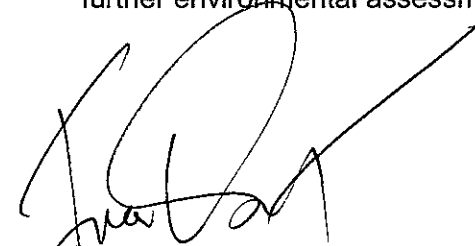


Concept Approval

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

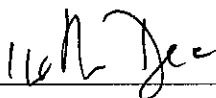
I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- a) to approve the concept plan referred to in Schedule 1, subject to the modifications in Schedule 2; and
- b) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the project.



Frank Sartor MP
Minister for Planning

Sydney



2006

File No: 9040403

SCHEDULE 1

- Application No:** 05_0138
- 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. Eraring Power Station, Rocky Point Rd, Dora Creek, Lake Macquarie local government area
- Proposal:** Upgrade of the ash disposal facility at the Eraring Power Station
- Major Project:** The proposal is declared a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is a project of a kind described in clause 24 of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005*
- Concept Plan Authorisation:** On 26 January 2006, the Minister for Planning authorised the submission of a concept plan for the proposal.

KEY TO CONDITIONS

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Conditions of Approval	The Minister's conditions of approval for the proposal.
Council	Lake Macquarie City Council
DEC	Department of Environment and Conservation
DNR	Department of Natural Resources
Department, the	Department of Planning.
Director-General, the	Director-General of the Department of Planning (or delegate).
Director-General's Approval	<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>
Director-General's Report	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
EA, the	<i>Proposed Upgrade Eraring Power Station Environmental Assessment</i> , prepared by HLA-Envirosciences Pty Ltd and dated May 2006
Minister, the	Minister for Planning
Proponent	Eraring Energy
Proposal	The proposed upgrade of the ash disposal facility the subject of Major Projects Application 05_0138
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
Site	Land to which Major Projects Application 05_0138 applies.
Submissions report	<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 Concept Approval

- 1.1 The Proponent shall carry out the proposal generally in accordance with:
 - 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;
 - d) the supplement to the *Submissions Report* titled *Proposed Upgrade to Eraring Power Station – Response to Submissions* prepared by Eraring Energy and dated 30 August 2006;
 - e) 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

- 1.4 This concept approval shall operate from the date the approval is endorsed by the Minister.
- 1.5 This concept approval shall lapse 10 years after the date the approval is endorsed by the Minister, unless works the subject of a related project approval are physically commenced on or before that date.
- 1.6 Nothing in this approval permits the commencement of works unless and until a project approval is obtained for those works.

2. STAGING AND SCOPING OF WORKS

- 2.1 The proposal is modified to limit the extent of vegetation clearing for ash disposal to the area generally delineated as "approximate extent of land clearance end of year 10" in the document referred to under condition 1.1d). This condition does not include areas required to be cleared for pipeline or roadway access, which shall be undertaken in a manner that minimises any additional vegetation clearing.
- 2.2 Notwithstanding condition 2.1 of this approval, vegetation clearing shall be staged such that:
 - a) the proposal is undertaken in no fewer than three stages; and
 - b) no more than seven hectares of vegetation is removed in any single stage of the proposal.
- 2.3 The Proponent shall provide no fewer than two hectares of compensatory habitat for each hectare of vegetation removed as part of the proposal. Specifications for the compensatory habitat, including location, composition and quality, shall be subject to the approval of the Director-General and may be the subject of further detailed conditions as part of a project approval. All compensatory habitat measures shall be developed in consultation with the DEC.
- 2.4 Commencement of each stage of the proposal shall be contingent on the implementation of the compensatory habitat works for the previous stage of the proposal to a level approved by the Director-General, or as otherwise specified as part of a project approval.

3. LONG-TERM ASH MANAGEMENT STRATEGY

- 3.1 Prior to 31 December 2011, or the lodgement of a project application, whichever is the sooner, the Proponent shall prepare and submit for the approval of the Director-General, a **Long-Term Ash Management Strategy** for the site. The Strategy shall be developed in consultation with the DEC and Council, and shall include, but not necessarily be limited to:
- a) a stipulated goal of 80% reuse or recycling of ash from the Eraring Power Station by 31 December 2015. This goal may only be altered with the prior written agreement of the Director-General, based on a demonstration by the Proponent that market conditions reasonably preclude this goal being achieved;
 - b) a program for the investigation of alternative ash management measures over time, with a particular focus on the minimisation of ash disposal on site and beneficial reuse of ash;
 - c) a framework for the identification and assessment of alternative ash management measures from time to time, having regard to the operational needs of the Eraring Power Station, and social, economic and environmental implications of those measures;
 - d) a staging strategy for the implementation of works the subject of this approval, having regard to the status and outcomes of the investigations referred to under a) and the requirements of conditions 2.1 to 2.4;
 - e) a staging strategy for the implementation of compensatory habitat areas required under this approval, having regard to the status and outcomes of the investigations referred to under a) and the requirements of conditions 2.1 to 2.4;
 - f) a strategic management framework for the optimisation of ash disposal capacity on the site, and periodic review of ash management practices to achieve this outcome;
 - g) an environmental management framework for the on-going management of ash disposal and ash management measures on site, consistent with contemporary best environmental practice; and
 - h) a strategy for the reconciliation of the generating life of the Eraring Power Station and the availability and management of ash produced by the Power Station.

In respect to a), if reuse options are slow to emerge, or they are not feasible on economic, environmental, or industrial reliability criteria, the timeframe goal may be extended with the agreement of the Director-General, in consultation with the DEC, and subject to the Proponent providing to the satisfaction of the Director-General information of available reuse options, justification of why these cannot be – or have not been – adopted, and a description of what measures will be implemented to facilitate the reuse of all ash generated on the premises for a beneficial purpose. After reviewing this information, the Director-General in consultation with the DEC, may approve a modified timeframe goal(s), and may require the Proponent to carry out further investigations or works into reuse of all ash generated on the premises for a beneficial purpose.

4. SPECIFIC REQUIREMENTS FOR PROJECT APPLICATION

- 4.1 The Proponent may lodge a project application(s) for one or more of the stages of the proposal (refer to condition 2.2) from time to time.
- 4.2 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* the following environmental assessment requirements apply with respect to the project(s):
- a) full details of the project, including any staging consistent with the requirements of this approval, construction and operation methods, infrastructure and equipment requirements, duration of works for any stages and clear identification of the status of ash management and disposal needs of the Eraring Power Station;
 - b) demonstration that the project is consistent with the aims, objectives and outcomes stipulated in an approved Long-Term Ash Management Strategy (refer to condition 3.1);
 - c) a detailed project-specific Statement of Commitments, consistent with the Statement of Commitments included in the documents referred to under condition 1.1, with a clear indication of any new or amended commitments relating to the project;

- d) full details of the compensatory habitat package for the project (refer to condition 2.3), developed having regard to contemporaneous surveys of the area to be affected the project (if a project application is lodged later than one year after the date of this concept approval) and the 'Lake Macquarie *Tetratheca juncea* Management Plan' (as amended 2001);
- e) details of how construction, operation and maintenance of the project will be undertaken to minimise impacts on terrestrial and aquatic ecology;
- f) an updated review of potential impacts on indigenous heritage, having regard to the status of any Native Title claims apply to the land to be affected by or surrounding the project, and consultation with relevant aboriginal groups, elders and broader aboriginal community;
- g) a risk analysis and geotechnical assessment for any ash dam extension, prepared in consultation with the Department of Primary Industries (Mineral Resources) and Mine Subsidence Board, having regard to the proximity of old mine workings (to verify that they are collapsed and there is no risk of future subsidence) and potential for impacts on the future extraction of coal reserves in the area;
- h) details of mitigation, monitoring and management measures to be applied to the project with respect to dust generation and impacts, consistent with best environmental practice;
- i) details of mitigation, monitoring and management measures to be applied to the project with respect to surface and groundwater impacts, consistent with best environmental practice. The assessment shall include consideration of potential impacts on water quality, a plan to manage any identified impacts on waters (including Lake Macquarie) and a monitoring program for surface and groundwater. The assessment shall consider all chemicals of potential concern including, but not limited to, trace metals such as selenium. The assessment shall be prepared in consultation with the DEC, the DNR and the Hunter-Central Rivers Catchment Management Authority;
- j) results of consultation with the local community, relevant state agencies and Council; and
- k) demonstration that the project is consistent with this concept approval.

5. COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

- 5.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this concept approval and all related project approvals. The Program shall include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of the proposal and each of its components;
 - b) provisions for periodic reporting of compliance status to the relevant approval authority;
 - c) a program for independent environmental auditing of the proposal, in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*; and
 - d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.

6. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 6.1 Subject to confidentiality, the Proponent shall make all documents required under this concept approval and any relevant project approval available for public inspection on request.

Provision of Electronic Information

- 6.2 Prior to the commence of the proposal, the Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the proposal. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:

- a) information on the proposal, each of its components and the current implementation status of each component and stages;
 - b) a copy of this concept approval and related project approval;
 - c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the proposal;
 - d) a copy of each monitoring program and each environmental management plan required under this concept approval or under the relevant project approval;
 - e) details of the outcomes of reviews and audits of the proposal and each of its components undertaken in accordance with the Compliance Tracking Program referred to under condition 5.1; and
 - f) details of a contact point(s) to which community complaints or inquiries may be directed, including a telephone number, a postal address and an email address.
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