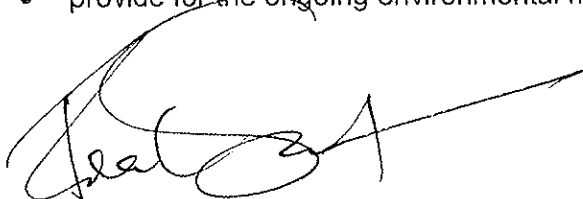


Project Approval

Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project 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.



Frank Sartor MP
Minister for Planning

Sydney

29 April 2008

File No: S07/01073-1

SCHEDULE 1

Application No:	07_0084
Proponent:	Eraring Energy
Approval Authority:	Minister for Planning
Land:	Lot 11 DP 1050120; Lots 301 & 302 DP 806475; Lot 3/8 Section L DP 6747; Lots 13/16 Section O & Part Lot 13/16 Section U DP 6747; Lot 7/16 DP 262501; Lot 19 DP 262501; Lot 1 DP 817425; Lots 100 and 101 DP 828283; Lot 211 DP 840670; Lots 50 and 51 DP 840671; Lots 1, 2 and 3 DP 621697; Lot 1 DP 816174; and Lots 20 and 21 DP 734860. Crown Land adjoining the northern boundary of Lot 11 DP 1050120 to the ridge line known as Lots 1 and 2 DP 1109558. Eraring Power Station, Rocky Point Rd, Dora Creek, Lake Macquarie local government area
Project:	Staged expansion of the coal combustion product (CCP) management facility in conjunction with changes in the CCP disposal method from lean phase to dense phase. The project also includes the installation of new infrastructure comprising of CCP collection, storage, conditioning and pumping facilities to allow for storage and transportation of CCP from the power station to the CCP management facility.
Major Project:	The proposal is declared a Major Project under section 75B(1) of the Environmental Planning and Assessment Act 1979 because it is a project of a kind described in clause 24 of

Schedule 1 to the *State Environmental Planning Policy (Major Projects) 2005*.

Concept Plan Approval:

On 14 December 2006, the Minister for Planning approved the concept plan for the project.

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
CCP	Coal Combustion Product
Conditions of Approval	The Minister's conditions of approval for the project
Council	Lake Macquarie City Council
DECC	Department of Environment and Climate Change
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate)
EA	<i>Environmental Assessment – Upgrade and Expansion of the Coal Combustion Management System, Eraring Power Station, dated November 2007, and prepared by HLA - ENSR</i>
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Minister, the	Minister for Planning.
Proponent	Eraring Energy
Site	The land to which this approval applies

1. ADMINISTRATIVE CONDITIONS

Terms of Project Approval

- 1.1 The Proponent shall carry out the project generally in accordance with:
- Major Project Application 07_0084;
 - Environmental Assessment – Upgrade and Expansion of the Coal Combustion Product Management System, Eraring Power Station*, dated 13 November 2007, and prepared by HLA – ENSR;
 - Upgrade and Expansion of the CCP Management System, Eraring Power Station – Submissions Report*, dated 15 February 2008, and prepared by HLA – ENSR;
 - the conditions of approval granted by the Minister for Planning for the Upgrade of the Ash Disposal Facility at the Eraring Power Station (Application Number 05_0138); and
 - the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- any reports, plans or correspondence that are submitted in accordance with this approval; and
 - the implementation of any actions or measures contained in these reports, plans or correspondence.

Limits of Approval

- 1.4 This project approval shall lapse five years after the date on which it is granted, unless the works subject of this approval are physically commenced on or before that time.

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Ecological Impacts

- 2.1 The Proponent shall provide a compensatory habitat package consisting of no fewer than two hectares of compensatory habitat for each hectare of terrestrial vegetation removed as part of the project. Specifications for the compensatory habitat, including location, composition, quality and management of the habitat, shall be determined in consultation with the DECC. The package must include:
- a schedule of vegetation clearing, indicating stages and timing and compensatory habitat area(s) corresponding to each stage of clearing;
 - demonstration of consistency with the DECC's 'Offsetting Principles' contained in the draft *Lower Hunter Regional Conservation Plan (2006)*;
 - demonstration of potential coordination, connection and interaction with compensatory habitat provided in pursuance of the requirements of project approval for the Eraring Power Station Upgrade and Attemperation Reservoir;
 - demonstration of the potential for off-set areas to connect with and complement other areas of conservation value, particularly with respect to habitat corridors and connectivity;
 - details of proposed legal mechanisms to secure the protection of offsets in perpetuity; and
 - maintenance, monitoring and auditing program of the compensatory habitat areas.

The program of funding or works associated with the compensatory habitat package shall be submitted for the approval of the Director-General prior to the commencement of vegetation clearing, and/or each stage of clearing.

- 2.2 Within one year of operation of the project, or as otherwise agreed by the Director-General, the Proponent must develop and submit for the approval of the Director-General, a Rehabilitation Program for the decommissioned CCP storage areas outlining how their rehabilitation will be undertaken. The Program shall include, but not necessarily be limited to:
- a) a description of techniques to restore the area;
 - b) a timetable for the progressive staging of the rehabilitation program; and
 - c) monitoring and auditing of the Rehabilitation Program .

Noise Impacts

Construction Noise

- 2.3 The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises 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.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

- 2.4 The hours of construction activities specified under condition 2.3 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.3 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 written evidence of the DECC's agreement with the proposed variation in construction times, after providing any information necessary for the DECC to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

Soil and Water Quality Impacts

- 2.5 Except as may be expressly provided by an Environment Protection Licence (EPL) for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- 2.6 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 Landcom's *Managing Urban Stormwater: Soils and Conservation*.

Groundwater

- 2.7 The Proponent shall design and construct the CCP storage facility expansion in a manner that does not intercept underlying groundwater.

Air Quality Impacts

Dust Generation

- 2.8 The Proponent shall construct the project in a manner that minimises dust emissions from the site, including wind-blown 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.

Odour

- 2.9 The Proponent shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site.

Waste Generation and Management

- 2.10 The Proponent shall beneficially reuse all non-contaminated spoil generated during the construction of the project on the site, or off-site should an appropriate off-site reuse location exist.
- 2.11 All wastes, and spoil unable to be reused in accordance with condition 2.10, shall be directed to a waste management facility lawfully permitted to accept those materials.
- 2.12 The Proponent shall ensure that all wastes generated as a consequence of the project are assessed and classified in accordance with *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (DECC, 2004).
- 2.13 Except as expressly permitted in an appropriate licence, waste shall not be received at the premises for storage, treatment, processing, reprocessing or disposal.

Aboriginal Archaeology

- 2.14 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) must cease immediately and the Proponent must contact the DECC to determine an appropriate course of action prior to the re-commencement of work in the vicinity of the object(s).

3. ENVIRONMENTAL MONITORING AND AUDITING

Noise Performance Auditing

- 3.1 Within three months of commissioning of the fly ash conditioning plant, the Proponent must conduct a noise assessment of the plant while operating under full load conditions. The assessment shall meet the requirements of the DECC, and shall include, but not necessarily be limited to:
- a) noise assessment and monitoring, consistent with the guidelines provided in *NSW Industrial Noise Policy (EPA, 2000)*;
 - b) methodologies for noise monitoring;
 - c) location of noise monitoring;
 - d) frequency of noise monitoring;
 - e) identification of monitoring sites at which pre- and post-project noise levels can be ascertained; and
 - f) details of any complaints relating to noise impacts.

A report providing the results of the assessment shall be submitted to the Director-General and the DECC within 28 days of completion of the testing required under a).

Groundwater Monitoring

- 3.2 Prior to the commencement of the operation of the project, the Proponent shall undertake a review of the existing groundwater monitoring regime, which shall include but not necessarily be limited to:
- a) survey of existing monitoring bores;
 - b) parameters and pollutants to be monitored, including procedures and protocols for sampling and testing;

- c) review of the adequacy of existing groundwater monitoring network at the Eraring Power Station to determine whether current contaminant levels at receiving waters originate from existing activities associated with the power station, including the existing CCP storage facility;
- d) installation of any additional monitoring bore(s), both up and down gradient of the CCP storage facility;
- e) details of groundwater quality limits that would indicate impacts from the CCP storage facility, particularly as a result of seepage, and a contingency response plan in the events that impacts are identified;
- f) provisions for periodic auditing and reporting of results to the Director-General.

The Proponent shall revise its groundwater monitoring regime, as necessary, and update its existing Groundwater Management Plan in accordance with the groundwater monitoring review. A copy of the updated Plan shall be submitted to the Director-General for approval prior to its implementation.

4. ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- 4.1 The Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004) and shall include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;
 - b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions;
 - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities;
 - iii) measures to monitor and control noise emissions during construction works;
 - d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
 - e) the additional studies listed under condition 4.2 of this approval; and
 - f) complaints handling procedures during construction.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.

- 4.2 As part of the Construction Environmental Management Plan for the project, required under condition 4.1 of this approval, the Proponent shall prepare and implement the following:
- a) a **Flora and Fauna Management Plan** to outline measures to protect and minimise loss of native vegetation and native fauna habitat. The Plan must include, but not necessarily be limited to:
 - i) plans showing terrestrial vegetation communities; important flora and fauna habitat areas; locations where threatened species, populations or ecological communities were recorded; and areas to be cleared. The plans must also identify vegetation adjoining the Site where this contains important habitat areas and/or threatened species, populations or ecological communities;

- ii) details of the timing of clearing to ensure that it does not adversely affect critical periods in the lifecycles of significant species;
 - iii) methods to manage impacts on flora and fauna species (terrestrial and aquatic) and their habitat which may be directly or indirectly affected by the project;
 - iv) flora and fauna monitoring programs to be implemented during both construction and operation; and
 - v) a Vegetation Clearance Protocol.
- b) a **Traffic Management Plan** to outline management of traffic conflicts that may be generated during construction of the project. The Plan shall address the requirements of Council and the Roads and Traffic Authority and shall include, but not necessarily be limited to:
- i) details of traffic routes for heavy vehicles, including any necessary route or timing restriction for oversized loads;
 - ii) detailed consideration of measures to be employed to ensure traffic volume, acoustic and amenity impacts along the heavy vehicle routes are minimised;
 - iii) detailed consideration of alternative routes (where necessary);
 - iv) provisions for the management of disruptions to traffic, particularly on Wangi Road; and
 - v) demonstration that all statutory responsibilities with regard to road traffic impacts have been complied with.
- c) a **Construction Noise Management Plan** to detail how construction noise and vibration impacts would be minimised and managed, including, but not necessarily be limited to:
- i) details of construction activities and a schedule for construction works;
 - ii) identification of construction activities that have the potential to generate noise and/ or vibration impacts on surrounding land uses, particularly residential areas;
 - iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria/ guidelines;
 - iv) procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints; and
 - v) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be undertaken and how the results of this monitoring would be recorded.
- d) an **Erosion and Sedimentation Management Plan** to detail measures to minimise erosion and discharge of sediment and other pollutants to land and/or water during site preparation and construction works. The Plan must include, but not necessarily be limited to:
- i) identification of the construction activities that could cause soil erosion or discharge sediment or water pollutants from the site;
 - ii) 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 during construction;
 - iii) demonstration that proposed erosion and sediment control measures will conform with, or exceed, the relevant requirements of *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004);
 - iv) details of an erosion monitoring program during construction of the project, including measures to address erosion, should it occur, and to rehabilitate/ stabilise disturbed areas of the Site.

Operation Environmental Management

- 4.3 The Proponent shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during operation of the project. The Plan shall be consistent with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004) and shall 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 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) preparation of a **Coal Combustion Product Management Plan** to outline how the CCP storage facility and associated infrastructure will be managed to minimise potential impacts on the surrounding environment. The Plan shall include, but not necessarily be limited to:
 - i) likely quality and quantity of groundwater seepage and surface water runoff from the CCP storage facility and likely impact on receiving waters;
 - ii) management system or measures to prevent overflows from the CCP storage facility and weir during rainfall events; and
 - iii) water quality monitoring of selenium and other contaminants (both concentration levels and total load) discharged to receiving waters.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the project, or within such period otherwise agreed by the Director-General. Operation of the project shall not commence until written approval has been received from the Director-General.

- 4.4 The Proponent may satisfy condition 4.3 of this approval by demonstrating to the satisfaction of the Director-General that existing, equivalent documentation has been appropriately updated to reflect the CCP storage facility expansion.

5. ENVIRONMENTAL REPORTING

Incident Reporting

- 5.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable and within 24 hours after the occurrence of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.
- 5.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 5.1 of this approval, within such period as the Director-General may require.