

## Project Approval

### Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation from the Minister enforced from 1 October 2011, I approve the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Richard Pearson  
Deputy Director-General  
Development Assessment and Systems Performance

Sydney

2012

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

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

# CONSOLIDATED APPROVAL

## SCHEDULE 1

|                            |                                                                                                                                                                                                      |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application No.:</b>    | 09_0186                                                                                                                                                                                              |
| <b>Proponent:</b>          | EnergyAustralia NSW Pty Ltd                                                                                                                                                                          |
| <b>Approval Authority:</b> | Minister for Planning and Infrastructure                                                                                                                                                             |
| <b>Land:</b>               | The project site is located in the central-west of NSW, at 350 Boulder Road, Portland and located within Lot 9 DP804929, Lot 357 DP751651, Lot 101 DP 1240974, Lot 102 DP 1240974, Lot 4 DP 1151441. |
| <b>Project:</b>            | The construction and operation of new ash placement areas at the Lamberts South and Lamberts North sites to cater for the ash generated from the existing Mt Piper Power Station.                    |

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## SUMMARY OF MODIFICATIONS

| Application Number | Determination Date | Decider  | Modification Description                                                                                                                                        |
|--------------------|--------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MP09_0186-Mod-1    | 21 September 2021  | Director | Staged upgrades to the approved Lamberts North Ash Repository (LNAR) and amendment to LNAR boundary. Project was transitioned from Part 3A on 20 November 2018. |
| MP09_0186-Mod-2    | 5 November 2024    | Director | Extended operational hours                                                                                                                                      |

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## DEFINITIONS

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Act, the               | <i>Environmental Planning and Assessment Act 1979</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Ancillary Facility     | Temporary facility for construction. Examples may include an office and amenities compound, construction compound, batch plant, materials storage compound and stockpile areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| BCS                    | Biodiversity Conservation and Science Group of NSW<br>Department of Climate Change, Energy, the Environment and Water                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Conditions of Approval | Conditions contained in Schedule 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Construction           | All physical works associated with the project, including but not limited to demolition and removal of building or works, erection or installation of building and infrastructure, road upgrades, and the carrying out of works, but excluding pre-construction minor works                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Council                | Lithgow City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| DCCEEW Water           | Water Group within the NSW Department of Climate Change, Energy, the Environment and Water                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Department, the        | Department of Planning, Housing and Infrastructure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| EA                     | <i>Mt Piper Ash Placement (two volumes) – Environmental Assessment (EA)</i> , dated August 2010 and prepared by Sinclair Knight Merz, as amended by: <ul style="list-style-type: none"><li>• <i>Mt Piper Ash Placement – Submissions Report</i>, prepared by Sinclair Knight Merz, March 2011 and <i>Delta's Letter to the Department – Submissions Report Response to the Department and Agency Issues</i> (dated 22 June 2011).</li><li>• Modification application (MOD 1) – <i>Mt Piper Ash Placement Project – Lamberts North Ash Repository Modification Report – Modification 1</i>, dated May 2021 and prepared by ERM and associated <i>Mt Piper Ash Placement Project – Lamberts North Ash Repository Submissions Report – Modification 1</i>, dated July 2021 and prepared by ERM, and additional information provided by the Proponent to support the modification application and included in Appendix E of the Department's assessment report on Modification 1; and</li><li>• Modification application (MOD 2) – <i>Mt Piper Ash Placement Project – Lamberts North Ash Repository Modification Report – Modification 2</i>, dated 12 August 2024 and the additional information provided by the Proponent in support of the application and identified in Appendix A of the Department's assessment report.</li></ul> |
| EPA                    | Environment Protection Authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| EPL                    | An environment protection licence issued by the NSW Environment Protection Authority pursuant to the <i>Protection of the Environment Operations Act 1997</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Evening                | The period from 6 pm – 10 pm, any day                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Heritage NSW           | Heritage NSW within the NSW Department of Climate Change,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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## Energy, the Environment and Water

### Incident

An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance

### Material harm

Is harm that:

- involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or
- results in actual loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment).

*Note: This definition excludes "harm" that is either authorised under this approval or any other statutory approval.*

*Note: For the purpose of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements.*

### Minimise

Implement all reasonable and feasible mitigation measures to reduce the impacts of the project

### Mitigation

Activities associated with reducing the impacts of the project

### Minister, the

Minister for Planning and Public Spaces, or delegate

### Night

The period from 10 pm – 7 am, any day

### Operation

Means the Operation of the Project, including ash haulage, ash truck movements, ash placement and management, installation of a leachate barrier system (liner and associated water management systems), operation of on-site water management systems, landscaping and revegetation/rehabilitation of the site but does not include commissioning trials of equipment or temporary use of parts of the project during construction.

### Project

The project that is the subject of Major Project Application 09\_0186.

### Project Area

Lamberts North and Lamberts South ash disposal areas as identified in the EA

### Proponent

EnergyAustralia NSW Pty Ltd, or any person carrying out any project to which this approval applies

### Publicly Available

Available for inspection by a member of the general public (for example, available on an internet site).

### Reasonable and Feasible

Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable

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relates to the application of judgement in arriving at a decision, taking into account mitigation benefits, cost of mitigation versus benefits provided, community views, and nature and extent of potential improvements.

Secretary

Planning Secretary under the EP&A Act, or nominee

Sensitive Receiver

Residence, educational institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital), religious facility (e.g. church), or child care facility.

Waste

For the purpose of this project, ash, Solid Mixed Salts, Lime Salts and brine are not considered waste.

FOR INFORMATION

## SCHEDULE 2 PART A - ADMINISTRATIVE CONDITIONS

### Terms of Approval

- A1. The Proponent must carry out the project:
- (a) in accordance with the conditions of this approval granted with respect to the Mt Piper Ash Placement Project (09\_0186);
  - (b) in accordance with all written direction of the Secretary; and
  - (c) generally in accordance with the EA.
- A2. The conditions of this approval and direction of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the document listed in condition A1(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A1(c), the most recent document prevails to the extent of any inconsistency, ambiguity or conflict.
- A3. The Proponent shall comply with the reasonable requirements of the Secretary arising from the Department's assessment of:
- (a) any documents that are submitted in accordance with this approval; and
  - (b) the implementation of any actions or measures contained in these documents.
- A4. The Proponent shall meet the requirements of the Secretary 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(c) of this approval.

### Limits of Approval

- A5. 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.

### Statutory Requirements

- 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.

### Staging

- A7. Where the Proponent intends to construct and operate the project in discrete stages (i.e Lamberts North and Lamberts South) it may comply with the requirements in conditions B4, B5, D2, D3, D4, D5 and D6 separately for each stage.

### Compliance

- A8. The Proponent must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident including:
- (a) date, time and location;
  - (b) a brief description of what occurred and why it has been classified as an incident;
  - (c) a description of what immediate steps were taken in relation to the incident; and
  - (d) identifying a contact person for further communication regarding the incident.
- A8A. The Proponent must provide the Department with a subsequent incident report in accordance with Appendix 2 (Incident Notification and Reporting Requirements).

### Non-Compliance Notification

- A9. Within seven days of becoming aware of a non-compliance, the Proponent must notify the Department of the non-compliance. The notification must be in writing and must be submitted via the NSW planning portal (Major Projects). The notification must identify

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the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

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

A10. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the *Compliance Reporting Post Approval Requirements* (2020).

### Access to Information

A11. Until the completion of all rehabilitation required under this approval, the Proponent must:

- (e) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this approval) publicly available on its website:
    - i) the EA;
    - ii) all current statutory approvals for the project;
    - iii) all approved strategies, plans and programs required under the conditions of this approval;
    - iv) staging plans for the project if the construction, operation or decommissioning of the project is to be staged;
    - v) regular reporting on the environmental performance of the project in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval;
    - vi) a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
    - vii) a summary of the current phase and progress of the project;
    - viii) contact details to enquire about the project or to make a complaint;
    - ix) a Complaints Register, updated monthly;
    - x) audit reports prepared as part of any Independent Environmental Audit of the project and the Proponent's response to the recommendations in any audit report;
    - xi) any other matter required by the Secretary; and
  - (f) keep such information up to date, to the satisfaction of the Secretary.
-

## PART B – PRIOR TO CONSTRUCTION

### Environmental Representative

- B1. Prior to the commencement of any construction activities, or as otherwise agreed by the **Secretary**, the Proponent shall nominate for the approval of the **Secretary** 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 **Secretary**. 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, **as referred to under condition A1(c)**; 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.

### Groundwater Modelling

- B2. The Proponent shall **develop and maintain an up to date groundwater model for Lamberts North**. The model should be calibrated to site-specific data. The Proponent shall consult with **Water NSW** in the preparation of the groundwater model and the model shall be provided to **Water NSW** within five months of project approval, unless otherwise agreed by the **Secretary**. 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, chlorides, 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 to be updated as set out above in items (a) - (e) in consultation with **Water NSW**, to apply to Lamberts South.

### Groundwater Monitoring

- 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 predictions 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 **Water NSW**.

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 predictions in B2 in the consideration of the design of the ash placement facilities.

## Construction Environmental Management Plan

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 Council and relevant government agencies, and be consistent with the Guideline for the *Preparation of Environmental Management Plans* (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 A1(c);
- (i) a complaints 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 **Secretary** 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 **Secretary**. Construction shall not commence until written approval has been received from the **Secretary**.

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 construction activities and an indicative schedule for construction works;
  - ii) identification 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 exceedance 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 [DCCEEW Water](#) and [Water NSW](#) 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 exceedances of existing groundwater quality criteria approved for Area 1 (the existing ash placement area); and
  - v) provisions for periodic reporting of results to [Water NSW](#) 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 [Water NSW](#) and [DCCEEW Water](#) 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 [Wangcol Creek](#);
  - ii) water quality objectives and impact assessment criteria for Huons Creek, Lamberts Gully Creek and [Wangcol 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 controls and provisions for recycling/reuse of water and the procedures for decommissioning water management structures 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 [DCCEEW Water](#) 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 [DCCEEW Water](#) 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 [Wangcol Creek](#);
  - xii) a protocol for the investigation of identified exceedances in the impact assessment criteria;
  - xiii) a response plan to address potential adverse surface water quality exceedances; and
  - xiv) provisions for periodic reporting of results to [DCCEEW Water](#) and [Water NSW](#) as per condition B8.
- (d) a **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 [BCS](#) 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 registered Aboriginal stakeholders and prepared in consultation with [Heritage NSW](#). The plan should include but not necessarily be 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 the 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.

## **Biodiversity Offsets**

- B6. The Proponent shall develop and submit for the approval of the **Secretary**, 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 **Secretary**. The Plan shall be developed in consultation with the **BCS** 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 of 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, Council) for long term management and funding of offsets and mitigation measures, and installation of identified 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 criteria indicate that the offset/ rehabilitation measures have not achieved performance outcomes. Rehabilitation measures are required to be implemented to ensure that the biodiversity impacts are consistent with a maintain or improve biodiversity outcome.

## **Ecological Monitoring Program**

- B7. The Proponent shall prepare and implement an **Ecological Monitoring Program** prior to construction, in consultation with **DCCEE Water and BCS** to monitor and quantify the impacts on the ecology of **Wangcol 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 **Wangcol 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 Monitoring and Tracking

- B8. The Proponent **must** develop and implement a Compliance Tracking Program for the project, prior to commencing construction, to track compliance with the requirements of this approval and **must** 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 **Secretary**;
  - (c) a program for independent environmental auditing in accordance with **the Department's Independent Audit Post Approval Requirements (2020)**;
  - (d) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance, **complying with the requirements listed in condition A9 of this approval**;
  - (e) mechanisms for recording environmental incidents and actions taken in response to those incidents, **complying with the requirements listed in conditions A8 and A8A of this approval**;
  - (f) provisions for reporting environmental incidents to the **Secretary** 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 must be implemented prior to construction of the project with a copy submitted to the **Secretary** for approval at least four weeks prior to the commencement of the project, unless otherwise agreed by the **Secretary**.

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

## Community Information and Complaints Management Provision of Information

- B10. Prior to the 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.

## Complaints and Enquiries Procedure

- 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.

- 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 **Secretary** upon request.

### **Community Information Plan**

- 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 the 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 **Secretary** one month prior to the commencement of construction.

### **Design**

- B14. The ash placement areas shall be designed by a suitably qualified, **experienced and independent person, whose appointment has been approved by the Secretary** to ensure structural stability of the ash placement areas.
-

**PART C – DURING CONSTRUCTION****Environmental Incident Reporting**

- C1. The Proponent shall notify the **Secretary** 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 **Secretary** within seven days of the date on which the incident occurred.
- C2. The Proponent shall meet the requirements of the **Secretary** 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 **Secretary** may require.

**Construction Hours**

- C3. Construction activities associated with the project shall only be undertaken during the following hours:
- (a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
  - (b) 8:00 am to 1:00 pm on Saturdays; and
  - (c) at no time on Sundays or public holidays.
- C4. Construction outside the hours stipulated in condition C3 of this approval is permitted in the following circumstances:
- (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
  - (c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.
- C5. The hours of construction activities specified under condition C3 of this approval may be varied with the prior written approval of the **Secretary**. Any request to alter the hours of construction specified under condition C3 shall be:
- (a) considered on a case-by-case basis;
  - (b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
  - (c) accompanied by information necessary for the Secretary to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of sensitive receivers in the vicinity of the site.

**Construction Noise**

- C6. The construction noise objective for the project is to manage noise from construction activities (as measured by  $L_{Aeq}$  (15 minute) descriptor) so as not to exceed:

| Location                                                    | Day ( $L_{Aeq}$ (15 minute)) dB(A) |
|-------------------------------------------------------------|------------------------------------|
| All private receivers within the township of Blackmans Flat | 46                                 |
| All other residences                                        | 43                                 |

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) (or its latest version), unless the **Secretary agrees otherwise**, including noise generated by heavy vehicle haulage and other construction traffic associated with the project.

**Dust Generation**

- C7. 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 such 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.

### Heritage Impacts

- C8. 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 **Heritage NSW** 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 **Heritage NSW** and the registered Aboriginal stakeholders and written authorisation from **Heritage NSW** is received by the Proponent.
- C9. 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 **notify Heritage NSW** in accordance with the *Heritage Act 1977*. Works shall not recommence until the Proponent receives written authorisation from **Heritage NSW**.

### Soil and Water Quality Impacts

- C10. The Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- C11. 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:
- (a) Managing *Urban Stormwater: Soils and Conservation* (Landcom, 2004);
  - (b) Managing Stormwater: Urban Soils and Construction 2A Installation of Services (DECC 2008); and
  - (c) Managing Stormwater: Urban Soils and Construction Vol 2C Unsealed Roads (DECC 2008).
- C12. During construction, the Proponent shall maintain a buffer of 50 metres from the construction work to **Wangcol Creek**.
- C13. Surface water drainage must be appropriately engineered and stabilised to convey run off without collapse or erosion. Surface water run off collection ponds are to be lined.

### Waste Generation and Management

- C14. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- C15. 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 **an EPL**, if such a licence is required in relation to that waste.
- C16. 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.

## PART D – PRIOR TO OPERATION

### Ash Management

- D1. 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 **Secretary** six months prior to the commencement of operations. The Proponent shall report on the status and outcomes of its investigations to the **Secretary** every two years from the commencement of the operation of the project, unless otherwise agreed by the **Secretary**.

### Operational Environmental Management Plan

- D2. The Proponent **must** prepare an Operational Environmental Management Plan (OEMP) to detail an environmental management framework, practices and procedures to be followed during operation of the project. The **OEMP must be prepared to the satisfaction of the Secretary, and in consultation with the relevant government agencies** and **must** include, but not necessarily be limited to:
- (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;
  - (b) a description of the roles and responsibilities for all relevant employees (including contractors) involved in the operation of the project;
  - (c) overall environmental policies and principles to be applied to the operation of the project;
  - (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;
  - (e) management policies to ensure that environmental performance goals are met and to comply with the conditions of this approval;
  - (f) the environmental monitoring requirements outlined under conditions E12 to E18 inclusive;
  - (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 A1(c) of this approval**;
  - (i) the additional requirements of this approval;
  - (j) **details of traffic management measures for public roads including managing vehicle movements, ensuring haul routes proposed are communicated to contractors and staff and complied with, measures to reduce impacts during peak hours and at intersections, scheduling heavy vehicle movements to minimise convoy or platoon lengths, identifying local climate conditions that may affect road safety and ensuring truckloads are covered at all times;**
  - (k) **incorporation of traffic management measures into a Drivers Code of Conduct for transporting materials on public roads for all contractors and staff; and**
  - (l) **details of traffic light management measures during evening and night hours.**

**The OEMP must** be submitted for the approval of the **Secretary** no later than four weeks prior to the commencement of operation of the project, unless otherwise agreed by the **Secretary**. Operation **must** not commence until written approval has been received from the **Secretary**.

Nothing in this approval precludes the Proponent from incorporating the requirements of the **OEMP** into existing environmental management systems and plans administered by the Proponent.

- D3. As part of the OEMP for the project, required under condition D2 of this approval, the Proponent **must** prepare and implement the following Management Plans:

- (a) an **Operational Noise Management Plan** to detail measures to mitigate and manage noise during operation of the project. The Plan **must** 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 **must** be prepared in consultation with **DCCEEW Water** and **Water NSW** 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, **including the leachate management system which must be designed and constructed generally in accordance with the *Environmental Guidelines, Solid Waste Landfills* (EPA, 2016) and monitoring requirements;**
  - 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 **must** 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 **must** continue for a minimum of five years following final capping and landscaping;
  - vii) a protocol for the investigation of identified exceedances of the groundwater impact assessment criteria; and
  - viii) provisions for periodic reporting of results to **Water NSW** 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 **must** be based on best environmental practice

and **must** be prepared in consultation with the **DCCEE Water** and **Water NSW**. The Plan **must** include, but not necessarily be limited to:

- i) baseline data on the surface water quality and available flow in **Wangcol Creek** and Lamberts Gully Creek;
  - ii) water quality objectives and impact assessment criteria for **Wangcol 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 pollutants from the site, including a strategy to minimise the area of bare surfaces, stabilise disturbed areas, minimise bank erosion **and including the leachate management system which must be designed and constructed generally in accordance with the *Environmental Guidelines, Solid Waste Landfills* (EPA, 2016);**
  - v) 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);
  - vi) details of the water management system including separation of clean and contaminated/polluted water flows, provisions 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 **Wangcol 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 exceedances on receiving waters including identified trigger levels for remedial measures or the activation of contingency plans; and
  - xii) provisions for periodic reporting of results to **Water NSW** as per condition B8.
- (d) a **Air Quality Management Plan** to outline measures to minimise impacts from the project on local air quality. The Plan **must** 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 exceedances in visible emissions including PM<sub>10</sub>, 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 the EPL limits under normal and adverse weather conditions at all stages of the ash placement process.
- (e) a **Landscape/Revegetation Plan** to outline measures 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 **must** 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 **must** be prepared in consultation with **Water NSW** and **DCCEEW Water**. The Plan **must** 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.

**D3A. The Proponent must implement the OEMP as approved by the Secretary.**

### **Groundwater Quality and Geotechnical Impacts**

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.

### **Leachate Management System**

D5. Prior to the commencement of operation of each stage of the ash placement process, the Proponent must demonstrate to the satisfaction of the Secretary, in consultation with the EPA, that the design of the leachate management system is generally consistent with the *Environmental Guidelines, Solid Waste Landfills* (EPA, 2016), including:

- (a) the leachate barrier system, including liner and leachate collection system; and
- (b) the leachate storage dam/s including freeboard, appropriate sizing based on site water balance modelling and liner.

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## PART E – DURING OPERATIONS

### Operational Hours

E1. The Proponent must comply with the following operating hours:

| Activity                                                                                     | Day                 | Time         |
|----------------------------------------------------------------------------------------------|---------------------|--------------|
| Lamberts North operation, excluding landscaping and revegetation/ rehabilitation of the site | Any day             | Any time     |
| Lamberts North landscaping and revegetation/ rehabilitation and Lamberts South operation     | Monday - Friday     | 6 am to 8 pm |
|                                                                                              | Saturday and Sunday | 6 am to 5 pm |

- E2. Operations outside the hours stipulated in condition E1 of this approval are only permitted in the following emergency situations:
- where it is required to avoid the loss of lives, property and/or to prevent environmental harm; or
  - breakdown of plant and/or equipment at the ash placement areas or the Mt Piper Power Station with the effect of limiting or preventing ash storage at the power station outside the operating hours defined in condition E1; or
  - 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 to store ash outside of the project operating hours; or
  - 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.

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.

- E3. 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 **Secretary** for approval a report including, but not limited to:
- the dates and a description of the emergency situations;
  - an assessment of all reasonable and feasible mitigation measures to avoid recurrence of the emergency situations;
  - identification of a preferred mitigation measure(s); and
  - timing and responsibility for implementation of the mitigation measure(s).

The report is to be submitted to the **Secretary** 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 **Secretary**.

- E4. The Proponent shall notify the EPA prior to undertaking any emergency ash haulage or placement operations outside of the hours of operation stipulated in condition E1 of this approval and keep a log of such operations.
- E5. The Proponent shall notify the **Secretary** 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.
- E6. The Proponent shall notify nearby sensitive receivers (as defined in the **OEMP** required under condition D3(a) of this approval) prior to 8.00 pm where it is known that emergency ash haulage or placement operations will be required outside of the hours

of operation stipulated in condition E1 of this approval.

## Operational Noise

E7. 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):

| Location                                                              | Day<br>(7am to 6pm) | Evening<br>(6pm to 10pm) | Night<br>(10pm to 7am) |
|-----------------------------------------------------------------------|---------------------|--------------------------|------------------------|
| All private sensitive receivers within the township of Blackmans Flat | 42                  | 38                       | 35                     |
| All other sensitive receivers                                         | 42                  | 38                       | 35                     |

This noise criteria set out above applies under all meteorological conditions except for any of the following:

- (a) wind speed greater than 3 metres/second at 10 metres above ground level;
- (b) stability category F temperature inversion conditions and wind speed greater than 2 metres/second at 10 metres above ground level; and
- (c) stability category G temperature inversion conditions.

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 **Secretary** and the EPA.

- E8. To determine compliance with the  $L_{Aeq(15 \text{ minute})}$  noise limits, the noise monitoring equipment must be located at the most affected point:
- (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.
- E9. For the purposes of monitoring noise from the premises to determine compliance with the noise limits:
- (a) noise monitoring must be undertaken in accordance with the *Noise Policy for Industry* (NSW EPA, 2017), or its latest version, using equipment accepted by the EPA in writing;
  - (b) the meteorological data to be used for determining meteorological conditions is the data recorded by the meteorological weather station at the premises; and
  - (c) stability category temperature inversion conditions are to be determined in accordance with the *Noise Policy for Industry* (NSW EPA, 2017), or its latest version.
- E10. The Proponent shall implement measures to ensure noise attenuation of trucks. 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.

## Operational Noise Review

- E11. Within 60 days of the commencement of operation of the project, unless otherwise agreed to by the **Secretary**, the Proponent shall submit to the **Secretary** 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 A1 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.

## Ongoing Operational Noise Monitoring

- 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 *Noise Policy for Industry (NSW EPA, 2017)*, or its latest version, 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 D3(a) of this approval, against the noise criteria specified in condition E7 of this approval.

The Proponent shall forward to the EPA and the **Secretary** 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 **OEMP** referred to in condition D3 (a) of this 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 **Secretary** 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 **Secretary** within 60 days of undertaking the noise monitoring which has identified exceedances of the operational noise criteria specified under condition E7, unless otherwise agreed to by the **Secretary**.

The Proponent shall implement all reasonable and feasible mitigation measures in accordance with the requirements of the **Secretary**.

- E14. If after the implementation of all reasonable 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.

## Groundwater Monitoring

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 **Water NSW**, 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 existing sites are damaged or lost) as described in the Groundwater Management Plan as per condition D3(b); 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 D3(b) of this approval.

## Surface Water Quality Monitoring

E16. The Proponent shall prepare and implement a surface water quality monitoring program to monitor the impacts of the ash placement activities on **Wangcol Creek** and Lamberts Gully. The Program shall be developed in consultation with **Water NSW**, 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 A1c);
- (b) monitoring at surface water discharge points from Lamberts Gully Creek;
- (c) monitoring at surface water discharge points into **Wangcol 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 phosphorus and total nitrogen.

## Hydrological Monitoring Program

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 **Water NSW and DCCEE Water and any other relevant government agency**. 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 D3(c) of this approval.

## Air Quality Monitoring

E18. The Proponent shall prepare an 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 D3 (d). 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 D3(d) of this approval.

### Environmental Incident Reporting

E19. The Proponent shall notify the **Secretary** 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 **Secretary** within seven days of the date on which the incident occurred.

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

### Annual Performance Reporting

E21. Deleted.

### Independent Environmental Auditing

E22. Deleted.

### Waste Generation and Management

E23. All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

E24. 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.

E25. 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.

### Revision of Strategies, Plans and Programs

E26. Within 3 months, unless the **Secretary** agrees otherwise, of:

- (a) the submission of an incident report or independent audit report under condition B8 or B9; and
- (b) the approval of any modification to the conditions of this approval; or
- (c) a direction of the **Secretary** under condition A1 of Schedule 2;

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

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

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

### Visual Amenity and Lighting

E27. The Proponent must:

- (a) implement all reasonable and feasible measures to mitigate visual and off-site

- lighting impacts of the project; and
  - (b) ensure no outdoor lights shine above the horizontal; and
  - (c) ensure that all external lighting associated with the project complies with *Australian Standard AS4282 2023 – Control of Obtrusive Effects of Outdoor Lighting* (or its latest version).
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FOR INFORMATION

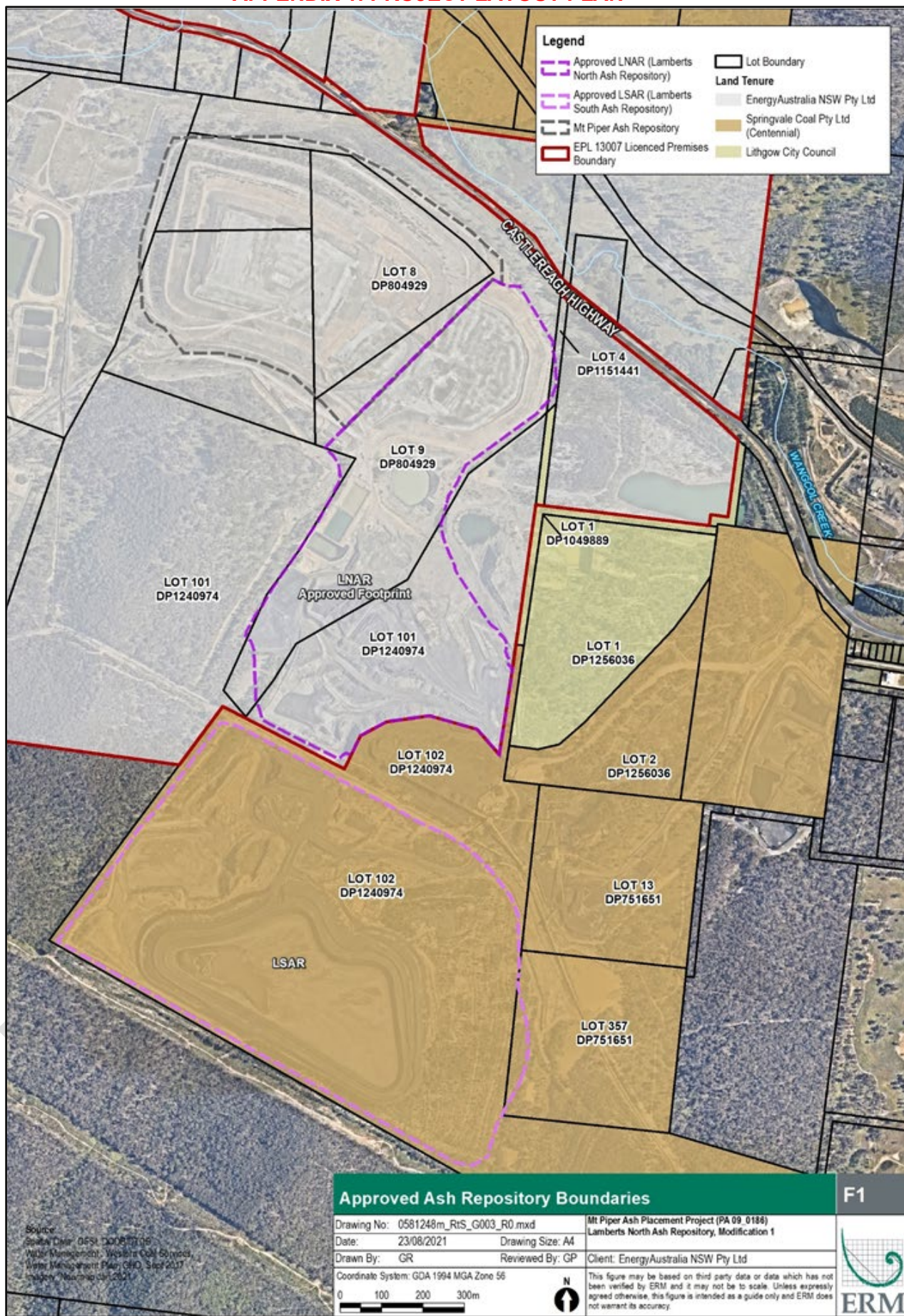
# CONSOLIDATED APPROVAL

## PART F – POST OPERATIONS

### Project Completion Management Plan

- F1. No later than one month prior to the decommissioning of the project, or as otherwise agreed by the **Secretary**, the Proponent is to prepare a Project Completion Management Plan, in consultation with **Water NSW**, for the approval of the **Secretary**. The Plan is to include but not necessarily be limited to:
- (a) identification of structures to be removed and how they will be removed;
  - (b) measures to reduce impacts on the environment and surrounding sensitive land uses;
  - (c) details of components to be recycled;
  - (d) details of rehabilitation and revegetation with reference to the biodiversity offset required under condition B6;
  - (e) groundwater assessment criteria including trigger levels for remedial measures;
  - (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;
  - (g) a contingency plan to address potential exceedances and mitigation measures in groundwater and groundwater quality impacts and if exceedances continue, implementation of further measures and groundwater monitoring to demonstrate compliance;
  - (h) surface water assessment criteria including trigger levels for remedial measures;
  - (i) available flow and water quality monitoring program for **Wangcol 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
  - (j) a contingency plan to address potential exceedances and mitigation measures in surface water and surface water quality impacts and if exceedances continue, implementation of further measures and surface water monitoring to demonstrate compliance.
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## APPENDIX 1: PROJECT LAYOUT PLAN



# CONSOLIDATED APPROVAL

## APPENDIX 2: INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Proponent must provide notification as required under these requirements, even if the Proponent fails to give the notification required under condition A8 or, having given such notification, subsequently forms the view that an incident has not occurred.
3. Within 7 days (or as otherwise agreed by the Secretary) of the Proponent making the immediate incident notification (in accordance with condition A8), the Proponent is required to submit a subsequent incident report that:
  - (a) identifies how the incident was detected;
  - (b) identifies when the Proponent became aware of the incident;
  - (c) identifies any actual or potential non-compliance with conditions of approval;
  - (d) identifies further action(s) that will be taken in relation to the incident; and
4. The Proponent must submit any further reports as directed by the Secretary.