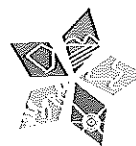


Appendix B

**Existing development consents and
review of conditions**



Enquiries
Please ask for
Direct
Our ref
Your ref

Mrs D L Watson
02 6549 3777
DA 10098/1995

19 December 2017

Kate Coates
General Manager AGL Macquarie
AGL Macquarie Pty Limited
Private Mail Bag 2
MUSWELLBROOK 2333

Dear Madam

Development Application No. 98/1995 – Section 96(2) Modification to Sewerage Effluent Irrigation, AGL Macquarie, Muswellbrook

I refer to your application received by Council on 30 January 2017, requesting an amendment to the subject development consent. This consent was originally granted in 2005 and was modified in December 2005.

The application to amend the development consent was considered by Council pursuant to Section 96 of the Environmental Planning and Assessment Act 1979. Council has now determined the application.

Council advises that the conditions of development consent have been amended and now comprise:

1. Obligation to minimise harm to the environment

The Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, rehabilitation and, where relevant, decommissioning of the development.

2. Adherence to terms of DA, EIS, etc.

The development must be carried out in accordance with the conditions of this consent and generally in accordance with:

- i. The accompanying SEE titled "Liddell Ash Dam Sewage Effluent Reuse Project – s96 Modification DA 98-1995 Statement of Environmental Effects" Dated 1 August 2017.
- ii. the SEE titled "Statement of Environmental Effects Effluent Reuse, Liddell Power Station" dated 20 October 2005.
- iii. the Management Plan titled "Liddell Sewerage Treatment Plant Management Plan" dated September 2017 or its most recent version.

Where there is an inconsistency between two or more of the above documents, the most recent document prevails to the extent of that inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.

Muswellbrook Shire Council ABN 86 864 180 944

Address all communications to The General Manager · PO Box 122 · Muswellbrook NSW 2333
Phone 02 6549 3700 · Email council@muswellbrook.nsw.gov.au · Web www.muswellbrook.nsw.gov.au

3. Compliance with documentation

The Applicant must comply with any reasonable requirement/s of Council arising from:

- Any reports, strategies, plans, programs, audits or correspondence that is submitted in accordance with this consent;
- Any reports, reviews or audits commissioned by Council regarding compliance with this consent; and
- The implementation of any actions or measures contained in these documents.

4. Annual Report

(a) The Applicant must, prepare and submit to Council an Annual Report which shall include:

- (i) a compliance review of the performance of the project against conditions of this consent, management plans and statutory approvals;
- (ii) assess the project against predictions made in the SEE's and other supporting documentation, Management Plans and the terms and commitments in the documents listed in the consent;
- (iii) a review of the effectiveness of the environmental management of the Effluent disposal system in terms of EPA, DPI Water and Council requirements;
- (iv) review the results of environmental monitoring required under this consent or other approvals, including interpretations and discussion ;
- (v) identification of trends in monitoring results;
- (vi) a listing of any variations obtained to approvals applicable to the DA area during the reporting year;
- (vii) the water budget for the year;
- (viii) a summary report on the yearly review of the irrigation management and how its operation is being managed to maximise beneficial re-use throughout the reporting year;
- (ix) A list of any incidents that occurred within the reporting year.

(b) In preparing the Annual Report, the Applicant must:

- (i) comply with any reasonable requirements of Council or other relevant government agencies; and
- (ii) ensure that the first report is completed and submitted within 3 months of the end of the reporting year, or at a date determined by Council in consultation with the DRE

- (c) The Applicant must ensure that copies of each Annual Report are submitted to Council, DPI Water and the EPA, and made available for public information at Council within fourteen days of submission to these authorities.
- (d) The Annual Report required by this consent can be incorporated into another Annual Report required by another Council consent for the Bayswater/Liddell site.

5. Compliance with Legislation

The Liddell sewerage plant and disposal area is to be operated generally in accordance with the following guidelines:

- a) Australian Guidelines for Water Recycling;
- b) NSW Department of Primary Industries – Water NSW Guidance for Recycled Water Management Systems;
- c) NSW Environment Protection Authority Environmental Guidelines.

6. Monitoring and Maintenance Plan

The Applicant must prepare a Monitoring and Maintenance Plan to the satisfaction of Council. The plan must include, but not be limited to the following matters:

- a) A monitoring period and a description of the monitoring of pond water levels, water quality and volume disposed per day;
- b) Details of water quality monitoring to be undertaken for pH, Ec, BOD, TSS, EColi and oil/grease and other analytes as agreed with Council;
- c) An inspection regime and maintenance plan for the STP, pump and pipeline and disposal area;
- d) Water assessment criteria, including trigger levels for investigating any potential adverse impacts.
- e) A description of what is defined as an incident and a description of the reporting process should an incident occur;
- f) To initially, for a period of 6 months from the date of this approval, provide Council with monthly monitoring results for the water in Pond 1, Pond 3, and the effluent disposal area;
- g) To initially, for a period of 12 months from the date of this approval, provide quarterly servicing reports for the STP. Subsequent reporting periods to be provided in the management plan;

This plan must be provided to Council within 3 months of the date of this approval and reviewed on a 3 yearly basis or as agreed by Council. The Applicant must implement the approved management plan as approved from time to time by Council.

7. Liddell Sewerage Treatment Plant Management Plan

The Applicant must prepare a Liddell Sewerage Treatment Plant Management Plan to the satisfaction of Council. This plan must include, but not be limited to the following matters:

- a) The design of the sprinkler system showing its existing/planned layout to demonstrate it can manage the peak volume being applied, and in a way that will not cause "misting";
- b) The sprinkler system design must demonstrate how waterlogging and nutrient saturation of the ground is to be monitored and minimised;
- c) The methods used in the sprinkler system to ensure the system has no leaks and all the water is disposed through the sprinklers;
- d) A description of the treatment plant, maintenance and service methods to ensure the water quality being disposed can be maintained to the standards outlined in the SEE.
- e) A description of how treatment pond overflow into Lake Liddell is avoided, and if water levels exceed acceptable limits, the methods to ensure acceptable levels are then achieved.

This plan must be provided to Council within 3 months of the date of this approval and reviewed on a 2 yearly basis or as agreed by Council. The Applicant must implement the approved management plan as approved from time to time by Council.

8. Notification of environmental incidents

The applicant must notify Council and any other relevant agencies immediately of any environmental incident relating to this consent. Within 7 days of the date of the incident, the Applicant shall provide Council and any relevant agencies with a detailed report on the incident, and such further reports as may be reasonably requested.

It should be noted that this approval remains effective from the original date of the consent, 28th July 1995.

Section 96 confers on an applicant who is dissatisfied with this determination a right of appeal to the Land and Environment Court under Section 96(6) of the Environmental Planning and Assessment Act 1979 (except in the case of State Significant Development). This appeal provision is pursuant to the Land and Environment Court Rules and is exercisable within sixty (60) days of the date of determination.

Should you require further information in relation to this matter, please contact me on 02 6549 3777.

APPROVED BY DELEGATED AUTHORITY



Donna Watson
Development Planner

Muswellbrook Shire Council

TELEPHONE - PERSONAL ENQUIRIES

PLEASE ASK FOR

OUR REFERENCE

YOUR REFERENCE

CHIEF SHIRE PLANNER/1a
DA 54/86
54404, 48664 D/RJR



ADMINISTRATION CENTRE
MUSWELLBROOK N.S.W. 2333

19 June 1986

54404
48664

The Secretary
Electricity Commission of NSW
G P O Box 5257
SYDNEY NSW 2001

Dear Sir,

Re: Development Application for Combustion Turbine Generating
Units, Lot 5 DP 247943, Parish of Savoy

Pursuant to Section 92 of the Environmental Planning and Assessment Act, 1979, the above development application has been determined by granting of consent subject to the conditions as per the attached annexure.

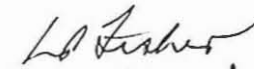
The reason for the imposition of the conditions is to ensure that the development is carried out in the public interest in accordance with those matters referred to in Section 90 of the Act.

Date of Consent: 19 June 1986

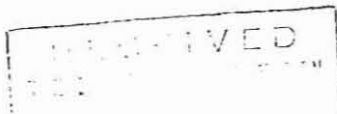
You are advised that this approval, valid for a period of 24 months for physical commencement of the development relates to planning control only and that any other necessary approvals are to be obtained from the appropriate departments of Council or any other relevant authority.

Section 97 of the Act confers on the applicant who is dissatisfied with the determination of the Council, a right of appeal to the Land and Environment Court, exerciseable within 12 months after the receipt of this notice.

Yours faithfully


L. P. Fisher
SHIRE CLERK

encl.



Dev
10 June 1986

Man/Development

Muswellbrook Shire Council

TELEPHONE - PERSONAL ENQUIRIES

PLEASE ASK FOR

OUR REFERENCE

YOUR REFERENCE



ADMINISTRATION CENTRE
MUSWELLBROOK N.S.W. 2333

CONDITIONS

- i) The submission of a building application, fees and minimum of four (4) sets of plans and specifications in relation to the proposed buildings. The applicant shall also submit all deeds, bonds, agreements and the like, and headworks contributions if required by the Development Consent with the Building Application.
- ii) The building complying in all respects with the requirements of the Mine Subsidence Board.
- iii) The buildings being painted to blend with the surrounding environment.
- iv) Intensive landscaping being carried out around the perimeter of the site to reduce the visual impact of the development. A plan of landscaping is to be submitted with the building application.
- v) All plants and trees to be used in landscaping shall be at least one metre in height and shall be watered by a suitable underground irrigation system which shall be maintained to the satisfaction of Council.
- vi) All necessary approvals under the Clean Air Act, Clean Waters Act and Noise Control Act being obtained with copies of such approvals being submitted to Council.

L. Fisher 19/6/86.

Enquiries
Please ask for
Direct
Our reference
Your reference

Mr H A McTaggart
02 6549 3860
DA 2011/1

MUSWELLBROOK SHIRE COUNCIL

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
Issued under the Environmental Planning
and Assessment Act 1979 (Section 4.18)

DEVELOPMENT APPLICATION:	1/2011
APPLICANT NAME:	MACQUARIE GENERATION
APPLICANT ADDRESS:	34 GRIFFITHS ROAD LAMBTON 2299
LAND TO BE DEVELOPED:	PORTION 2 DP 774681 LOT 162 DP 752486, LOT 2 DP 1095515 PORTION 19 DP 247944 NEW ENGLAND HIGHWAY LIDDELL, NEW
PROPOSED DEVELOPMENT:	EXTENSION OF ASH DAM (LIDDELL POWER STATION)

DATE OF INITIAL DETERMINATION: 31 October 2011

DATE OF SECTION 4.55 MODIFICATION 29 June 2021
DETERMINATION

DETERMINATION: Consent granted subject to conditions described
below.

CONSENT TO OPERATE FROM: 31 October 2011

CONSENT TO LAPSE ON: 31 October 2016 if work has not commenced.

DETAILS OF CONDITIONS:

Schedule 1

Summary of New and modified conditions

This Schedule includes a summary of the changes to the conditions of consent from those imposed on the original determination of this development application. This Schedule should not be relied on to identify the full details of the consent and is provided as a reference document only to assist a person reviewing or acting with this consent to identify changes from the consent previously issued by Council. The current conditions of consent are listed in full in Schedule 2.

The dot points below provide a brief summary of changes to the conditions of consent imposed by Council in its previous determination of this development application:

- Condition (2), amended to reference the documentation approved as part of this Section 4.55(2) modification
- Condition (8), amended to permit the use of mine spoil from approved borrow pit the updated approved plans lodged as part of this modification application.
- Condition (11), amended to include a requirement for a New Dust and Air Quality Management Plan.
- New condition (28), requiring the submission of a rehabilitation management plan for the borrow pit
- New condition (29), requiring progressive rehabilitation of the site and disturbed areas.
- New condition (30), requiring compliance with the NSW Environmental Protection Authority requirements and the submission of a License Variation Application for the sites Environmental Protection Licence.
- New condition (31), requiring compliance with Dam Safety NSW requirement to be notified regarding any future proposed modifications to Liddell Ash Dam (a declared dam under the Dams Safety Regulation 2019).

Schedule 2

Development Consent Conditions

This Schedule sets out the conditions of consent for the development.

The conditions of consent are as follows:

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. The Proponent must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.

TERMS OF CONSENT

2. The Proponent must carry out the development in accordance with the:
 - a) Application;
 - b) Site locality plan showing the proposed new embankment prepared by Coffey Environments and dated December 2010 (received by Council on 4 January 2011);
 - c) Statement of Environmental Effects prepared by Coffey Environments and dated 18 July 2011 (received by Council August 2011);
 - d) The Statement of Environmental Effects dated February 2021 accompanying the 18 January 2021 Section 4.55(2) modification application; and
 - e) conditions of this consent.
3. If there is any inconsistency between the conditions of this consent and any of the documents set out in 2(a), 2(b), 2(c), or 2(d), the conditions of this consent prevail to the extent of that inconsistency.
4. Except where condition 3 applies, if there is any inconsistency between any of the documents set out in 2(a), 2(b), 2(c) or 2(d), the most recent document prevails to the extent of that inconsistency.
5. The Proponent must comply with any reasonable requirement/s of the Council arising from the Council's assessment of:
 - a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted by the Proponent in accordance with this consent; and

- b) the implementation of any actions or measures contained in any of the documents set out in condition 5(a).
6. The Proponent must reimburse Council for any reasonable expense incurred by Council in the assessment of the matters set out in condition 5.

LIMITS ON CONSENT

7. Ash emplacement for the Project may take place until 30 June 2032
8. The Proponent must not:
- a) emplace more than 1,600,000 tonnes of ash each year into the Ash Dam;
 - b) Except as amended by the approved Section 4.55(2) modification emplace compacted mine overburden of more than 2,084,000 cubic metres in raising the height of the Eastern Wall Embankment;
 - c) Raise the height of the Eastern Wall Embankment to an elevation which exceeds RL201m AHD;
 - d) Except as amended by the approved Section 4.55(2) modification emplace compacted mine overburden of more than 2,018,000 cubic metres in extending the Western Wall Embankment.
9. The Proponent must not haul overburden or ash on any Council local road.
10. The Proponent must ensure that the dust emissions generated by the development do not exceed those predicated in the Statement of Environmental Effects.

DUST AND AIR QUALITY MANAGEMENT PLAN

11. The Proponent must prepare and implement a Dust and Air Quality Management Plan for the development to the satisfaction of Council. The Plan must:
- a) be submitted to the Council for approval by the end of March 2012.
 - b) make provision for measures which ensure compliance by the Proponent with the relevant conditions of this consent and includes a real-time air quality management system that employs reactive and proactive mitigation measures.
 - c) make provision for best practice air quality management, including all reasonable and feasible measures to minimise dust emission by the development.
 - d) make provision for minimising visible off-site air pollution.
 - e) make provision for minimising the area of the Ash Dam surface prone to dust generation.

- f) make provision for the regular assessment of real-time air quality monitoring and meteorological forecasting and the relocation, modification and/or cessation of operations on-site to ensure compliance with the relevant conditions of this consent.
- g) make provision for the co-ordination of air quality management on-site with the air quality management at nearby mining operations so as to minimise the cumulative air quality impact.
- h) Include dust minimisation and management procedures for the operation of the approved borrow pit
- i) Include dust management procedures including the operation of water karts along haul roads operated by the borrow pit.

An updated Dust and Air Quality Management Plan is to be submitted for the development to the satisfaction of Council within 6 months of the approval of the Section 4.55(2) of this application and prior to the extraction of any material from the approved borrow pit for use in the ash dam construction or management.

WATER MANAGEMENT PLAN

- 12. The Proponent must prepare and implement a Water Management Plan for the development to the satisfaction of the Council. This plan must:
 - a) be prepared in consultation with NOW and DECCW, and be submitted to the Council for approval by the end of March 2012; and
 - b) include:
 - (i) a Site Water Balance;
 - (ii) an Erosion and Sediment Control Plan;
 - (iii) a Surface Water Monitoring Program;
 - (iv) a Groundwater Monitoring Program; and
 - (v) a Surface and Ground Water Response Plan.
- 13. The Site Water Balance must include details of:
 - a) sources and security of water supply;
 - b) water use on site;
 - c) water management on site;
 - d) any off-site water transfers;
 - e) reporting procedures; and
 - f) investigate and implement all reasonable and feasible measures to minimise water use by the development.

14. The Erosion and Sediment Control Plan must:

- a) be consistent with the requirements of *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004* (Landcom);
- b) identify activities that could cause soil erosion, generate sediment or affect flooding;
- c) describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk;
- d) describe the location, function, and capacity of erosion and sediment control structures and flood management structures; and
- e) describe what measures would be implemented to maintain the structures over time.

PROTECTION OF PUBLIC INFRASTRUCTURE

15. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:

- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
- b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

For the purposes of this clause, “public infrastructure” does not include any infrastructure owned or operated by the Proponent.

OPERATION OF PLANT AND EQUIPMENT

16. The Proponent must ensure that all plant and equipment used on site is:

- a) maintained in a proper and efficient condition; and
- b) operated in a proper and efficient manner.

STAGED SUBMISSION OF PLANS

17. With the approval of the Council, the Proponent may submit any strategy, plan or program required by this consent on a progressive basis.

18. The Proponent must continue to implement any existing strategies, plans or programs that apply to the development on site until they are replaced by an equivalent strategy, plan or program approved under this consent.

DAM STRUCTURAL ADEQUACY

19. Prior to the emplacement of ash in the Dam:

- a) a Construction Report – including an Engineer's certification as to adequacy, the specifications, Works as Executed Drawings and construction photographs must be submitted to Council and the Dam Safety Committee; and
- b) An updated Dam Safety Emergency Plan must be prepared and a copy submitted to Council and the Dam Safety Committee.

VEGETATION MANAGEMENT PLAN

20. The Proponent must prepare a vegetation management plan to the satisfaction of Council by March 2013 which:
- a) enhances the extent and composition of any threatened ecological community found on the site and, in particular, the Central Hunter Grey Box - Ironbark Woodland;
 - b) avoids the use of insecticides and herbicides within the subject site and, where possible, retains the integrity of the surrounding habitat for insectivorous bats and amphibian species; and
 - c) includes planting of salt tolerant species as part of the proposed saline discharge rehabilitation works.

REHABILITATION MANAGEMENT PLAN

21. The Proponent must prepare and implement a Rehabilitation Management Plan for the development to the satisfaction of Muswellbrook Shire Council. This plan must:
- a) be prepared in consultation with the CCC;
 - b) be submitted to the Council for approval by the end of March 2012;
 - c) be prepared in accordance with any relevant DRE guideline and any applicable Council policy;
 - d) integrate, to the maximum extent practicable, with the other management plans required under this consent; and
 - e) address all aspects of rehabilitation of the Ash Dam – including progressive rehabilitation, station closure (to the extent relevant to rehabilitation of the Ash Dam), final landform including final land use assessment, rehabilitation objectives, domain objectives, completion criteria and rehabilitation monitoring, and include a life of station ash management strategy, including an environmental risk assessment demonstrating that the emplacements can be designed, managed and rehabilitated appropriately.

CLOSURE PLAN

22. The Proponent must prepare, to the satisfaction of Council, a Closure Plan by June 2020 which describes the steps which the Proponent proposes to take to mitigate

the adverse socio-economic effects associated with the cessation of the use of the Ash Dam by making best use of the rehabilitated final land form the subject of this consent.

COMMUNITY CONTRIBUTION

23. The Proponent must make a contribution to Council pursuant to s94A of the Environmental Planning and Assessment Act.

GENERAL TERMS OF APPROVAL PURSUANT TO SECTION 91A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

NSW Office of Environment and Heritage

24. The Proponent must comply with the National Parks and Wildlife Act 1974 (NPW Act) as amended, prior to commencing any ground disturbance or development works which is the subject of the development application.
25. In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitable qualified archaeologist and representatives of the local Aboriginal community must be contacted to determine the significance (cultural and scientific) of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by OEH). The proponent will consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites. Prior to recommencing works in that area, the proponent will ensure they have the necessary approvals.
26. If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are to be contacted immediately. No action is to be undertaken unless the NSW Police provide written notification to the proponent stating otherwise. If the skeletal remains are identified as Aboriginal, the proponent must contact OEH's Enviroline on 131 555. NO works are to continue until OEH provided written notification to the proponent.
27. All reasonable efforts are to be made for the development to avoid impacting Aboriginal cultural heritage. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and the required legislative approvals. All sites impacted must have an OEH Aboriginal Site Impact Recording (ASIR) form completed and submitted to OEH AHIMS unit within three (3) months of completion of the Aboriginal cultural heritage works.

BORROW PIT REHABILITATION

28. Within six (6) months of the determination of this Section 4.55 modification application a Rehabilitation Management Plan is to be developed to the satisfaction of Council for the borrow pit approved as part of the Section 4.55 Modification of this application. This plan must:
- a) Relate to the rehabilitation and management of the borrow pit area.

- b) Be prepared by a suitably qualified and experienced person.
- c) Be prepared in accordance with industry best practice, Codes of Practice and Guidelines for the preparation of Rehabilitation Management Plans
- d) Build upon the site rehabilitation and land use outcomes expressed for the approved development in the Statement of Environmental Effects and response to Council's request for additional information dated 12 May 2021 or put forward an alternate rehabilitation strategy agreeable to Council.
- e) Identify any potential future land uses (where applicable) for the borrow pit area and advise how this part of the site would integrate (to the extent possible at the time the report is prepared) with other proposed, existing or new land uses across the Liddell and Bayswater site.
- f) Describe the measures to be implemented to ensure that the land is rehabilitated to the standard required to support its future use
- g) Include a weed management strategy to control the spread of weeds within the site, and particularly in relation to rehabilitated areas.
- h) Include details where applicable regarding the relationship of the borrow pit area and rehabilitation management plan with the operational requirements of the Bayswater and Liddell Power Station and the closure and rehabilitation planning for this infrastructure.

The Rehabilitation Management Plan is to be reviewed every 3 years from the date of the previous management plan approval and provided to Council for approval, until the time that all required rehabilitation measures are fully implemented to Council's satisfaction.

29. The applicant must rehabilitate the site progressively, that is as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.

PUBLIC AUTHORITY REQUIREMENTS – BORROW PIT MODIFICATION

30. The applicant is to apply to the NSW Environmental Protection Authority for the variation of their Environmental Protection License (No.2122) in accordance with the requirements of the NSW Environmental Protection Authorities letter dated 17 February 2021. Any License Variation Application should include the following supporting information:
- An updated plan of the premises that clearly illustrates the location for monitoring discharges from the settling pond.
 - The classification of the soil "texture" group (i.e. Type C, D or F) of the primary soils in the additional borrow area in accordance with *Managing Urban Stormwater: Soils and construction - Volume 1, 4th edition* (the 'Blue Book', Landcom 2004)
 - The area reporting to the settling pond
 - The size of the settling pond
 - Details of the settling pond's design capacity in accordance with the Blue Book.

Details demonstrating compliance with NSW Environmental Protection Authority requirements and that the relevant license variation has been obtained should be provided to Council prior to the commencement of the operation of the borrow pit.

31. Liddell Ash Dam is a Declared Dam under the Dams Safety Regulation 2019. In accordance with this Regulation the owner of a declared dam must notify Dams Safety NSW in writing before any significant change is made to the configuration of a declared dam.

Accordingly, Dam Safety NSW should be notified regarding any future modifications to Liddell Ash Disposal Dam.

RIGHT OF APPEAL:

Sections 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 provide that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act, 1979 give you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

**APPROVED BY COUNCIL AND SIGNED ON BEHALF OF THE CONSENT
AUTHORITY**



Hamish McTaggart
Development Coordinator

Date: 02/07/2021

MUSWELLBROOK SHIRE COUNCIL

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
Issued under the Environmental Planning
and Assessment Act 1979 (Section 81)

DEVELOPMENT APPLICATION:	90/2015
APPLICANT NAME:	AGL Macquarie Pty Ltd
APPLICANT ADDRESS:	Private Mail Bag 2 MUSWELLBROOK NSW 2333
LAND TO BE DEVELOPED:	Lot 2 DP 1095515 Liddell Power Station
PROPOSED DEVELOPMENT:	Liddell Ash Settling Pond and Associated Infrastructure

DETERMINATION MADE ON: 28 June 2016

DETERMINATION: Consent granted subject to conditions described below.

CONSENT TO OPERATE FROM: 28 June 2016

CONSENT TO LAPSE ON: 28 June 2021 if work has not commenced in accordance with Section 95(4) of the Environmental Planning and Assessment Act 1979.

DETAILS OF CONDITIONS:

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Drawn by	Drawing Date	Received
Conceptual Layout of Project Site	AECOM	8 April 2016	15 April 2016

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

3. Development in Accordance with Documentation

The development is to be carried out generally in accordance with the following documents:

Title	Written by	Date
Statement of Environmental Effects	Aecom	8 April 2016

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

4. Section 94A Contributions

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of **\$14,000-00** shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of any Construction Certificate.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

5. Construction Certificate Requirement

No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

6. Sediment and Erosion Control

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**7. Occupation**

The Ash Dam spillway is not to be used until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**8. DPI Water - Controlled Activity Approval**

The applicant shall carry out the works, subject to this approval, in accordance with the Controlled Activity Approval issued by the Department of Primary Industries – Water dated 6 June 2016 (ref – 20 ERM2015/1155).

9. Roads and Maritime Services Infrastructure Deed

The applicant shall at all times comply with the Roads and Maritime Services Infrastructure Deed issued to the Company.

REASON FOR IMPOSITION OF CONDITIONS:

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:**1. Location of Services**

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

2. Rehabilitation

The area subject to this consent shall be considered for remediation and rehabilitation in any Closure Plan for the Power Station.

- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

RIGHT OF APPEAL:

Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

APPROVED UNDER DELEGATED AUTHORITY

Donna Watson
Development Planner

Date / /

Enquiries
Please ask for Mrs D L Watson
Direct 02 6549 3777
Our references DA 91/2015
Your reference

MUSWELLBROOK SHIRE COUNCIL

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
Issued under the Environmental Planning
and Assessment Act 1979 (Section 81)

DEVELOPMENT APPLICATION:	91/2015
APPLICANT NAME:	AGL Macquarie Pty Ltd
APPLICANT ADDRESS:	Private Mail Bag 2 MUSWELLBROOK NSW 2333
LAND TO BE DEVELOPED:	Lot 2 DP 1022827 Liddell Power Station NEW ENGLAND HIGHWAY MUSWELLBROOK
PROPOSED DEVELOPMENT:	Install an effluent pipeline from the Liddell Power Station Water Treatment Plant to the outfall canal

DETERMINATION MADE ON: 13 January 2016

DETERMINATION: Consent granted subject to conditions described below.

CONSENT TO OPERATE FROM: 13 January 2016

CONSENT TO LAPSE ON: 13 January 2021 if work has not commenced in accordance with Section 95(4) of the Environmental Planning and Assessment Act 1979.

DETAILS OF CONDITIONS:

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

The development being carried out in accordance with the development application and the drawings referenced in the Statement of Environmental Effects, and endorsed with Council's approval stamp, except where amended by the following conditions.

Title	Written by	Date
Statement of Environmental Effects	AECOM	21 October 2015

Muswellbrook Shire Council ABN 86 864 180 944

Address all communications to The General Manager Mail PO Box 122 Muswellbrook NSW 2333 Phone 02 6549 3700
Fax 02 6549 3701 Email council@muswellbrook.nsw.gov.au Web www.muswellbrook.nsw.gov.au

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

3. Section 94A Contributions

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$6,000.00 shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of the Construction Certificate.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

4. Sediment and Erosion Control

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

5. Construction Certificate Requirement

No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

REASON FOR IMPOSITION OF CONDITIONS:

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

(a) To encourage:

- (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- (ii) The promotion and co-ordination of the orderly and economic use of development of land;
- (iii) The protection, provision, and co-ordination of communication and utility services;
- (iv) The provision of land for public purposes;
- (v) The provision and co-ordination of community services and facilities;

- (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:**(1) Location of Services**

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

RIGHT OF APPEAL:

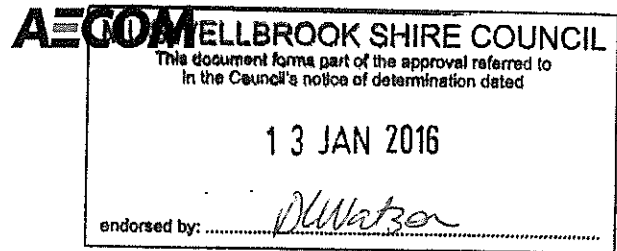
Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

APPROVED UNDER DELEGATED AUTHORITY

Donna Watson
Development Planner

Date 13/1/2016



Statement of Environmental Effects

Water Treatment Plant Backwash Effluent Management Upgrade



Table B.3 contains a review the of the legacy consents applicable to this project, conditions that have been previously met or conditions which are intended to be merged into the new SSD conditions of consent.

Table B.3 *Review of legacy conditions of consent*

Conditions of Approval	Consent Condition	Additional Information	Status
DA Reference – DA 54/86 – Development Application for Combustion Turbine Generating Units (Hunter Valley Gas Turbines), Lot 5 DP 247943, Parish of Savoy			
Pursuant to Section 92 of the Environmental Planning and Assessment Act, 1979, the above development application has been determined by granting of consent subject to the conditions as per the attach annexure. The reason for the imposition of the conditions is to ensure that the development is carried out in the public interest in accordance with those matters referred to in Section 90 of the Act.			
I	The submission of a building application, fees and minimum of four (4) sets of plans and specifications in relation to the proposed buildings. The applicant shall also submit all deeds, bonds, agreements and the like, and headworks contributions if required by the Development consent <u>with</u> the Building Application	Condition no longer relevant, construction was completed many years ago and well before acquisition of Macquarie Generation by AGL.	Complete – not to be carried over to SSD-24937520. The scope of SSD-24937520 includes the demolition of the Hunter Valley Gas Turbines (HVGTS).
li	The building complying in all respects with the requirements of the Mine Subsidence Board.	Condition no longer relevant, construction was completed many years ago and well before acquisition of Macquarie Generation by AGL.	Complete – not to be carried over to SSD-24937520. The scope of SSD-24937520 includes the demolition of the Hunter Valley Gas Turbines (HVGTS).
iii	The buildings being painted to blend with the surrounding environment.	The most visible components of the building were painted green.	Complete – not to be carried over to SSD-24937520. The scope of SSD-24937520 includes the demolition of the Hunter Valley Gas Turbines (HVGTS).

Conditions of Approval	Consent Condition	Additional Information	Status
iv	Intensive landscaping being carried out around the perimeter of the site to reduce the visual impact of the development. A plan of landscaping is to be submitted with the building application.	Condition no longer relevant, construction/landscaping was completed many years ago and well before acquisition of Macquarie Generation by AGL.	Complete – not to be carried over to SSD-24937520. The scope of SSD-24937520 includes the demolition of the Hunter Valley Gas Turbines (HVGTS).
V	All plants and trees to be used in landscaping shall be at least one metre in height and shall be watered by a suitable underground irrigation system which shall be maintained to the satisfaction of Council.	Condition no longer relevant, construction/landscaping was completed many years ago and well before acquisition of Macquarie Generation by AGL.	Complete – not to be carried over to SSD-24937520. The scope of SSD-24937520 includes the demolition of the Hunter Valley Gas Turbines (HVGTS).
Vi	All necessary approvals under the Clean Air Act, Clean Waters Act and Noise Control Act being obtained with copies of such approvals being submitted to Council.	Environment Protection License 2122 is in place which covered all aspects of this condition when the HVGTS were operating. Note, the HVGTS have not been in operation for some time and decommissioning is planned to commence in 2023 in conjunction decommissioning of the Liddell Power Station.	Complete – not to be carried over to SSD-24937520. The scope of SSD-24937520 includes the demolition of the Hunter Valley Gas Turbines (HVGTS).
Vii	A suitable barrier such as a bund wall shall be placed around the woodlot to ensure effluent does not into Lake Liddell.		
DA Reference – DA 98/1995 (as modified 19/12/2017) – Section 96(2) Amendment – Modification to Sewerage Effluent Irrigation, AGL Macquarie, Muswellbrook.			
1	Obligation to minimise harm to the environment The Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation rehabilitation and, where relevant, decommissioning or the development.	The STP and associated irrigation system is to be decommissioned after closure of Liddell Power Station.	Ongoing – to be carried over to SSD-24937520 as the STP and irrigation system will be demolished and removed as part of the project.

Conditions of Approval	Consent Condition	Additional Information	Status
2	Adherence to terms of DA, EIS, etc. The development must be carried out in accordance with the conditions of this consent and generally in accordance with the: The accompanying SEE titled "Liddell Ash Dam Sewerage Effluent Reuse Project – s96 Modification DA 98-1995 Statement of Environmental Effects" Dated 1 August 2017. The SEE titled "Statement of Environmental Effects Effluent Reuse, Liddell Power Station" dated 20 October 2005. the Management Plan titled "Liddell Sewerage Treatment Plant Management Plan" dated September 2017 or its most recent version. Where there is an inconsistency between two or more of the above documents, the most recent document prevails to the extent of that inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.	Condition no longer relevant, the STP and associated irrigation system will cease operation following closure of Liddell Power Station and will be decommissioned ahead of demolition and associated work under SSD-24937520.	Complete – not to be carried over to SSD-24937520.
3	Compliance with documentation The Applicant must comply with any reasonable requirement/s of Council arising from: Any reports, strategies, plans, programs, audits or correspondence that is submitted in accordance with this consent; Any reports, reviews or audits commissioned by Council regarding compliance with this consent; and The implementation of any actions or measures contained in these documents.	Condition no longer relevant, the STP and associated irrigation system will cease operation following closure of Liddell Power Station and will be decommissioned ahead of demolition and associated work under SSD-24937520.	Complete – not to be carried over to SSD-24937520.
4	Annual Report The Applicant must, prepare and submit to Council an Annual Report which shall include: A compliance review of the performance of the project against conditions of the consent, management plans and statutory approvals; Assess the project against predictions made in the SEE's and other supporting documentation, Management Plans and the terms and commitments in the documents listed in the consent; A review of the effectiveness of the environmental management of the Effluent disposal system in terms of EPS, DPI Water and Council requirements; Review the results of environmental monitoring required under this consent or other approvals, including interpretations and discussion; Identification of trends in monitoring results; A listing of any variation obtained to approvals applicable to the DA area during the reporting year; The water budget for the year A summary report on the yearly review of the irrigation management and how its operation is being managed to maximise beneficial re-use throughout the reporting year; A list of any incidents that occurred within the reporting year.	Condition no longer relevant, any report would occur under SSD-24937520.	Complete – not to be carried over to SSD-24937520.

Conditions of Approval	Consent Condition	Additional Information	Status
	In preparing for the Annual Report, the Applicant must: Comply with any reasonable requirements of Council or other relevant government agencies; and Ensure that the first report is completed and submitted within 3 months of the end of the reporting year, or at a date determined by Council in consultation with DRE The Applicant must ensure that copies of each Annual Report are submitted to Council, DPI Water and the EPA, and made available for public information at Council within fourteen days of submission to these authorities. The Annual Report required by this consent can be incorporated into another Annual Report required by another Council consent for the Bayswater//Liddell site		
5	Compliance with Legislation The Liddell sewerage plant and disposal area is to be operated generally in accordance with the following guidelines: Australian Guidelines for Water Recycling; NSW Department of Primary Industries – Water NSW Guidance for Recycled Water Management Systems; NSW Environment Protection Authority Environmental Guidelines.	Condition no longer relevant, the STP and associated irrigation system will cease operation following closure of Liddell Power Station and will be decommissioned ahead of demolition and associated work under SSD-24937520.	Complete – not to be carried over to SSD-24937520.
6	Monitoring and Maintenance Plan The Applicant must prepare a Monitoring and Maintenance Plan to the satisfaction of Council. The plan must include, but not be limited to the following matters: A monitoring period and a description of the monitoring of pond water levels, water quality and volume disposed per day; Details of water quality monitoring to be undertaken for pH, BOD, TSS, EColi and oil/grease and other analytes as agreed with Council; An inspection regime and maintenance plan for the STP, pump and pipeline and disposal area; Water assessment criteria, including trigger levels for investigating any potential adverse impacts; A description of what is defined as an incident and a description of the reporting process should an incident occur; To initially, for a period of 6 months from the date of this approval, provide Council with monthly monitoring results for the water in Pond 1, Pond 3 and the effluent disposal area; To initially, for a period of 12 months from the date of this approval, provided quarterly servicing reports for the STP. Subsequent reporting periods to be provided in the management plan. This plan must be provided to Council within 3 months of the date of this approval and reviewed on a 3 yearly basis or as agreed by Council. The Applicant must implement the approved management plan as approved from time to time by Council.	Condition complete and no longer relevant, the STP and associated irrigation system will cease operation following closure of Liddell Power Station and will be decommissioned ahead of demolition and associated work under SSD-24937520	Complete – not to be carried over to SSD-24937520.

Conditions of Approval	Consent Condition	Additional Information	Status
7	Liddell Sewerage Treatment Plan Management Plan The Applicant must prepare a Liddell Sewerage Treatment Plant Management Plan to the satisfaction of Council. This plan must include, but not be limited to the following matters: The design of the sprinkler system showing its existing/planned layout to demonstrate it can manage the peak volume being applied, and in a way that will not cause “misting”; The sprinkler system design must demonstrate how waterlogging and nutrient saturation of the ground is to be monitored and minimised; The methods used in the sprinkler system to ensure the system has no leaks and all the water is disposed through the sprinklers; A description of the treatment plant, maintenance and service methods to ensure the water quality being disposed can be maintained to the standards outlined in the SEE. A description of how treatment pond overflow into Lake Liddell is avoided, and if water levels exceed acceptable limits, the methods to ensure acceptable levels are then achieved. This plan must be provided to Council within 3 months of the date of this approval and reviewed on a 2 yearly basis or as agreed by Council. The Applicant must implement the approved management plan as approved from time to time by Council.	Condition complete and no longer relevant, the STP and associated irrigation system will case operation following closure of Liddell Power Station and will be decommissioned ahead of demolition and associated work under SSD-24937520	Complete – not to be carried over to SSD-24937520.
8	Notification of environmental incidents The applicant must notify Council and any other relevant agencies immediately of any environmental incident relating to this consent. Within 7 days of the date of the incident, the Applicant shall provide Council and any relevant agencies with a detailed report on the incident, and such further reports as may be reasonably requested.	No longer relevant as facility will be shut an decommissioned following closure of Liddell Power Station.	Complete – not to be carried over to SSD-24937520.
DA Reference – 1/2011 (as modified 29/06/2021) – Extension of Ash Dam (Liddell Power Station) and associated borrow pit			
1	Obligation to minimise harm to the environment The Proponent must implement all reasonable and feasible means to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.	Condition relevant to the closure and rehabilitation phases of the Liddell Ash Dam.	Ongoing – condition to be carried over to SSD-24937520.
Terms of Consent			
2	The Proponent must carry out the development in accordance with the: Application; Site locality plan showing the proposed new embankment prepared by Coffey Environments and dated December 2010 (received by Council on 4 January 2011); Statement of Environmental Effects prepared by Coffey Environments and dated 18 July 2021 (received by Council August 2011);	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be carried over to SSD-24937520.

Conditions of Approval	Consent Condition	Additional Information	Status
	The Statement of Environmental Effects dated February 2021 accompanying the 18 January 2021 Section 4.55(2) modification application; and Conditions of this consent.		
3	If there is any inconsistency between the conditions of this consent and any of the documents set out in 2(a), 2(b), 2(c) or 2(d), the most recent document prevails to the extent of that inconsistency.	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be carried over to SSD-24937520.
4	Except where conditions 3 applies, if there is any inconsistency between any of the documents set out in 2(a), 2(b), 2(c) or 2(d), the most recent document prevails to the extent of that inconsistency.	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be carried over to SSD-24937520.
5	The Proponent must comply with any reasonable requirement/s of the Council arising from the Council's assessment of: Any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted by the Proponent in accordance with this consent; and The implementation of any actions or measures contained in any of the documents set out in condition 5(a).	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.
6	The Proponent must reimburse Council for any reasonable expense incurred by Council in the assessment of the matters set out in condition 5.	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.
Limits on Consent			
7	Ash emplacement for the Project may take place until 30 June 2032	Condition will be complete following closure and decommissioning of Liddell Power Station.	Complete – condition not to be carried over to SSD-24937520.
8	The Proponent must not: emplace more than 1,600,000 tonnes of ash each year into the Ash Dam; Except as amended by the approved Section 4.55(2) modification emplace compacted mine overburden of more than 2,084,000 cubic metres in raising the height of the Eastern Wall Embankment; Raise the height of the Eastern Wall Embankment to an elevation which exceeds RL201m AHD; Except as amended by the approved Section 4.55(2) modification emplace compacted mine overburden of more than 2,018,000 cubic metres in extending the Western Wall Embankment.	Condition complete, relevant to the construction component of the project.	Complete – condition not to be carried over to SSD-24937520.

Conditions of Approval	Consent Condition	Additional Information	Status
9	The Proponent must not haul overburden or ash on any Council local road.	Condition complete, relevant to the construction component of the project.	Complete – condition not to be carried over to SSD-24937520.
10	The Proponent must ensure that the dust emissions generated by the development do not exceed those predicated in the Statement of Environmental Effects	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be carried over to SSD-24937520.
Dust and Air Quality Management Plan			
11	The Proponent must prepare and implement a Dust and Air Quality Management Plan for the development to the satisfaction of Council. The Plan must: - be submitted to the Council for approval by the end of March 2012. - make provision for measures which ensure compliance by the Proponent with the relevant conditions of this consent and includes a real-time air quality management system that employs reactive and proactive mitigation measures. - make provision for best practice air quality management, including all reasonable and feasible measures to minimise dust emission by the development. - make provision for minimising visible off-site air pollution. - make provision for minimising the area of the Ash Dam surface prone to dust generation. DA 1/2011 - 5 - Muswellbrook Shire Council Page 5 of 10 - make provision for the regular assessment of real-time air quality monitoring and meteorological forecasting and the relocation, modification and/or cessation of operations on-site to ensure compliance with the relevant conditions of this consent. - make provision for the co-ordination of air quality management on-site with the air quality management at nearby mining operations so as to minimise the cumulative air quality impact. Include dust minimisation and management procedures for the operation of the approved borrow pit Include dust management procedures including the operation of water karts along haul roads operated by the borrow pit. An updated Dust and Air Quality Management Plan is to be submitted for the development to the satisfaction of Council within 6 months of the approval of the Section 4.55(2) of this application and prior to the extraction of any material from the approved borrow pit for use in the ash dam construction or management.	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be incorporated into SSD-24937520.

Conditions of Approval	Consent Condition	Additional Information	Status
Water Management Plan			
12	The Proponent must prepare and implement a Water Management Plan for the development to the satisfaction of the Council. This plan must: be prepared in consultation with NOW and DECCW, and be submitted to the Council for approval by the end of March 2012; and include: - a Site Water Balance; - an Erosion and Sediment Control Plan; - a Surface Water Monitoring Program; - a Groundwater Monitoring Program; and - a Surface and Ground Water Response Plan.	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be incorporated into SSD-24937520.
13	The Site Water Balance must include details of: - sources and security of water supply; - water use on site; - water management on site; - any off-site water transfers; - reporting procedures; and - investigate and implement all reasonable and feasible measures to minimise water use by the development.	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.
14	The Erosion and Sediment Control Plan must: - be consistent with the requirements of <i>Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition, 2004</i> (Landcom); - identify activities that could cause soil erosion, generate sediment or affect flooding; - describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk; - describe the location, function, and capacity of erosion and sediment control structures and flood management structures; and - describe what measures would be implemented to maintain the structures over time.	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be incorporated into SSD-24937520.

Conditions of Approval	Consent Condition	Additional Information	Status
Protection of Public Infrastructure			
15	Unless the Proponent and the applicable authority agree otherwise, the Proponent must: Repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development. For the purposes of this clause, “public infrastructure” does not include any infrastructure owned or operated by the Proponent.	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.
Operation of Plant and Equipment			
16	The Proponent must ensure that all plant and equipment used on site is: maintained in a proper and efficient condition; and operated in a proper and efficient manner.	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be incorporated into SSD-24937520.
Staged Submission of Plans			
18	With the approval of the Council, the Proponent may submit any strategy, plan or program required by this consent on a progressive basis.	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.
18	The Proponent must continue to implement any existing strategies, plans or programs that apply to the development on site until they are replaced by an equivalent strategy, plan or program approved under this consent.	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.
Dam Structural Integrity			
19	Prior to the emplacement of ash in the Dam: a Construction report – including an Engineer’s certification as to adequacy, the specifications, Works as Executed Drawings and construction photographs must be submitted to Council and the Dam Safety Committee; and An updated Dam Safety Emergency Plan must be prepared and a copy submitted to Council and the Dam Safety Committee.	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.

Conditions of Approval	Consent Condition	Additional Information	Status
Vegetation Management Plan			
20	The Proponent must prepare a vegetation management plan to the satisfaction of Council by March 2013 which: - enhances the extent and composition of any threatened ecological community found on the site and, in particular, the Central Hunter Grey Box - Ironbark Woodland; - avoids the use of insecticides and herbicides within the subject site and, where possible, retains the integrity of the surrounding habitat for insectivorous bats and amphibian species; and - includes planting of salt tolerant species as part of the proposed saline discharge rehabilitation works.	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be incorporated into SSD-24937520.
Rehabilitation Management Plan			
21	The Proponent must prepare and implement a Rehabilitation Management Plan for the development to the satisfaction of Muswellbrook Shire Council. This plan must: - be prepared in consultation with the CCC; - be submitted to the Council for approval by the end of March 2012; - be prepared in accordance with any relevant DRE guideline and any applicable Council policy; - integrate, to the maximum extent practicable, with the other management plans required under this consent; and - address all aspects of rehabilitation of the Ash Dam – including progressive rehabilitation, station closure (to the extent relevant to rehabilitation of the Ash Dam), final landform including final land use assessment, rehabilitation objectives, domain objectives, completion criteria and rehabilitation monitoring, and include a life of station ash management strategy, including an environmental risk assessment demonstrating that the emplacements can be designed, managed and rehabilitated appropriately.	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be incorporated into SSD-24937520.
Closure Plan			
22	The Proponent must prepare, to the satisfaction of the Council, a Closure Plan by June 2020 which describes the steps which the Proponent proposes to take to mitigate the adverse socio-economic effects associated with the cessation of the use of the Ash dam by making best use of the rehabilitated final land form subject to this consent.	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be incorporated into SSD-24937520.
Community Contribution			
23	The Proponent must take a contribution to Council pursuant to s94A of the Environmental Planning and Assessment Act. GENERAL TERMS OF APPROVAL PURSUANT TO SECTION 91A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.

Conditions of Approval	Consent Condition	Additional Information	Status
<u>NSW Office of Environment and Heritage</u>			
24	The Proponent must comply with the National Parks and Wildlife Act 1974 (NPW Act) as amended, prior to commencing any ground disturbance or development works which is the subject of the development application.	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.
25	In the event that surface disturbance identifies a new Aboriginal site, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitable qualified archaeologist and representatives of the local Aboriginal community must be contacted to determine the significance (cultural and scientific) of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) (managed by OEH). The proponent will consult with the Aboriginal community representatives, the archaeologist and OEH to development and implement management strategies for all objects/sites. Prior to recommencing works in that area, the proponent will ensure they have the necessary approvals.	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.
26	If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are to be contacted immediately. No action is to be undertaken unless the NSW Police provide written notification to the proponent stating otherwise. If the skeletal remains are identified as Aboriginal, the proponent must contact OEH's Enviroline on 131 555. NO works are to continue until OEH provided written notification to the proponent.	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.
27	All reasonable efforts are to be made for the development to avoid impacting Aboriginal cultural heritage. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community and the required legislative approvals. All sites impacted must have an OEH Aboriginal Site Impact Recording (ASIR) form completed and submitted to OEH AHIMS unit within three (3) months of completion of the Aboriginal cultural heritage works.	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.
Borrow Pit Rehabilitation			
28	Within six (6) months of the determination of this Section 4.55 modification application a Rehabilitation Management Plan is to be developed to the satisfaction of Council for the borrow pit approved as part of the Section 4.55 Modification of this application. This plan: Relate to the rehabilitation and management of the borrow pit area. Be prepared by a suitably qualified and experienced person. Be prepared in accordance with industry best practice, Codes of Practice and Guidelines for the preparation of Rehabilitation Management Plans Build upon the site rehabilitation and land use outcomes expressed for the approved development in the Statement of Environmental Effects and response to Council's request for additional information dated 12 May 2021 or put forward an alternate rehabilitation strategy agreeable to Council. Identify any potential future land uses (where applicable) for the borrow pit area and advise how this part of the site would integrate (to the extent possible at the time the report is prepared) with other proposed, existing or new land uses across the Liddell and Bayswater site.	Condition complete.	Complete – condition not to be carried over to SSD-24937520.

Conditions of Approval	Consent Condition	Additional Information	Status
	Describe the measures to be implemented to ensure that the land is rehabilitated to the standard required to support its future use Include a weed management strategy to control the spread of weeds within the site, and particularly in relation to rehabilitated areas. Include details where applicable regarding the relationship of the borrow pit area and rehabilitation management plan with the operational requirements of the Bayswater and Liddell Power Station and the closure and rehabilitation planning for this infrastructure. The Rehabilitation Management Plan is to be reviewed every 3 years from the date of the previous management plan approval and provided to Council for approval, until the time that all required rehabilitation measures are fully implemented to Council's satisfaction.		
29	The applicant must rehabilitate the site progressively, that is as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilization and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be incorporated into SSD-24937520.
Public Authority Requirements – Borrow Pit Modification			
30	The applicant is to apply the NSW Environmental Protection Authority for the variation of their Environmental Protection License (No.2122) in accordance with the requirements of the NSW Environmental Protection Authorities letter date 17 February 2021. Any License Variation Application should include the following supporting information: ➤ An updated plan of the premises that clearly illustrates the location for monitoring discharges from the settling pond. ➤ The classification of the soil "texture" group (i.e. Type C, D or F) of the primary soils in the additional borrow area in accordance with <i>Managing Urban Stormwater: Soils and construction - Volume 1, 4th edition</i> (the 'Blue Book', Landcom 2004) ➤ The area reporting to the settling pond ➤ The size of the settling pond ➤ Details of the settling pond's design capacity in accordance with the Blue Book. Details demonstrating compliance with NSW Environmental Protection Authority requirements and the relevant license variation has been obtained should be provided to Council prior to the commencement of the operation of the borrow pit.	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.
31	Liddell Ash Dam is a Declared Dam under the Dams Safety Regulation 2019. In accordance with this Regulation the owner of the declared dam must notify Dams Safety NSW in writing before any significant change is made to the configuration of a declared dam. Accordingly, Dam Safety NSW should be notified regarding any future modifications to Liddell Ash Disposal Dam.	Condition relevant to the closure and rehabilitation phase of the Liddell Ash Dam.	Ongoing – condition to be incorporated into SSD-24937520.

Conditions of Approval	Consent Condition				Additional Information	Status								
DA Reference 90/2015 – Liddell Ash Settling Pond and Associated Infrastructure														
1	Development in Accordance with Plans The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council’s approval stamp, except where amended by the following conditions. <table><tr><td>Drawing No.</td><td>Drawn by</td><td>Drawing Date</td><td>Received</td></tr><tr><td>Conceptual Layout of Project Site</td><td>AECOM</td><td>8 April 2016</td><td>15 April 2016</td></tr></table>				Drawing No.	Drawn by	Drawing Date	Received	Conceptual Layout of Project Site	AECOM	8 April 2016	15 April 2016	Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.
Drawing No.	Drawn by	Drawing Date	Received											
Conceptual Layout of Project Site	AECOM	8 April 2016	15 April 2016											
2	Plans on Site A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.				Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.								
3	Development in Accordance with Documentation The development is to be carried out generally in accordance with the following documents: <table><tr><td>Title</td><td>Written by</td><td>Date</td></tr><tr><td>Statement of Environmental Effects</td><td>AECOM</td><td>8 April 2016</td></tr></table>				Title	Written by	Date	Statement of Environmental Effects	AECOM	8 April 2016	Condition no longer relevant.	Complete – condition not to be carried over to SSD-24937520.		
Title	Written by	Date												
Statement of Environmental Effects	AECOM	8 April 2016												
Ancillary Matters to be Completed Prior to the Issue of the Construction Certificate														
4	Section 94A Contributions Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of <u>\$14,000-00</u> shall be paid to Muswellbrook Shire Council, The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provision of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of any Construction Certificate.				Condition is complete and no longer relevant.	Complete – condition not to be carried over to SSD-24937520.								
Conditions that must be Addressed Prior to Commencement														
5	Construction Certificate Requirement No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.				Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.								

Conditions of Approval	Consent Condition	Additional Information	Status	
6	Sediment and Erosion Control All required erosion and sedimentation techniques are to be properly installed prior to the commence of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.	Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.	
Conditions Which must be Complied with Prior to the Issue of the Occupation Certificate				
7	Occupation The Ash Dam spillway is not to be used until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.	Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.	
Conditions that Must be Complied with at All Times				
8	DPI Water – Controlled Activity Approval The applicant shall carry out the works, subject to this approval, in accordance with the Controlled Activity Approval issued by the Department of Primary Industries – Water dated 6 June 2016 (ref – 20 ERM2015/1155).	Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.	
9	Roads and Maritime Services Infrastructure Deed The applicant shall at all times comply with the Roads and Maritime Services Infrastructure Deed issued to the Company.	Condition is relevant to the demolition and rehabilitation phase of the project.	Ongoing – condition to be incorporated into SSD-24937520.	
Advice				
1	Location of Services Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting “Dial before you Dig” by telephoning 1100.	Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.	
2	Rehabilitation The area subject to this consent shall be considered for remediation and rehabilitation in any Closure Plan for the Power Station.	Condition is relevant to the demolition and rehabilitation phase of the project.	Ongoing – condition to be incorporated into SSD-24937520.	
DA Reference – 91/2015 – Install an effluent pipeline from the Liddell Power Station Water Treatment Plant to the outfall canal				
Identification of Approved Plans				
1	Title	Written by	Date	
	Statement of Environmental Effects	AECOM	21 October 2015	
	The development being carried out in accordance with the development application and the drawings referenced in the Statement of Environmental Effects, and endorsed with Council’s approval stamp, except where amended by the following conditions.		Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.

Conditions of Approval	Consent Condition	Additional Information	Status
2	Plans on Site A copy of all stamped approved plans, specification and documents (including a Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.	Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.
Ancillary Matters to be Completed Prior to the Issue of the Construction Certificate			
3	Section 94A Contributions Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$6,000.00 shall be paid to Muswellbrook Shire Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of the Construction Certificate.	Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.
Conditions that must be Addressed Prior to Commencement			
4	Sediment and Erosion Control All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.	Condition no longer relevant as construction is complete. Demolition activities would be undertaken in accordance with SSD-24937520.	Complete – condition not to be carried over to SSD-24937520.
5	Construction Certificate Requirement No works shall commence on site until such time as a Construction Certificate has been issued for either part of or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.	Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.
Advice			
1	Location of Services Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting “Dial before you Dig” by telephoning 1100.	Condition no longer relevant as construction is complete.	Complete – condition not to be carried over to SSD-24937520.