

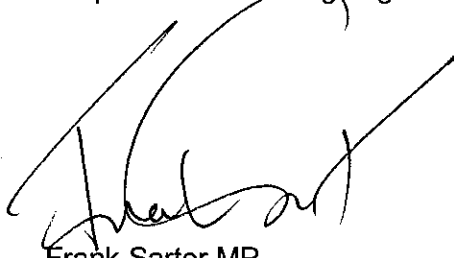
# Project Approval

## 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



2006

File No: 9040403

### SCHEDULE 1

|                            |   |
|----------------------------|---|
| <b>Application No:</b>     | 05_0138   |
| <b>Proponent:</b>          | Eraring Energy  |
| <b>Approval Authority:</b> | Minister for Planning   |
| <b>Land:</b>               | Lot 11 DP 1050120. Eraring Power Station, Rocky Point Rd, Dora Creek, Lake Macquarie local government area  |
| <b>Project:</b>            | Construction and operation of a 42 MW emergency turbine generator   |
| <b>Major Project:</b>      | The project is declared a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is development of a kind described in clause 24 of Schedule 1 to <i>State Environmental Planning Policy (Major Projects) 2005</i> |

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## SCHEDULE 2

|                                    |  |
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| <b>Act, the</b>                    | <i>Environmental Planning and Assessment Act, 1979</i>   |
| <b>Conditions of Approval</b>      | The Minister's conditions of approval for the project.   |
| <b>Council</b>                     | Lake Macquarie City Council  |
| <b>DEC</b>                         | Department of Environment and Conservation   |
| <b>Department, the</b>             | Department of Planning   |
| <b>Director-General, the</b>       | Director-General of the Department of Planning (or delegate).  |
| <b>Director-General's Approval</b> | <p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p> |
| <b>Director-General's Report</b>   | The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.   |
| <b>Dust</b>                        | any solid material that may become suspended in air or deposited   |
| <b>EA</b>                          | <i>Proposed Upgrade Eraring Power Station Environmental Assessment</i> , prepared by HLA-Envirosciences Pty Ltd and dated May 2006   |
| <b>EPA</b>                         | Environment Protection Authority as part of the Department of Environment and Conservation   |
| <b>EPL</b>                         | Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>  |
| <b>Minister, the</b>               | Minister for Planning  |
| <b>NEM</b>                         | National Electricity Market  |
| <b>Project, the</b>                | Construction and operation of an emergency turbine generator   |
| <b>Proponent</b>                   | Eraring Energy   |
| <b>Publicly Available</b>          | Available for inspection by a member of the general public (for example available on an internet site or at a display centre).   |
| <b>Site</b>                        | Land to which Major Projects Application 05_0138 applies.  |
| <b>Submissions Report</b>          | <i>Proposed Upgrade to Eraring Power Station (Application Number: 05_0138): Response to Submissions</i> , prepared by Eraring Energy and dated 8 August 2006   |

## **1. ADMINISTRATIVE CONDITIONS**

### **Terms of Approval**

- 1.1 The Proponent shall carry out the project generally in accordance with the:
  - a) Major Projects Application 05\_0138;
  - b) *Proposed Upgrade Eraring Power Station Environmental Assessment*, prepared by HLA-Envirosciences Pty Ltd and dated May 2006;
  - c) the *Submissions Report* prepared by Eraring Energy and dated 8 August 2006; and
  - d) the conditions of this approval.
- 1.2 If there is any inconsistency between the above, 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:
  - a) any reports, plans or correspondence that are submitted in accordance with this approval; and
  - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

### **Limits of Approval and Approved Fuel**

- 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.
- 1.5 The project shall be limited to a total nominal output capacity of up to 42 megawatts.
- 1.6 The Proponent shall continue to investigate possible gas fuels for the project, with the aim of identifying for implementation a practical and economically viable alternative to the use of distillate fuel in the project. The Proponent shall report on the status and outcomes of its investigations to the Director-General every two years from the commencement of operation of the project, unless otherwise agreed by the Director-General.
- 1.7 On each occurrence of operation of the project in response to a system emergency shortfall the Proponent shall provide the DEC and the Director-General with a comprehensive report explaining the reasons for the operation of the turbine on that occasion and including the number of hours the project was operated. Such report shall be submitted to the DEC and the Director-General no later than one month from the time of the turbine operation.

### **Statutory Requirements**

- 1.8 The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.

### **Compliance**

- 1.9 The Proponent shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.
- 1.10 The Proponent shall be responsible for environmental impacts resulting from the actions of all persons on site, including contractors, sub-contractors and visitors.
- 1.11 Prior to each of the events listed below, the Proponent shall certify in writing to the satisfaction of the Director-General that it has complied with all conditions of this approval applicable prior to that event.
  - a) commencement of any construction works on the land subject of this approval;
  - b) commencement of operation of the project.

- 1.12 Notwithstanding condition 1.11 of this approval, the Director-General may require an update report on compliance with all, or any part, of the conditions of this approval. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.
- 1.13 The Proponent shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this approval, and general consistency with the documents listed under condition 1.1 of this approval. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this approval, within such time as the Director-General may agree.

## **2. SPECIFIC ENVIRONMENTAL CONDITIONS**

### **Air Quality Impacts**

- 2.1 The site shall be maintained in a condition that minimises or prevents the emission dust from the site.
- 2.2 No offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, shall be emitted from the premises.

### **Air Emissions Performance and Discharge Limits**

- 2.3 Prior to installing fuel burning equipment the Proponent shall submit to the DEC and the Director-General manufacturer's performance guarantees for that equipment. The documentation shall demonstrate to the DEC's satisfaction that the equipment, when operating at design load will comply with the air emission concentration limits specified in this approval.
- 2.4 The Proponent shall design, construct, operate and maintain the project to ensure that the concentration of the pollutants discharged at the turbine stack do not exceed the concentrations listed in Table 1.

**Table 1 - Maximum Allowable Discharge Concentration Limits (Air) at Turbine Stack**

| <b>Pollutant</b>  | <b>Fuel Type</b>           | <b>100 Percentile concentration limit (mg/m<sup>3</sup>)</b> | <b>Reference conditions</b>                |
|---|----------------------------|--|--|
| Nitrogen dioxide (NO <sub>2</sub> ) or nitric oxide (NO), or both (as NO <sub>2</sub> ) | Distillate and black start | 86   | Dry, 273 K, 101.3 kPa, 15 % O <sub>2</sub> |

### **Noise Impacts**

- 2.5 Unless otherwise agreed by the DEC, construction activities associated with the project may only be undertaken within the following hours:
- 7:00 am to 6:00 pm, Mondays to Fridays;
  - 7:00 am to 1:00 pm on Saturdays; and
  - at no time on Sundays or public holidays.

### **Soil and Water Quality Impacts**

- 2.6 Except as may be expressively provided by an Environment Protection Licence 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.
- 2.7 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*.

## **Waste Generation and Management**

- 2.8 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 2.9 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 *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (DEC, 2004), or any future guideline that may supersede that document.

## **Hazards and Risk**

### ***Bunding and Spill Management***

- 2.10 The Proponent shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
- a) all relevant Australian Standards;
  - b) for liquids, a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
  - c) the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

### ***Safety Management System***

- 2.11 No later than two months prior to the commencement of commissioning of the proposed project, or within such further period as the Director-General may agree, the Proponent shall submit for the approval of the Director-General a documentation describing a comprehensive **Safety Management System**, covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to safety procedures. Records shall be kept on-site and shall be available for inspection by the Director-General upon request. Safety Management System shall be developed in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*. Commissioning shall not commence until approval of the Safety Management System has been given by the Director-General.

## **3. ENVIRONMENTAL MONITORING AND AUDITING**

### **Air Quality Monitoring**

- 3.1 The Proponent shall monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Table 2 at the turbine stack. The Proponent shall use the sampling method, units of measure, and sample at the frequency, specified in Table 2. Turbine stack sampling shall be undertaken at locations that have been determined strictly in accordance with the requirements of test method TM-1, as specified in *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2001).

The results of the post commissioning monitoring required under Table 2 shall be submitted to the Director-General of the DEC within 28 days of completing the monitoring.

**Table 2 - Monitoring Requirement - Monitoring/Discharge Turbine Stack**

| Pollutant   | Units of Measure  | Frequency                     | Sampling Method |
|---|-------------------|-------------------------------|-----------------|
| Nitrogen dioxide (NO <sub>2</sub> ) or nitric oxide (NO), or both (as NO <sub>2</sub> ) | mg/m <sup>3</sup> | Continuous                    | CEM-2           |
| Velocity  | m/s               | Post commissioning and annual | TM-2            |
| Volumetric flow rate  | m <sup>3</sup> /s | Post commissioning and annual | TM-2            |
| Moisture  | %                 | Post commissioning and annual | TM-22           |
| Dry gas density   | kg/m <sup>3</sup> | Post commissioning and annual | TM-23           |
| Molecular weight of stack gases   | g/gmol            | Post commissioning and annual | TM-23           |
| Carbon dioxide  | %                 | Post commissioning and annual | TM-24           |
| Oxygen  | %                 | Post commissioning and annual | TM-25           |

Note: Post commissioning means within 90 days of commencing normal operations and during a period when the plant is operating under stable conditions at the design load.

### Noise Monitoring and Performance Verification

- 3.2 Within ninety (90) days of commissioning of the project, or as may be agreed by the Director-General, the Proponent shall conduct a noise assessment of the plant whilst operating under full load conditions. The assessment shall be conducted in accordance with the requirements of the *New South Wales Industrial Noise Policy* (EPA, 2000) for the purpose of assessing compliance with the noise performance described in the EA. The assessment shall include, but not necessarily be limited to:
- noise monitoring;
  - methodologies for noise monitoring;
  - location of noise monitoring;
  - frequency of noise monitoring;
  - identification of monitoring sites at which pre- and post-project noise levels can be ascertained; and
  - details of any entries in the Complaints Register (condition 4.2 of this approval) relating to noise impacts.
- 3.3 Within twenty eight (28) days of conducting the noise assessment the Proponent shall forward to the DEC and the Director-General a report containing the results of the noise assessment and describing any non-compliance with noise performance described in the EA and details of the noise control measures proposed to address the non compliance (s) and a timetable for their implementation.

## 4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 4.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

### Complaints Procedure

- 4.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
- a telephone number on which complaints about construction and operational activities at the site may be registered; and
  - a postal address to which written complaints may be sent.

The Proponent shall record details of all complaints received through the means listed above in an up-to-date Complaints Register. The Register shall record any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant.

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

## 5. ENVIRONMENTAL MANAGEMENT

### Construction Environmental Management Plan

5.1 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) compliance standards;
- d) 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;
  - iv) measures to monitor and control construction traffic;
- e) contingency measures to manage non-compliances with standards;
- f) a description of the roles and responsibilities for all relevant employees involved in the construction of the project; and
- g) complaints handling procedures during construction and site contact person to follow up complaints.

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.

### Operation Environmental Management Plan

5.2 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) sub-plans specifically covering:
  - i) air quality management;
  - ii) water management; and
  - iii) noise management; and
- g) the environmental monitoring requirements outlined under this approval.



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 shall not commence until written approval has been received from the Director-General.

## **6. ENVIRONMENTAL REPORTING**

### **Incident Reporting**

- 6.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment within 12 hours of becoming aware of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.
  - 6.2 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 6.1 of this approval, within such period as the Director-General may require.
-