

eB4822

New South Wales Government

Department of Environment and Planning



47223

The Secretary,
The Electricity Commission of
New South Wales,
T. & G. Tower,
Park & Elizabeth Streets,
SYDNEY, N.S.W. 2001.

Remington Centre
175 Liverpool Street, Sydney NSW
Box 3927 G.P.O. Sydney NSW
DX 15 Sydney

Telephone (02) 237 9111 Ext. 7578

Contact Mr. R. Power

Our reference 80/10060
Pt. 2

Your reference
47223 PD/AH

4th Aug, 1982

ATTENTION MR. ROLLINSON

Dear Sir,

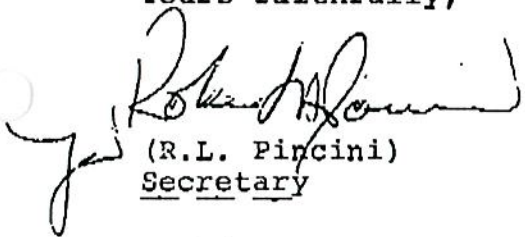
Development Application by the Electricity Commission of
New South Wales to erect a Power Station at Mt. Piper -
Determination of Development Application.

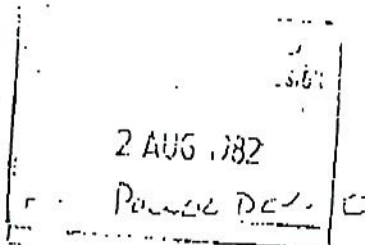
I refer to the above matter and to my telephone conversation
of even date with Mr. Rollinson of your Commission.

2. It is confirmed that the Minister has determined the
Development Application, by giving consent to that application
subject to certain conditions.

3. Enclosed please find a copy of the Instrument of Consent
for the Commission's records.

Yours faithfully,


(R.L. Pincini)
Secretary



DEPARTMENT OF ENVIRONMENT AND PLANNING
OF NEW SOUTH WALES

PROPOSED MT. PIPER POWER STATION

CONSENT TO A DEVELOPMENT APPLICATION REFERRED FOR
DETERMINATION PURSUANT TO SECTION 101 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

APPLICANTS NAME
AND ADDRESS:

The Electricity Commission
of New South Wales
(hereinafter called the
"Applicant"),
T. & G. Tower,
Park and Elizabeth Streets,
SYDNEY. N.S.W. 2000

WHEREAS:

- (a) The Minister for Planning and Environment (hereinafter called the "Minister") gave a Direction in writing (hereinafter called the "Direction") in accordance with Section 101(1) of the Environmental Planning and Assessment Act, 1979, (hereinafter called the "Act") dated the 19th February, 1981, to the Council of the City of Greater Lithgow (hereinafter called the "Council") to refer to the Secretary of the Department of Environment and Planning (hereinafter called the "Department") for determination by the Minister any development application specified in the Direction;
- (b) A development application (hereinafter called the "application") for the development of a power station to be known as Mt. Piper Power Station (hereinafter called the "proposed development") on land delineated by red edging on the plan annexed hereto and marked with the letter "A" (hereinafter called the "land") and being an application to which the Direction applies was received by the Council from the applicant and referred to the Secretary of the Department in accordance with Section 101(2) of the Act; and
- (c) The persons referred to in Section 101(3) of the Act have not required to be afforded the opportunity of a hearing as provided in Section 101(4) of the Act, before the Minister determines the application;

Now, I, the Minister for Planning and Environment, in accordance with Section 101(6) of the Act, do hereby determine the application for the proposed development by granting consent to that application for the proposed development as described in the Environmental Impact Statement (hereinafter called the "Statement") entitled "Mt. Piper Power Station Environmental Impact Statement", dated August, 1980, and "Mt. Piper Power Station Environmental Impact Statement Supplementary Information", dated August, 1980, subject to the following conditions:-

- (1) That the applicant shall, prior to the commencement of construction of the proposed development, obtain from the State Pollution Control Commission (hereinafter called the "Commission") all necessary approvals under the Clean Air Act, 1961, the Clean Waters Act, 1970 and the Noise Control Act, 1975;

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- (2) That the applicant shall meet the reasonable requirements of all public authorities having statutory responsibilities in respect of the construction and operation of the power station;
- (3) That the applicant shall prepare and submit to the Council, development applications supported by environmental impact statements (prepared in accordance with the Environmental Planning and Assessment Act and Regulations) in respect of any new coal mines required to provide fuel for the proposed development, and any other designated development associated with the project, prior to the letting of appropriate contracts for these developments;
- (4) That the applicant shall prepare and submit for the approval of the Commission plans of the proposed desalination plant, including the nature of the salt residues anticipated therefrom, together with evidence of the environmental acceptability of the proposals for the disposal of same;
- (5) That the applicant shall submit to the Department of Mineral Resources a report setting out the reasons for the suitability of the Neubecks Creek site for the construction of the proposed ash disposal dam with particular reference to the stability of the structure, the alienation of mineable coal and the possibility of mining such coal prior to construction of the dam;
- (6) That the applicant shall inform the Department should it be decided not to construct the Neubecks Creek ash disposal dam and seeks its prior approval to the development of an alternative site which will include consideration of the question of possible sterilization of coal reserves;
- (7) That the applicant shall submit to the Commission results of site investigations and studies of existing ground water quality and ground water flows in the catchment of the proposed Neubecks Creek ash disposal dam, together with an assessment of the potential for any increase in acid drainage to the Cox's River from changes to ground water flow that may result from the construction and operation of the dam;
- (8) That the applicant shall prepare and implement a monitoring programme to the satisfaction of the Commission relative to the quantity and quality of the Neubecks Creek ash disposal dam discharge water and of waters in Neubecks Creek downstream of the power station and make any arrangements required by the Commission to alleviate any significant adverse effects should they arise;
- (9) That the applicant shall submit to the Commission the results of studies into the pyritic content of its initial coal resources, and of the acid generating potential of run-off from its proposed coal stockpiles for the proposed development;
- (10) That the applicant shall, prior to commencement of construction of the proposed development, prepare and submit to the Commission comprehensive plans of work necessary, and proposed policies for the controlling of those works for the management of water flowing from the site to watercourses during the period of construction of the proposed development;

- 3 -

- (11) That the applicant shall prepare and submit to the Commission proposals environmentally acceptable to the Commission for the disposal of any carbonaceous material encountered during the preparation of the power station site; x
- (12) That the applicant shall submit to the Department and to the Commission a report on the current status of the construction and operation of the existing developments known as the Wallerawang Reservoir and the Lilyvale Reservoir, and on action taken and proposed, having regard to the Commission's conditions of approval to the applicant's water supply scheme for its existing development known as Wallerawang Unit B and other power station needs;
- (13) That the applicant shall implement a monitoring programme to the satisfaction of the Commission, of the meteorology in respect of the land the subject of the proposed development;
- (14) That the applicant shall implement a monitoring programme, to the satisfaction of the Commission, relative to the ground-level concentrations of sulphur dioxide, nitrogen oxide and suspended dust resulting from the operations of the proposed development and the applicant's existing development known as Wallerawang Power Station. Such monitoring programme shall be commenced at least one year before the commissioning of the proposed development;
- (15) That the applicant shall prepare and implement to the satisfaction of the Commission, a monitoring programme relative to the sulphur dioxide content of the flue gas and opacity of the stack emissions;
- (16) That the applicant shall, to the satisfaction of the Commission, carry out an appropriate study programme into the meteorology of the area the subject of the proposed development to assist in the final determination of the stack height;
- (17) That the applicant shall carry out, to the satisfaction of the Commission, wind tunnel tests modelling buildings; cooling towers and terrain to assist in final determination of the stack height;
- (18) That the applicant shall prepare and implement, to the satisfaction of the Commission, relative to air particulate concentrations consequent to the coal stockpile and make suitable arrangements to alleviate any significant adverse effects should they arise;
- (19) That the applicant shall, prior to any site works being carried out, submit to the Department of Mineral Resources, its proposals for the restoration and rehabilitation of any coal mining operations on the lands the subject of the proposed development which mines are the responsibility of the applicant; x
- (20) That the applicant shall undertake to preserve vegetation on the escarpment to the south of the lands the subject of the proposed development and on the rocky outcrops and canyons in the north of the proposed Neubecks Creek ash disposal area; x

- 4 -

- (21) That the applicant shall, prior to any site works being carried out, submit to the National Parks and Wildlife Service, the archaeological, flora and fauna reports referred to in the Statement. Further, the applicant shall consider, in conjunction with the Blue Circle Southern Cement Company, implementing any reasonable advice that that Service may provide; X
- (22) That the applicant shall obtain the approval of the Department of Main Roads to proposals for:
- intersections of the power station access road and Boulder Road;
 - crossings for water supply;
 - furnace and fly ash disposal pipelines; and
 - coal conveyor crossing with Trunk Road No.55;
- (23) That the applicant shall negotiate with the Council and any other public authority having an interest in the proposed development with a view to meeting any reasonable requirements relative to the proposed development, and shall refer any disputed matters to the Department before determining them. In particular, the applicant shall meet the requirements of the Council as set out in Appendix 2 of the Department's Environmental Impact Assessment Report dated March, 1981, except for those matters involving the provision of an appropriate monetary contribution from the applicant which shall be the subject of negotiations between the Council and the applicant and which shall take into account the value of relevant preinvestment by the applicant;
- (24) That the applicant shall co-operate with the Inter-Departmental Committee formed to oversight the social impact studies relevant to Local Environmental Studies and to Local Environmental Plans for Greater Lithgow and which will include a review of the social impacts of development proposals in the Lithgow area;
- (25) That the applicant shall report to the Department, as soon as it is able, to confirm the accommodation, infrastructure and transport requirements of personnel engaged in the construction and operation of the power station in order that appropriate action can be taken to plan and provide for all necessary facilities required;
- (26) That the applicant shall provide evidence to the Department that the location of the buildings of the proposed development and associated facilities will not without good reason alienate part of the coal reserves of Clutha Development Pty. Ltd. and that it has satisfied all reasonable claims of the Company in that regard;
- (27) That the granting of this consent to the proposed development shall not relieve the applicant from any future condition or contribution which may be required by the Council in respect of any of the following:-
- the development of coal mines by the applicant for the purposes of or in association with the generation of electricity at the proposed development;
 - an expansion of the proposed development; or
 - any other development by the applicant;

electricity at the proposed development;

(b) an expansion of the proposed development; or

(c) any other development

- 4 -

- (21) That the applicant shall, prior to any site works being carried out, submit to the National Parks and Wildlife Service, the archaeological, flora and fauna reports referred to in the Statement. Further, the applicant shall consider, in conjunction with the Blue Circle Southern Cement Company, implementing any reasonable advice that that Service may provide; X
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- (a) intersections of the power station access road and Boulder Road;
 - (b) crossings for water supply;
 - (c) furnace and fly ash disposal pipelines; and
 - (d) coal conveyor crossing with Trunk Road No.55;
- (23) That the applicant shall negotiate with the Council and any other public authority having an interest in the proposed development with a view to meeting any reasonable requirements relative to the proposed development, and shall refer any disputed matters to the Department before determining them. In particular, the applicant shall meet the requirements of the Council as set out in Appendix 2 of the Department's Environmental Impact Assessment Report dated March, 1981, except for those matters involving the provision of an appropriate monetary contribution from the applicant which shall be the subject of negotiations between the Council and the applicant and which shall take into account the value of relevant preinvestment by the applicant;
- (24) That the applicant shall co-operate with the Inter-Departmental Committee formed to oversee the social impact studies relevant to Local Environmental Studies and to Local Environmental Plans for Greater Lithgow and which will include a review of the social impacts of development proposals in the Lithgow area;
- (25) That the applicant shall report to the Department, as soon as it is able, to confirm the accommodation, infrastructure and transport requirements of personnel engaged in the construction and operation of the power station in order that appropriate action can be taken to plan and provide for all necessary facilities required;
- (26) That the applicant shall provide evidence to the Department that the location of the buildings of the proposed development and associated facilities will not without good reason alienate part of the coal reserves of Clutha Development Pty. Ltd. and that it has satisfied all reasonable claims of the Company in that regard;
- (27) That the granting of this consent to the proposed development shall not relieve the applicant from any future condition or contribution which may be required by the Council in respect of any of the following:-
- (a) the development of coal mines by the applicant for the purposes of or in association with the generation of electricity at the proposed development;
 - (b) an expansion of the proposed development; or
 - (c) any other development

- 5 -

(28) That the applicant shall:-

(a) forthwith, take all necessary steps to effect the expeditious transfer to the Council of:-

(i) all those pieces or parcels of land situate at Wallerawang in the City of Greater Lithgow, Parish of Lidsdale and County of Cook, being part of Lot 2, in Deposited Plan 618280, as delineated by red edging on the plan annexed hereto and marked with the letter "B", being part of the estate known as the "Barton Estate", and having an area of 67.38 hectares or thereabouts, and being known as the "Wallerawang East Site"; and

(ii) all those pieces or parcels of land situate at Wallerawang in the City of greater Lithgow, Parish of Lidsdale and County of Cook, being part of Lot 2, in Deposited Plan 618280, as delineated by red and yellow edging on the plan referred to in (i) above and having an area of 124.4 hectares or thereabouts, and being known as the Wallerawang South site; and

(b) upon the transfer to it by the Council of all those pieces or parcels of land situate at Wallerawang in the City of Greater Lithgow, Parish of Lidsdale, and County of Cook, being the land shown in Deposited Plan 443235 (but excluding thereout right of easements for electricity transmission line resumed by Government Gazette of 6th March, 1959, Folio 665), as delineated by orange edging on the plan referred to in (i) above and having an area of 4.279 hectares, or thereabouts, and described as the "Heel Street Site", make that site available to the Council

Provided that the transactions referred to in (a)(i), (ii), and (b) above shall be in accordance with the terms and conditions agreed to between the applicant and the Council as set forth in letters dated 20th October, 1981, and 3th November, 1981, respectively, copies of which are annexed hereto and marked with the letters "C" and "D" respectively;

(29) That the applicant shall, to the Council's satisfaction, provide access roads, parking areas, landscaping, and boat ramps at the Wallerawang Dam generally in accordance with the Council's Development Plan, a copy of which is annexed hereto and marked with the letter "E" X

Provided that the applicant shall use its best endeavours to complete such works and facilities in order that they may be available for use not later than 1st December, 1982, or such further time as the Council may agree.

(30) That the applicant shall, upon the preparation and adoption by the Council of a Development Plan for the Lillyvale Dam Foreshores, negotiate with the Council the carrying out of works in accordance with the Development Plan, as required by the Council; X

(31) That the applicant shall carry out to the satisfaction of the Council all necessary works to effect the upgrading of the Boulder Road from its intersection with the Mudgee Road to the point of deviation of preferred route for the crossing of the Wallerawang-Gwabegar Railway line

- 6 -

- (32) That the applicant shall contribute the sum of \$350,000.00 towards the upgrading of the Wallerawang-Gwabegar Railway line crossing and the extension of such upgrading from that crossing to the intersection of Wallerawang Road and Cullen Street, Portland. Such money to be advanced to match the Council's design and construction programme in respect of all works west of the north-eastern extremity of Portland;
- (33) This approval does not relieve the applicant of the obligation to obtain any other approval required under the Local Government Act, 1919, as amended, or the Ordinances (including approval of building plans) or any other Act.

(80-10060 Part 2)

Signed at Sydney this
1982

First day of *April*,

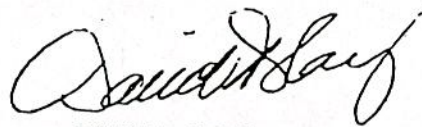
Eric Bedford
ERIC BEDFORD
Minister for Planning
and Environment

ATTACHMENT 1

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

NOTICE OF AMENDMENT OF A DEVELOPMENT CONSENT GRANTED UNDER SECTION 101 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 PURSUANT TO SECTION 102 OF THE ACT

I, the Minister for Planning, pursuant to Section 102 of the Environmental Planning and Assessment Act, 1979, being satisfied that the development to which the modified development consent will relate is substantially the same development, and there being no objectors to the original development application, modify the consent referred to in Schedule 1 as set out in Schedule 2.



DAVID HAY
Minister for Local Government and
Minister for Planning

Sydney, *18th March*, 1991.

(File 80/10060(Z)4)

SCHEDULE 1

Consent granted by the Minister for Planning and Environment on 1 April 1982 in respect of a development application made by the Applicant, the Electricity Commission of New South Wales, to the Greater Lithgow City Council for construction and operation of a power station known as the Mount Piper Power Station.

SCHEDULE 2

The Applicant may construct and operate a temporary storage facility for brine waste in accordance with the application dated 8 October 1990 and "Mount Piper Power Station Temporary Storage of Brine Waste: Supporting Environmental Information Document" dated August, 1990, where modified by the following:

- (a) Citation of the development. On page one of the Instrument of Consent, after "The proposed development described in the Environmental Impact Statement dated August, 1980", insert the matter:

"as modified by the works set out in figures 1 and 2 attached to this Notice of Amendment".
- (b) Renumber Condition 33 to 34.
- (c) Insert new Condition 33, "Temporary Brine Waste Disposal - The applicant shall construct the temporary brine waste disposal facilities in conformity with the environmental protection measures and general specifications set out in Section 2 of the "Supporting Environmental Information Document" accompanying the application.
- (d) Insert new Condition 35, "This consent expires on 30 June 1996.

APPENDIX 2

ADVICE RECEIVED FROM GREATER LITHGOW CITY COUNCIL
DATED 9TH FEBRUARY, 1981.

84/1/1016 JWR:PS

9TH FEBRUARY, 1981.

The Secretary,
Electricity Commission of N.S.W.,
G.P.O. Box 5257,
SYDNEY N.S.W. 2001.

ATTENTION: Mr. G. Coulter

Dear Sir,

Mount Piper Power Station

At the meeting held on 6th February, 1981 between Mr. G. Coulter (Electricity Commission), Mr. R. Mortleman (Premiers' Department), M/s. J. Thompson (Department of Environment and Planning) and the undersigned it was felt that a Development Application should be submitted to Council for The Mount Piper Power Station. It was agreed that the Department of Environment and Planning would advise the Commission of this requirement and that Council would in turn advise the Commission of the conditions that should apply to the development.

In order that early consideration may be given to Council's requirements, I have included a list of conditions which Council believes should be incorporated in the Minister's consent.

The Council is of the opinion that its requirements are reasonable and that the Commission should make a contribution towards infrastructure costs associated with the development. In addition it is felt, because of the population growth associated with the project, that the Commission should contribute to the social and recreational amenities of the community.

Having regard to the size and the impact of the Mount Piper Power Station the requirements are no greater than would be applied to any private development.

CONDITIONS OF APPROVAL:1. Social & Economic Infrastructure:

The Environment Impact Statement lacks evaluation of the social and economic impact of the proposal on the City of Greater Lithgow, and in particular Wallerawang and Portland. It is essential that an urgent assessment of the social and economic impact of the development is undertaken.

It is considered the discussions between

- Premiers' Department
- The Electricity Commission
- Mining Companies
- Department of Environmental Planning
- Department of Youth and Community Services
- Greater Lithgow City Council

should take place regarding the social impact study. The financing of such a study shall not be the responsibility of Council. It should be noted that the Department of Youth and Community Services has offered Council a grant of \$25,000 for a social impact study.

2. Recreation & Leisure

The Portland and Wallerawang townships are lacking in community facilities i.e. Senior Citizens Centres, Halls; Child Core Centres, Recreation Centres, parks and the like.

The Mount Piper Power Station will increase the population of the area and thus additional demands will be placed on Council to provide adequate Recreation and Leisure facilities.

Council is matching a government grant of \$75,000 to assist in the provision of a community recreation centre in Portland. The cost of this centre is estimated at \$450,000.

It is considered that the Electricity Commission should contribute the balance of funds, \$300,000, for the recreation centre. The contribution of funds by the Electricity Commission will ensure the construction of the centre.

The Council also seeks a contribution towards the development of the foreshores of the Wallerawang Dam and Lilyvale Dam.

Wallerawang Dam - Council has adopted a plan for the development of the foreshores at an estimated cost of \$186,000. Council seeks a contribution from the Commission on a dollar for dollar basis. x

Lilyvale Dam - Officers of the Commission have indicated that consent will be granted to Council to enable the Dam to be used for recreational purposes.

Council seeks a contribution from the Commission on a dollar for dollar basis once the parties have agreed on a development plan for the area.

3. Transport & Roads:

Council believes that certain roads leading to the power station site should be upgraded to cater for the additional traffic that will be generated by the development.

Mudgee Road T.R.55: - The Commission with the concurrence of the Department of Main Roads will be required to:-

- Relocate and upgrade the intersection of the Boulder Road and Mudgee Road (T.R.55).
- Widen Mudgee Road (T.R.55) between Springvale Lane (1.5 kilometres) and its intersection with Main Road 53i to Cullen Bullen.

Boulder Road: - Council will require that the Boulder Road and certain Portland streets be upgraded, at no cost to Council, to the intersection of Wallerawang Road and Cullen Street.

Council will require that plans and specifications of the required upgrading be submitted to the City Engineer for approval.

4. Accommodation for Construction Employees:

Sites for temporary camps have been selected by Council, and it is required that all camps be constructed on the pre-selected sites.

Council's concurrence with sites selected should be determined prior to Development Application being submitted.

If an alteration of site is required by the Electricity Commission, Council consent is required prior to the relocation of the camp site.

Council's development approval will be needed prior to the construction of any camp site. Temporary camps will be constructed to a standard determined by Council. This standard will include the need for water and sewerage and the camps will be of a much higher standard than those existing in the area.

x 5. Landscaping & Planting:

To achieve unity in design and coherence in layout it is necessary to supplement the bare form of buildings with a more natural and visually pleasing environment.

Council will require the Electricity Commission to submit a landscaping plan for approval. This plan must include:-

- An appraisal of the site.
- The purpose of the landscaping.
- Tree planting programme.
- Time phasing of the landscaping.
- Types of flora to be planted.
- Alternative landscaping uses.

6. Aesthetics:

It is understood that with a project of this nature and immensity it is difficult to construct the station so as to make it unobtrusive to the surrounding environment.

However, Council will require that office blocks, outbuildings, service sheds, and the like be constructed of a material that has a non-reflective nature in an effort to produce a structure that has a planned and positive approach towards landscape and environmental quality.

7. Public Transport:

The Council will require the Commission to negotiate with existing public transport authorities in an effort to establish a suitable transport network to the power station from surrounding areas.

The transportation network would be planned to cover the transportation of workers as well as goods.

8. Off-Street Car Parking:

Council will require that off-street car parking be supplied at the rate of 0.75 spaces per worker. (i.e. 750 spaces for 1,000 workers). The Commission should give consideration to planning the location of parking area(s), and the benefits of having strategically placed smaller parking lots in preference to one massive parking area.

The car parking area(s) will be required to be treated with landscaping and as such should be included with landscaping plan.

Parking area(s) will be required to be sealed, adequately drained and have marked spaces 2.5 x 5.5.

9. Other Authorities:

Council will require that all the requirements of other Government Bodies be adhered to.

10. Internal Accessways:

Council will require all internal accessways being sealed with heavy delivery and service traffic being separated from employees private cars. A plan of the internal road layout should be submitted to Council.

11. Fencing:

Council will require the site as a whole being fenced with a suitable form of man-proof fencing.

12. Pollution Control:

Pollution control will be dealt with under condition (9) and when the requirements of the State Pollution Control Commission, Department of Environment and Planning, Water Resources Commission and Soil Conservation Service are known these will be imposed as conditions. Further, stations will be required to be licensed in accordance with necessary acts in respect to pollution control.

13. Local Services & Utilities:

The proposed power station will place a heavy burden on local services and utilities. High capacity water, and waste disposal equipment will be required to enable the station to function properly.

Council will require the Commission to negotiate with the Department of Public Works and Lithgow Council to ensure these services and utilities are installed in the optimum manner.

14. Housing:

At this time Greater Lithgow is faced with a very severe shortage of housing. Because the City has been in a no growth situation for many years there is only a very minor house construction industry in the City. It will be necessary to establish both land development and housing at a rate not previously known in this area.

It is noted that the Commission will require approximately 390 houses for permanent staff employed at the Power Station and supporting coal mines.

The Commission and Council have been negotiating on the subject of housing, including finance and land availability and it appears that a satisfactory agreement will be reached.

15. Water:

The Commission has indicated that Council will be able to use Lilyvale Dam as a short term solution to Council's water needs.

16. Transmission Lines and Routes:

Council understands the need for transmission lines radiating from Power Stations.

As there will be two (2) stations in close proximity to each other, it is considered that the Commission should give consideration to the planning of Transmission Line Corridors.

These corridors would be of sufficient width and area to accommodate future lines, and have the effect of containing Transmission Lines to a single corridor instead of radiating in all directions and rendering certain lands useless for future development.

17. Apprenticeship & Staff Training Facilities:

Council will require the continued provision of staff training facilities by the Commission, such as the apprenticeship training facility situated in Hartley Valley Road, Lithgow.

Compliance with the conditions listed will benefit the local community, the Electricity Commission and its employees.

A copy of this letter will be submitted to the Department of Environment and Planning.

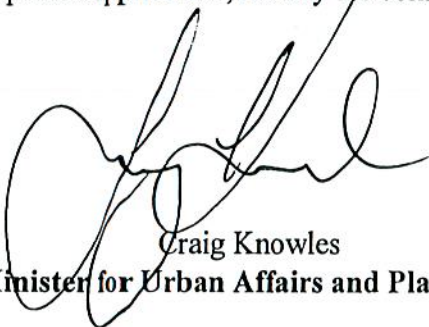
Yours faithfully,

(J.W. RAYNER),
TOWN CLERK

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

**NOTICE OF AMENDMENT OF DEVELOPMENT CONSENT GRANTED
UNDER SECTION 101 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 PURSUANT TO SECTION 102 OF THE ACT**

I, the Minister for Urban Affairs and Planning, pursuant to Section 102 of the Environmental Planning and Assessment Act, 1979, being satisfied that the development to which the development consent as modified will relate is substantially the same development, and there being no prejudice to objectors to the original development application, modify the consent referred to in Schedule 1 as set out in Schedule 2.


Craig Knowles
Minister for Urban Affairs and Planning

Sydney,

21/6/ June 1996

File No. S90/01696/004

SCHEDULE 1

Consent granted by the Minister for Planning and Environment on 1 April, 1982, in respect of a development application made by the Applicant, Electricity Commission of New South Wales, to the Greater Lithgow City Council for construction and operation of a power station known as the Mount Piper Power Station, as modified by the Minister for Planning on 18 March, 1991.

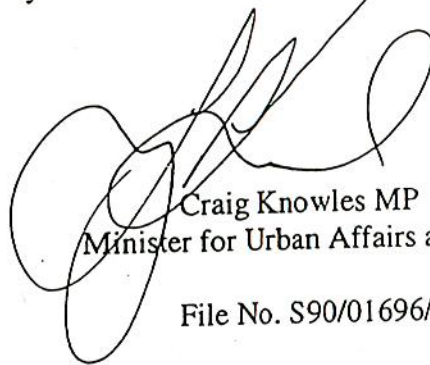
SCHEDULE 2

1. Renumber Condition 34 as Condition 37.
 2. Delete Condition 35 of the development consent.
 3. Insert new Conditions 34, 35 and 36 to the development consent as follows:
 34. Temporary storage of brine at the power station shall cease by 30 June 2000.
 35. The storage capacity of the brine storage ponds shall not be exceeded at any time. Brine reduction initiatives and monitoring of the brine production rate and remaining storage capacity must be undertaken as appropriate to ensure this condition is met.
 36. The applicant shall forward a summary progress report and field test results of the long term brine management investigation to the Catchment Services Unit of Sydney Water Corporation annually prior to finalisation of the long term brine management solution.
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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

NOTICE OF AMENDMENT OF A DEVELOPMENT CONSENT GRANTED UNDER SECTION 101 OF THE UNAMENDED ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 PURSUANT TO SECTION 96(2) OF THE AMENDED ACT.

I, the Minister for Urban Affairs and Planning, in pursuance of section 96(2) of the Environmental Planning and Assessment Act, 1979, being satisfied that the development to which the development consent as modified will relate, is substantially the same development, and there being no prejudice to objectors to the original development application, modify the consent referred to in Schedule 1 as set out in Schedule 2.



Craig Knowles MP
Minister for Urban Affairs and Planning

Sydney, 18.1.1999.

File No. S90/01696/005

SCHEDULE 1

Consent granted by the then Minister for Planning and Environment on 1 April 1982, in respect of a development application made by the Applicant, Electricity Commission of New South Wales, to the Greater Lithgow City Council for construction and operation of a power station known as the Mount Piper Power Station, as modified on 18 March 1991 and 21 June 1996.

SCHEDULE 2

1. Renumber Condition 37 as Condition 38.
2. Replace the existing Condition 1 with the following:
 - 1 That the Applicant, prior to commencement of construction of the proposed development or any subsequent modification, obtain from the Environment Protection Authority (EPA) all necessary statutory pollution control approvals and licences under the Pollution Control Act 1970, Clean Air Act 1961, Clean Waters Act 1970, Waste Minimisation and Management Act 1995 and/or any other Act as advised by the EPA.

**NOTICE OF AMENDMENT OF A DEVELOPMENT CONSENT GRANTED UNDER
SECTION 101 OF THE UNAMENDED ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 PURSUANT TO SECTION 96(2) OF THE AMENDED
ACT.**

I, the Minister for Urban Affairs and Planning, pursuant to Section 96(2) of the amended Environmental Planning and Assessment Act 1979, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2 (S90/01696).

Andrew Refshauge MP
Deputy Premier
Minister for Urban Affairs and Planning
Minister for Aboriginal Affairs
Minister for Housing

Sydney, 3 April 2000

ABBREVIATIONS AND INTERPRETATION

The Director-General	Director-General of the Department of Urban Affairs and Planning
The Council	Lithgow City Council
The Applicant	Delta Electricity
DLWC	Department of Land and Water Conservation
EPA	New South Wales Environment Protection Authority
SCA	Sydney Catchment Authority
The Site	Mount Piper Power Station
Relevant Authority	EPA, DLWC or SCA

SCHEDULE 1

Development consent granted by the Minister for Planning and Environment on 1 April 1982, in respect of a development application made by the Applicant, the Electricity Commission of New South Wales, to the Greater Lithgow City Council for construction and operation of a power station known as the Mount Piper Power Station, as modified on 18 March 1991 and 21 June 1996 and 18 January 1999.

Modification Approval

Section 96(2) of the *Environmental Planning and Assessment Act 1979*

I, the Executive Director, Major Project Assessments Division of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 19 December 2007, pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979*, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2.



Chris Wilson
Executive Director
Major Project Assessments
As delegate for the Minister for Planning

Sydney 23 MARCH 2008 File No: S90/01696

SCHEDULE 1

- Development consent:** granted by the Minister for Planning and Environment on 1 April 1982.
- In respect of:** Lot 1 DP 325532, Lot 1 DP 400022, Lot 15 DP 626299, Part Lot 191 DP 629212, Lot 2 DP 702619, Lots 362 and 366 DP 740604, Part Lot 10 and Lots 18, 59, 260 and 261 DP 751636, Part Lot 1 DP 803655, Lots 1-7 and Part Lot 13 DP 804929, Lot 1 DP 813288, Lot 1 DP 816420, Lots 40, 41 and 46-52 DP 827626, Lot 1 DP 829065, Lot 21 DP 832446 and Lot 1 DP 920999.
- For the following:** The construction and operation of a power station known as Mount Piper Power Station
- Modification Application:** Modification of the development consent to extend the brine and ash co-placement area.
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SCHEDULE 2

The development consent is modified by:

1) Inserting the following conditions immediately after Condition 38

Extension of the Existing Brine and Ash Co-placement Area

- 38 A Notwithstanding the provisions of Condition No. 38, the brine and ash co-placement area may be extended and shall be undertaken generally in accordance with the *Statement of Environmental Effects: Mount Piper Power Station Extension of Brine Conditioned Ash Placement Area*, prepared by Connell Wagner Pty Ltd and dated June 2007. This includes:
- I. The extended area must lie within the existing ash placement area;
 - II. Co-placement activities in the proposed extended area must use existing facilities and methods;
 - III. The placement of brine conditioned ash may only occur between the levels of RL 946 metres (the end-point of the water conditioned ash layer) and RL 980 metres.
- 38 B The groundwater and surface water monitoring programs required by Condition No. 40 and 41 apply to the extension of the brine and ash co-placement area, permitted by Condition 38 A.
- 38 C The Applicant must update the Water Management Plan (WMP) required by Condition No. 43, and obtain the approval of the Director-General for the update, prior to undertaking any works permitted by Condition No. 38 A. In determining whether to grant approval, the Director-General must consult with the Department of Environment and Climate Change, the Sydney Catchment Authority, the Department of Water and Energy, and Council.
- 38 D The spray irrigation system of the ash disposal area must be automated to operate when conditions indicate the potential for dust movement to occur, with a manual override function, in order to reduce the likelihood of non-compliant dust emissions from the ash placement area. The implementation of the automated system must occur no later than 30 June 2008 or as otherwise agreed by the Director-General.

2) Replace Condition 47 with the following:

- 47 The Groundwater Modelling Report shall be an update of the groundwater modelling presented in the *Mount Piper Power Station Extension of Brine Conditioned Ash Placement Area - Statement of Environmental Effects* (dated June 2007). The report must also employ the results and analyses of the Water Monitoring Programs to calibrate the groundwater contaminant transport model. The Groundwater Modelling Report shall be prepared by a qualified person approved by the Director-General or relevant Authority.

SCHEDULE 2

Delete Condition 34 of the development consent.

Renumber Condition 38 as Condition 49.

Insert the following Conditions 38 to 48, inclusive.

- 38) The Applicant shall carry out modifications to the development generally in accordance with the Statement of Environmental Effects (SEE) dated August 1999, prepared by Environmental Services, Pacific Power International for Delta Electricity, and as modified by the following conditions. Any alteration, variation or extension of the development shall require the further consent of the Minister for Urban Affairs and Planning.
- 39) The Applicant shall, prior to the first placement of brine-conditioned flyash, apply to the EPA for a modification to the EPA licence for the Site. The licence modification shall address conditions for the continued on-site storage of brine, the placement of brine-conditioned flyash, and any reasonable requirements of the EPA.

WATER MONITORING PROGRAMS

- 40) The Applicant shall, at least one month prior to the first placement of brine-conditioned flyash, consult with the EPA, DLWC and SCA to establish the requirements for Water Monitoring Programs for groundwater and surface water. The Water Monitoring Programs shall:
 - (i) be based on the monitoring programs presented in the Statement of Environmental Effects for this modification;
 - (ii) include water quality testing at a minimum frequency of every three months;
 - (iii) be at the expense of the Applicant.
- 41) The Applicant shall expand the groundwater and surface water monitoring programs, including, if so required, the establishment of additional groundwater monitoring bores and surface water sampling points, in accordance with any reasonable requirements of the EPA, DLWC or SCA.
- 42) The Applicant shall, prior to the construction or operation of any monitoring bore on or in the vicinity of the development, consult with DLWC regarding the licensing of any bore on or in the vicinity of the development, under the provisions of the *Water Act 1912*.

WATER MANAGEMENT PLAN

- 43) At least one month prior to the placement of brine-conditioned flyash, or within such further period as the Director-General may agree, the Applicant shall prepare and submit for the approval of the EPA, the Sydney Catchment Authority, DLWC, Council, and the Director-General, a Water Management Plan (WMP) which shall include, but not be limited to:
 - a) Details of the monitoring programs for surface water and groundwater required under conditions 40 and 41.
 - b) Details of measures to be employed to control surface water run-off from the site.

- c) Contingency plans for the mitigation of environmental impacts should run-off or leachate from the site be found to be negatively impacting on natural surface water or groundwater.
- d) Brine management objectives and strategies, with specific reference to measures aimed at reducing the volume of brine produced at the Mount Piper Power Station.

ENVIRONMENTAL MONITORING REPORT

- 44) The Applicant shall provide to the Director-General, EPA, DLWC SCA and Council, an Environmental Monitoring Report (EMR) on a yearly basis, with the first EMR to be submitted no later than six months after the first placement of brine-conditioned flyash on-site. The Applicant shall agree to Council making the Environmental Monitoring Reports available on request for public inspection.
- 45) The Environmental Monitoring Report shall include, but not be limited to:
 - (a) a summary and discussion of all available results and analyses from Water Monitoring Programs;
 - (b) a discussion of the aims of the Water Management Plan and to what degree these aims have been attained in the context of results and analyses of the Water Monitoring Programs;
 - (c) actions taken, or intended to be taken, if any, to mitigate any adverse environmental impacts; and to meet the reasonable requirements of the Director-General, EPA, DLWC, Sydney Catchment Authority or Council.

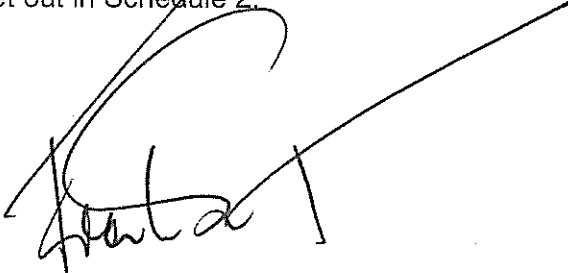
GROUNDWATER MODELLING

- 46) The Director-General, EPA, DLWC, SCA or Council may, based on the results and analyses presented in the Environmental Monitoring Report, or any other information that may be reasonably interpreted as indicating significant impacts on the groundwater quality in the vicinity of the Site as a result of the placement of brine-conditioned flyash, request the preparation of a Groundwater Modelling Report.
- 47) The Groundwater Modelling Report shall be an update of the groundwater modelling presented in the Statement of Environmental Effects for this modification and will employ the results and analyses of the Water Monitoring Programs to calibrate the groundwater contaminant transport model. The Groundwater Modelling Report shall be prepared by a qualified person approved by the Director-General or relevant Authority.
- 48) The Applicant shall comply with any reasonable requirement of the Director-General, DLWC, EPA, SCA or Council with regard to the content or scope of the Groundwater Modelling Report, or actions to be taken in response to the results of the report.

Modification Approval

Section 96(2) of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979*, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2.



Frank Sartor MP
Minister for Planning

Sydney

3 June 2006

File No: S90/01696

SCHEDULE 1

- Development consent:** granted by the Minister for Planning and Environment on 1 April 1982.
- In respect of:** Lot 1 DP 325532, Lot 1 DP 400022, Lot 15 DP 626299, Part Lot 191 DP 629212, Lot 2 DP 702619, Lots 362 and 366 DP 740604, Part Lot 10 and Lots 18, 59, 260 and 261 DP 751636, Part Lot 1 DP 803655, Lots 1-7 and Part Lot 13 DP 804929, Lot 1 DP 813288, Lot 1 DP 816420, Lots 40, 41 and 46-52 DP 827626, Lot 1 DP 829065, Lot 21 DP 832446 and Lot 1 DP 920999.
- For the following:** The construction and operation of a power station known as the Mount Piper Power Station
- Modification Application:** Modification of the development consent to increase the capacity of the power station in two phases:
- initially operating the power station at a capacity factor of up to 90%, to generate up to a nominal capacity of 1400 megawatts; and
 - undertaking equipment upgrade works or replacements to provide a nominal capacity of 1500 megawatts when operating at a capacity factor of up to 90%.
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SCHEDULE 2

The development consent is modified by:

1) inserting the following immediately after existing condition 49:

Expansion and Upgrade of the Power Station

50. The Applicant is permitted to upgrade and expand the development in two stages:
- a) stage 1 being the operation of the development at a capacity factor of up to 90%, to generate up to a nominal capacity of 1400 megawatts; and
 - b) stage 2 being the implementation of equipment upgrade works or replacements to provide a nominal capacity of 1500 megawatts when operating at a capacity factor of up to 90%.
51. Expansion and upgrade of the development, as defined under condition 50 of this consent shall be undertaken generally in accordance with *Statement of Environmental Effects: Mount Piper Power Station Units 1 and 2 Upgrade*, prepared by Connell Wagner PPI and dated December 2005.

Air Quality Impacts

52. The Applicant shall design, construct, commission, operate and maintain the expanded and upgraded development to ensure that the concentration of each pollutant listed in Table 1 does not exceed the maximum allowable discharge concentration for that pollutant when measured at discharge monitoring point 11 and 12 (as defined under the Environment Protection Licence (No. 766) for the site). For the purpose of monitoring and determining compliance with this condition, "dioxins and furans" shall be polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (PCDF), presented as 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) equivalent and calculated in accordance with the procedures included in Part 4, clause 29 of the *Protection of the Environment Operations (Clean Air) Regulation 2002*.

Table 1 – Maximum Allowable Discharge Concentration Limits (Air)

Pollutant	Maximum Allowable Discharge Concentration Limit	Reference Conditions
Nitrogen dioxide (NO _x) or nitric oxide (NO) or both	1500 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Sulfuric acid mist (H ₂ SO ₄) or sulfur trioxide (SO ₃), or both, as (SO ₃)	100 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Solid particles	50 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Total fluoride	50 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Chlorine	200 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Hydrogen chloride	100 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Total of Sb, As, Cd, Pb, Hg, Be, Cr, Co, Mn, Ni, Se, Sn and V	1 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Cadmium	0.2 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Mercury	0.2 mgm ⁻³	dry, 273K, 101.3 kPa, 7% O ₂
Dioxins and furans	0.1 ngm ⁻³	I-TEQ, dry, 273K, 101.3 kPa, 11% O ₂
Total volatile organic compounds	40 mgm ⁻³ (as VOC) or 125 mgm ⁻³ (as CO)	dry, 273K, 101.3 kPa, 7% O ₂

53. The Applicant shall determine the pollutant concentrations and emission parameters specified in Table 2 below, at discharge monitoring points 11 and 12 (as defined under the Environment Protection Licence (No. 766) for the site), and employing the sampling

and analysis method specified. Monitoring shall be undertaken at the frequency specified in the Table.

Table 2 –Pollutant and Parameter Monitoring (Air)

Pollutant/ Parameter	Units of Measure	Frequency	Method
Nitrogen oxides	gm ⁻³	continuously	CEM-2
Sulfur dioxide	mgm ⁻³		CEM-2
Solid particles	mgm ⁻³	quarterly during the first 12 months following commissioning of Stage 1 and Stage 2, then annually or as otherwise specified by Environment Protection Licence conditions thereafter	TM-15
Sulfuric acid mist and sulfur trioxide (as SO ₃)	mgm ⁻³		TM-3
Chlorine	mgm ⁻³		TM-7 & TM-8
Total fluoride	mgm ⁻³		TM-9
Hydrogen chloride	mgm ⁻³		TM-7 & TM-8
Total of Sb, As, Cd, Pb, Hg, Be, Cr, Co, Mn, Ni, Se, Sn and V	mgm ⁻³		TM-12, TM-13 & TM-14
Cadmium	mgm ⁻³		
Mercury	mgm ⁻³		TM-12, TM-13 & TM-14
Copper	mgm ⁻³		TM-12, TM-13 & TM-14
Dioxins and furans	ngm ⁻³		TM-18
Carbon dioxide	%		TM-24
Oxygen	%		CEM-3
Dry gas density	kgm ⁻³		TM-23
Moisture content	%		TM-22
Molecular weight of stack gases	gmol ⁻¹		TM-23
Temperature	°C		TM-2
Velocity	ms ⁻¹		TM-2
Volumetric flowrate	m ³ s ⁻¹	TM-2	

54. Notwithstanding conditions 52 and 53, nothing in this consent relieves the Applicant from the requirement to comply with the Environment Protection Licence for the site issued under the *Protection of the Environment Operations Act 1997*. In the event that the Environment Protection Licence for the site is modified from time to time to be inconsistent with or more stringent than the requirements of this consent, the requirements of the Licence shall prevail over this consent to the extent of any such inconsistency.

Air Quality Performance Verification

55. Within 90 days of commissioning Stage 2 of the expanded and upgraded development, or as may be directed by the Director-General, and during a period in which the upgraded and expanded development is operating under design loads and normal operating conditions, the Applicant shall undertake a program to confirm the air emission performance of the development and update air quality modelling. The program shall include, but not necessarily be limited to:
- point source emission sampling and analysis subject to the requirements listed under condition 54;
 - an update of the air quality impact assessment presented in *Statement of Environmental Effects: Mount Piper Power Station Units 1 and 2 Upgrade*, prepared by Connell Wagner PPI and dated December 2005, using actual air emission data collected under a). The assessment shall be undertaken strictly in accordance with the methods outlined in *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales* (DEC, 2005) and to meet the requirements of the DEC with respect to updating the air quality impact assessment;

- c) a comparison of the results of the air quality impact assessment required under b) above, and the predicted air quality impacts detailed in *Statement of Environmental Effects: Mount Piper Power Station Units 1 and 2 Upgrade*, prepared by Connell Wagner PPI and dated December 2005; and
- d) a comparison of the results of the air quality impact assessment required under b) above, and the impact assessment criteria detailed in *Approved Methods and Guidance for the Sampling and Analysis of Air Pollutants in New South Wales* (EPA, 2005).

A report providing the results of the program shall be submitted to the Director-General and the DEC with 28 days of completion of the testing required under a).

Construction Environmental Management

56. Prior to the commencement of construction of each Stage of the expanded and upgraded development, the Applicant shall prepare and implement a Construction Environmental Management Protocol to outline environmental management practices and procedures to be followed during the construction of the development. The Protocol(s) shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall focus on the management of erosion and sedimentation, dust, heavy vehicle movements and noise during the construction works.
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