July 2012. The report states that groundwater modelling performed during construction demonstrated that the water contained within the creek was largely groundwater as a result of the Huon Void intersecting the groundwater table. Based on this finding, the hydrological monitoring program was incorporated into the Groundwater Management Plan.

Compliance Assessment Finding – Compliant

Air Quality Monitoring

Minister's Condition of Approval E18

The Proponent shall prepare and Air Quality Monitoring Program, in consultation with the EPA and NSW Health. The Program shall include, but not necessarily be limited to, monitoring for dust. Monitoring sites shall be identified as per condition D3d). The air quality monitoring program shall be ongoing for the life of the project, and during final rehabilitation and stabilisation of the site.

The monitoring program shall form part of the Air Quality Management Plan referred to in condition D3d) of this approval.

Compliance Assessment Observations and Comments

The Air Quality Monitoring Program is included in section 6.6.6 of the approved OEMP. It states that air quality monitoring will be undertaken for the life of the project. TEOM and dust gauge data has been collected monthly in the first 12 months of operation to determine whether additional monitoring stations are required as a result of the project. The results of Air Quality monitoring during the reporting period are addressed in Section 6.4.2 of this AEMR.

Compliance Assessment Finding – Compliant

Environmental Incident Reporting**Minister's Condition of Approval E19 and E20**

E19 - The Proponent shall notify the Director-General of any environmental incident within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.

E20 - The Proponent shall meet the requirements of the Director-General to address the cause or impact of any environmental incidents, as it relates to this approval, reported in accordance with condition E19 of this approval, within such period as the Director-General may require.

Compliance Assessment Observations and Comments

No environmental incidents requiring notification of the Director-General occurred within this reporting period outside of those notified previously.

Compliance Assessment Finding – Compliant

Annual Performance Reporting

Minister's Condition of Approval E21

The Proponent shall, throughout the life of the project, prepare and submit to the Director-General, and Annual Environmental Management Report (AEMR). The AEMR shall review the performance of the project against the Operation Environmental Management Plan (refer to condition D2 of this approval) and the conditions of this approval. The AEMR shall include, but not necessarily be limited to:

- a) Details of compliance with the conditions of this approval;*
- b) A copy of the Complaints Register (refer to condition B11 of this approval) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were addressed and resolved;*
- c) Identification of any circumstances in which the environmental impacts and performance of the project during the twelve month period have not been generally consistent with the environmental impacts and performance predicted in the documents listed under condition A1 of this approval, with details of additional mitigation measures applied to the project to address recurrence of these circumstances;*
- d) Results of all environmental monitoring required under conditions of this approval, including interpretations and discussion by a suitable qualified person; and*
- e) A list of occasion in the twelve month period when environmental goals/objectives/impact assessment criteria for the project have not been achieved, indicating the reason for failure to meet the criteria and the action taken to prevent recurrence of that type of failure.*

The Proponent shall submit a copy of the AEMR to the Director-General every year, with the first AEMR to be submitted no later than fourteen months after the commencement of operation of the project unless otherwise agreed by the Director-General. The Director-General may require the Proponent to address certain matters in relation to the environmental performance of the project in response to the Director-General's review of the Annual Environment Management Report. Any action required to be undertaken shall be completed within such period as the Director-General may require. The Proponent shall make copies of each AEMR available for public inspection on request. Copies of the AEMR shall be sent to the EPA and the SCA.

Compliance Assessment Observations and Comments

This AEMR satisfies the requirements of CoA E21.

Compliance Assessment Finding – Compliant

Independent Environmental Auditing

Minister's Condition of Approval E22

Within 12 months of commencement of operation of Lamberts North and Lamberts South and then as may be directed by the Director-General, the Proponent shall commission an independent person or team to undertake and Environmental Audit of the project. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Audit shall:

- a) Be carried out in accordance with ISO 19011:2002 – Guidelines for Quality and/or Environmental Management Systems Auditing;*
- b) Assess compliance with the requirements of this approval, and other licences and approvals that apply to the project;*
- c) Assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition A1 of this approval;*
- d) Review the effectiveness of the environmental management of the project, including any environmental impact mitigation works; and*
- e) Review the adequacy of the Proponent's response to any complaints made about the project identified in the Complaints Register.*

The Environmental Audit Report shall be submitted to the Director-General within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Proponent to any of the recommendations contained in the Report.

Compliance Assessment Observations and Comments

In accordance with the above condition, EnergyAustralia engaged Aurecon to undertake the independent environmental audit on 2nd – 3rd September 2014.

Compliance Assessment Finding – Compliant

Waste Generation and Management

Minister's Condition of Approval E23

All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

Compliance Assessment Observations and Comments

Lend Lease utilises EnergyAustralia NSW's waste management facilities for wastes generated in the operation of the repository, including waste oils, general waste and materials for recycling. These are stored in intermediate storage facilities at Mt Piper Power Station and routinely removed by EnergyAustralia NSW's waste contractors. No additional waste materials were generated during this reporting period.

Compliance Assessment Finding – Compliant.

Minister's Condition of Approval E24

<p><i>The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997, if such a licence is required in relation to that waste.</i></p>
<p><i>Compliance Assessment Observations and Comments</i></p> <p>No wastes generated outside the Lamberts North site are allowed to enter the area.</p> <p>To prevent the unlawful access to the repository area, regular security patrols are conducted across the site. Both Lend Lease and EnergyAustralia NSW security personnel are required to report if they encounter wastes outside those that are allowed during routine operations.</p>
<p>Compliance Assessment Finding – Compliant</p>
<p>Minister's Condition of Approval E25</p>
<p><i>The Proponent shall ensure that all liquid and/or non-liquid waste generated and/or stored on the site is assessed and classified in accordance with the Waste Classification Guidelines (DECC, 2008), or any future guideline that may supersede that document.</i></p>
<p><i>Compliance Assessment Observations and Comments</i></p> <p>Lend Lease provides Monthly Ash Placement Work Instructions to address all issues of routine site maintenance as part of a monthly work program. Waste management is conducted in accordance with EPA guidelines.</p>
<p>Compliance Assessment Finding – Compliant</p>

Post Operation conditions

Project Completion Management Plan

Minister's Condition of Approval F1
<p><i>No later than one month prior to the decommissioning of the project, or as otherwise agreed by the Director-General, the Proponent is to prepare a Project Completion Management Plan, in consultation with the SCA, for the approval of the Director-General. The Plan is to include, but not necessarily be limited to:</i></p> <ul style="list-style-type: none"> <i>a) Identification of structures to be removed and how they will be removed;</i> <i>b) Measures to reduce impacts on the environment and surrounding sensitive land uses;</i> <i>c) Details of components to be recycled;</i> <i>d) Details of rehabilitation and revegetation with reference to the biodiversity offset required under condition B6;</i> <i>e) Groundwater assessment criteria including trigger levels for remedial measures;</i> <i>f) A groundwater monitoring program as per condition E15 for groundwater connectivity, water levels, groundwater flow and water quality over the short and long term that includes upstream and downstream locations. The program shall continue for a minimum of five years following final capping and landscaping;</i> <i>g) A contingency plan to address potential exceedences and mitigation measures in groundwater and groundwater quality impacts and if exceedences continue, implementation of further measures and groundwater monitoring to demonstrate compliance;</i> <i>h) Surface water assessment criteria including trigger levels for remedial measures;</i> <i>i) Available flow and water quality monitoring program for Neubecks Creek and Lamberts Gully Creek that includes discharge points, upstream and downstream locations as per condition E16 and limits for identified pollutants. The program shall continue for a minimum of five years following final capping and landscaping; and</i> <i>j) A contingency plan to address potential exceedences and mitigation measures in surface water and surface water quality impacts and if exceedences continue, implementation of further measures and surface water monitoring to demonstrate compliance.</i>
<p><i>Compliance Assessment Observations and Comments</i></p> <p>Project is still in operational phase.</p>
<p>Compliance Assessment Finding - Not Applicable</p>