

Concept Approval

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

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

- a) to approve the concept plan referred to in Schedule 1, subject to the modifications in Schedule 2;
- b) pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the open cycle gas turbine project requires no further environmental assessment;
- c) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, that the combined cycle gas turbine project requires further environmental assessment under Part 3A of the Act;

Frank Sartor MP
Minister for Planning

Sydney

27 February 2007

File No: 9039738

SCHEDULE 1

Application No:	06_0029
Proponent:	Delta Electricity
Approval Authority:	Minister for Planning
Land:	<p>Bamarang Gas Turbine Power Station Site – Lot 1 DP127482, 681 Yalwal Road, Bamarang, Shoalhaven local government area</p> <p>330kV transmission line – Lot 1/DP127482; Lot 448/DP823265; Lot 7/DP1111395; Lot 6/DP1111395; Lot 1/DP876682; Lot 2/DP876682; and Crown Land west of Colymea State Conservation Area</p>
Proposal:	Bamarang Gas Turbine Facility
Major Project:	The proposal is declared a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is a project of a kind described in clause 24 of Schedule 1 to <i>State Environmental Planning Policy (Major Projects) 2005</i>
Concept Plan Authorisation:	On 7 December 2005, the Minister for Planning authorised the submission of a concept plan for the proposal.

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Conditions of Approval	The Minister's conditions of approval for the project.
Council	Shoalhaven City Council
DEC	Department of Environment and Conservation
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
Director-General's Approval	A written approval from the Director-General (or delegate). Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.
Director-General's Report	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
EA	<i>Proposed Gas Power Facility at Bamarang, Environmental Assessment</i> , prepared by GHD Pty Ltd and dated May 2006
Open Cycle Gas Turbine Facility project	Construction and operation of an open cycle gas turbine facility, including the construction and operation of a transmission line, gas supply, metering and compression infrastructure.
Minister, the	Minister for Planning
Combined Cycle Gas Turbine Facility Project	The construction and operation of a Combined Cycle gas turbine facility and all water supply infrastructure.
Proponent	Delta Electricity
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
Site	Land to which Major Projects Application 06_0029 applies.
Stage 1	Open cycle gas turbine facility project, including gas supply and electricity transmission infrastructure (132kV Yalwal Road transmission line Option as described in the documents referred to in condition 1.1 a) to e) of this Approval and the 330kV Option C transmission line as described in the documents referred to in condition 1.1 i) to n) of this Approval).
Stage 2	Combined cycle gas turbine facility project, including water supply infrastructure.
Submissions report	<i>Delta Electricity, Proposed Gas Power Facility at Bamarang, Submissions Report</i> , prepared by GHD Pty Ltd and dated August 2006

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1. ADMINISTRATIVE CONDITIONS

Terms of Concept Approval

1.1 The Proponent shall carry out the project generally in accordance with the:

- a) Major Projects Application 06_0029;
- b) *Proposed Gas Power Facility at Bamarang, Environmental Assessment*, prepared by GHD Pty Ltd and dated May 2006;
- c) *Delta Electricity, Proposed Gas Power Facility at Bamarang Facility, Submissions Report*, prepared by GHD Pty Ltd and dated August 2006;
- d) *Delta Electricity, Proposed gas power facility at Bamarang near Nowra – Options to reduce plume rise impacts*, prepared by GHD Pty Ltd and dated December 2006;
- e) *Gas Fired Power Facility, Bamarang, NSW Revised Stack Operations – Air Quality Impact Assessment NSW Department of Environment and Conservation Submission*, prepared by Heggies Pty Ltd for GHD Pty Ltd (Report 10-4044R1) dated 18 December 2006;
- f) *Application to Modify a Project Approval, MP08_0021 (Stage 2 Project) MOD 1*, accompanied by *Proposed Gas Power Facility at Bamarang: Application to Modify the Project Approval – Section 75W Environmental Assessment*, prepared by GHD Pty Ltd for Delta Electricity and dated September 2009;
- g) *Response to Submissions*, prepared by Delta Electricity and dated 8 March 2010, accompanied by *Proposed Gas Turbine Power Station, Bamarang: Addendum to Air Quality Impact Assessment and Plume Rise Assessment*, prepared by Heggies Pty Ltd for GHD Pty Ltd, dated 5 March 2010;
- h) *Proposed Gas Turbine Power Station, Bamarang: Addendum to Air Quality Impact Assessment and Plume Rise Assessment*, prepared by Heggies Pty Ltd for GHD Pty Ltd, dated 31 March 2010;
- i) *Application to Modify Concept and Stage 1 Project Approvals (MP06_0029 MOD 1)*;
- j) *Delta Electricity, Bamarang Gas Fired Power Station, Modification for a 330kV Network Connection – Environmental Assessment*, prepared by Sinclair Knight Merz and dated July 2009;
- k) *Bamarang 330kV Network Connection – Submissions Report*, prepared by Sinclair Knight Merz and dated November 2009;
- l) Letter and its attachment from Delta Electricity to the Department, titled *Bamarang 330kV Connection Network Environmental Assessment – Response to comments from DoP*, and dated 16 December 2009;
- m) *Bamarang 330kV Network Connection – Response to Department of Planning*, prepared by Sinclair Knight Merz and dated April 2010;
- n) Modified version of the letter from Sinclair Knight Merz to the Department of Planning dated 19 April 2010 and titled *Bamarang Gas Turbine Facility – Proposed Modification for a 330kV Network Connection*, and its attachment A titled *Bamarang 330kV Network Connection – Biodiversity Offset Options Assessment Final* (dated April 2010), received by the Department of Planning on 15 July 2010; and
- o) the conditions of this approval.

1.2 In the event of an inconsistency between:

- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1n) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
- b) any document listed from condition 1.1a) to 1.1n) inclusive, and any other document listed from condition 1.1a) to 1.1n) inclusive, the most recent document shall prevail to the extent of the inconsistency.

1.3 If there is any inconsistency between this concept approval and any project approval granted for the project, this concept approval shall prevail to the extent of the inconsistency.

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Limits of Approval

- 1.4 This concept approval shall operate from the date the approval is endorsed by the Minister.
- 1.5 This concept approval shall lapse on 27 February 2017, unless works the subject of the project approval are physically commenced on or before that date.

2. PROJECT APPLICATIONS AND SPECIFIC REQUIREMENTS

Stage 1 Development (Open Cycle Gas Turbine Facility Project)

- 2.1 The open cycle gas turbine facility project (stage 1) requires no further environmental assessment and is the subject of a separate instrument of approval.

Stage 2 Development (Combined Cycle Gas Turbine Facility Project)

- 2.2 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the following environmental assessment requirements apply with respect to the stage 2 development (combined cycle gas turbine facility project):
- a) a detailed project-specific Statement of Commitments, consistent with the Statement of Commitments prepared for the concept plan, with a clear indication of any new or amended commitments relating to the project;
 - b) a demonstration that the project is consistent with the requirements of this approval and generally consistent with the scope and intent of the concept outlined in the documents under condition 1.1 of this approval;
 - c) details of the outcomes of consultation with the Commonwealth Department of Defence with respect to the potential aviation hazards posed by the project, and how these hazards have been or will be mitigated;
 - d) a **Water Supply Feasibility Study** developed in consultation with Council and DNR that quantitatively demonstrates water availability for the combined cycle gas turbine facility operation and the viability of these water sources for sustainable use over the life of the project. Consideration shall be given to security of supply, current and future water demand in the region and, in the event water source sharing is proposed, how the proposal will likely impact on potentially affected users;
 - e) an updated **Air Quality Impact Assessment**, prepared in accordance with Approved Methods for Modelling and Assessment of Air Pollutants in NSW (EPA, 2001), including use of monitoring data from operation of stage 1 of the development (open cycle gas turbine facility), as relevant;
 - f) an updated **Noise Impact Assessment**, prepared in accordance NSW Industrial Noise Policy (EPA 2000), including use of monitoring data from operation of stage 1 of the development (open cycle gas turbine facility), as relevant;
 - g) if a water pipeline is proposed as part of the stage 2 development the following assessments will be undertaken for areas potentially affected by the water supply infrastructure:
 - i) a **Strategic Impact Assessment** clearly detailing the proposed route for the water pipeline and describing the ownership, land use and zoning provisions for the land along the route. Suitability of the proposed route must be considered, specifically with respect to potential land use conflicts with existing and future land users;
 - ii) a **Flora and Fauna Impact Assessment** prepared in accordance with the DEC's *Guidelines for Threatened Species Assessment*. Specific consideration must be given to impacts associated with the proposed route on any threatened species and their habitat, and communities listed under both State and Commonwealth legislation recorded within the area; and

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- iii) a **Heritage Impact Assessment** prepared in accordance with the DEC's *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*.

3. COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

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

4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

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

Provision of Electronic Information

- 4.2 The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the development. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:
- a) information on the development, each of its project components and the current implementation status of each;
 - b) a copy of this concept approval and all related project approvals;
 - c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the development;
 - d) a copy of each monitoring program and each environmental management required under this concept approval or under each relevant project approval;
 - e) details of the outcomes of reviews and audits of the development and each of its project components undertaken in accordance with the Compliance Tracking Program referred to under condition 3.1; and
 - f) details of a contact point(s) to which community complaints or inquiries may be directed, including a telephone number, a postal address and an email address.
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