

# Concept Approval

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

I, the Minister for Planning, under section 75O of the *Environmental Planning and Assessment Act 1979* determine:

- to approve the concept plan referred to in Schedule 1, subject to the conditions in Schedule 2;
- pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the Stage 1 development referred to in Schedule 1 requires no further environmental assessment; and
- pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, that the Stage 2 development referred to in Schedule 1 requires further environmental assessment under Part 3A of the *Environmental Planning and Assessment Act 1979*, as detailed in Schedule 2.



The Hon. Kristina Keneally MP  
Minister for Planning

Sydney

10 Sept

2009

File No: S07/01493

### SCHEDULE 1

<b>Application No:</b>	08_0044
<b>Proponent:</b>	Country Energy
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Land in and between Lismore, Ballina, Lennox Head, Byron Bay and Mullumbimby in the Byron, Lismore and Ballina Local Government Areas.
<b>Proposal:</b>	<p>Upgrade of the Lismore to Mullumbimby Electricity Network, comprising:</p> <p><u>Stage 1</u></p> <ul style="list-style-type: none"><li>• Upgrade of the 66 kV transmission line from the Mullumbimby substation to the Ballina substation to 132 kV;</li><li>• Upgrade of the 66 kV transmission line from the Ballina substation to the 132 kV Lismore/Alstonville transmission line to 132 kV;</li><li>• Upgrade of the Mullumbimby 132/66/11 kV substation to 132/11 kV;</li><li>• Upgrade of the Ewingsdale 66/11 kV substation to 132/11 kV;</li><li>• Upgrade of the Lennox Head 66/11 kV substation to 132/11 kV;</li><li>• Upgrade of the Ballina 66/11 kV substation to 132/66/11 kV;</li></ul>

- Upgrade of the Lismore 132/66/11 kV bulk supply point substation;
- Upgrade of the Lismore South 66/11 kV substation;
- Construction of a 132 kV transmission line from the Lismore 132 kV bulk supply point substation to the Ballina to Alstonville 132 kV transmission line near Alstonville;
- Construction of a 66 kV transmission line from Lismore South 66/11 kV substation to the Lismore 66kV switching station;
- Construction of two underground 66 kV transmission lines from the Lismore 132 kV bulk supply point substation to the Lismore South 66/11 kV substation; and
- Construction of a 132/11 kV substation at Suffolk Park.

Stage 2

- Construction of a 132/11 kV substation at Brunswick Heads; and
- Construction of a 132 kV transmission line from the Mullumbimby to Ewingsdale transmission line to the Brunswick Heads substation.

**Major Project:**

Part 3A of the *Environmental Planning and Assessment Act 1979* applies to the Project by virtue of an Order made by the Minister for Planning under section 75B of that Act on 23 January 2008.

**Concept Plan Authorisation**

On 23 January 2008, the Minister for Planning authorised submission of a concept plan for the proposal.

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## SCHEDULE 2

<b>Act, the</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project.
<b>Construction</b>	All pre-operation activities associated with any project approvals related to this concept plan approval <b>other than</b> survey, acquisitions, fencing, investigative drilling or excavation, and building/road dilapidation surveys or other activities determined by the Environmental Representative to have minimal environmental impact such as minor access roads, minor adjustments to services/utilities, establishing temporary construction sites (in accordance with the requirements of this concept approval or related project approvals), or minor clearing (except where threatened species, populations or ecological communities would be affected).
<b>Councils</b>	Ballina Shire Council and/or Byron Shire Council and/or Lismore City Council
<b>Department, the</b>	Department of Planning
<b>DECC</b>	Department of Environment and Climate Change
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate).
<b>Director-General's Approval/ Agreement or to the satisfaction of the Director-General</b>	A written approval from the Director-General (or delegate).
<b>Minister, the</b>	Minister for Planning
<b>Operation</b>	When electricity begins to be transmitted along project infrastructure, but not including commissioning.
<b>Project, the</b>	Upgrade of the Lismore to Mullumbimby Electricity Network comprising Stages 1 and 2 as defined in Schedule 1.
<b>Proponent</b>	Country Energy
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>Site</b>	Land to which Major Project Application 08_0044 applies.

## **1. ADMINISTRATIVE CONDITIONS**

### **Terms of Concept Plan Approval**

- 1.1 The Proponent shall carry out the Project generally in accordance with the:
  - a) Major Project Application 08\_0044;
  - b) *Lismore to Mullumbimby Electricity Network Upgrade – Environmental Assessment Report: Final Report, Volumes 1, 2 & 3*, prepared by Environmental Resource Management Australia and dated January 2009;
  - c) *Lismore to Mullumbimby Electricity Network Upgrade – Preferred Project Report: Final Report*, prepared by Environmental Resource Management Australia and dated May 2009; and
  - d) conditions of this approval.
- 1.2 In the event of an inconsistency between:
  - a) the conditions of this concept plan approval and any document listed in conditions 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 If there is any inconsistency between this concept plan approval and any related project approvals, this concept plan approval shall prevail to the extent of the inconsistency.
- 1.4 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
  - a) any reports, plans or correspondence that are submitted in accordance with this concept plan approval; and
  - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

### **Limits of Approval**

- 1.5 This concept plan approval shall lapse ten years after the date the approval is endorsed by the Minister, unless works that are the subject of any related project approvals are physically commenced on or before that time.

### **Statutory Requirements**

- 1.6 The Proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the Project. No condition of this concept plan approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

## **2. PROJECT APPLICATIONS AND SPECIFIC ASSESSMENT REQUIREMENTS**

### **Stage 1 Development**

- 2.1 The Stage 1 development requires no further environmental assessment and is the subject of a separate instrument of approval.

### **Stage 2 Development**

- 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:
  - a) a detailed project description, including the design and location of all Stage 2 development components;
  - b) a demonstration that the Stage 2 development is consistent with the requirements of this concept plan approval and generally consistent with the scope and intent of the concept plan outlined in the documents referred to in conditions 1.1a) to 1.1c) of this approval;

- c) a detailed project-specific Statement of Commitments, consistent with the Statement of Commitments prepared for the concept plan, clearly identifying any new or amended commitments relating to the Stage 2 development;
- d) details of the consultation process and outcomes with relevant stakeholders potentially impacted by the project;
- e) an updated assessment of relevant statutory matters;
- f) where the Stage 2 development affects land that has not already been identified in the documents referred to in conditions 1.1a) to 1.1c), details of land ownership, land use, and potential land use conflicts;
- g) a complete project level **Flora and Fauna** assessment, prepared in accordance with *Draft Guidelines for Threatened Species Assessment* (Department of Environment and Conservation, 2005). The assessment must specifically consider threatened species and communities listed under State and Commonwealth legislation, native vegetation and SEPP 14 wetlands recorded on or in the vicinity of the areas affected by the development. The assessment must assess the worst case impact and provide details of how flora and fauna impacts would be avoided, mitigated or offset consistent with "improve or maintain" principles;
- h) a complete project level **Aboriginal Cultural Heritage Assessment**, prepared in accordance with the draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (Department of Environment and Conservation, 2005). The assessment shall be undertaken in consultation with the Aboriginal community and include identification of indigenous heritage values (archaeological and cultural) on or adjacent to areas affected by the development, the potential impact on such values, and the measures that will be taken to avoid, mitigate or offset impacts;
- i) a complete project level **Noise and Vibration Impact Assessment** addressing both worst case and representative construction and operational noise impacts. The assessment shall identify noise sensitive receivers, baseline conditions, the levels and character of noise, noise criteria and modelling assumptions. Details of the noise attenuation measures to be implemented should the predicted noise emissions from construction and operation exceed project specific noise criteria shall also be described, along with a schedule for implementing such works. The assessment must be undertaken consistent with the following guidelines or any documents that supersede them: *NSW Industrial Noise Policy* (Environment Protection Authority, 2000) for operational noise; *Interim Construction Noise Guideline* (DECC, 2009) for site establishment and construction; *Environmental Noise Management – Assessing Vibration: A Technical Guideline* (DECC, 2006) for vibration; and the *Environmental Criteria for Road Traffic Noise* (Environment Protection Authority, 1999) for traffic noise;
- j) a **Screening of Potential Hazards** associated with the Brunswick Heads substation to determine the potential for off-site impacts and any requirement for a Preliminary Hazard Analysis. The assessment must include an identification of any contaminated land affected by the development. The assessment must also address the risk to human health from electric and magnetic fields associated with the Stage 2 development, with reference to Australian Radiation Protection and Nuclear Safety Agency standards;
- k) a complete project level **Visual Impact Assessment** describing the landscape character and values and any scenic or significant vistas of the area potentially impacted by the project. The assessment should assess the visual impact of all project components and provide a clear description of the proposed visual amenity mitigation and management measures, including an assessment of the feasibility and effectiveness of the measures and any residual impacts; and
- l) assessment at an appropriate level of detail, of all other environmental issues associated with the Stage 2 development including, but not limited to: hydrology (including potential water quality impacts and flooding); air quality; waste management; traffic management and access; erosion and sediment control; acid sulphate soils; and non-indigenous heritage (including heritage items listed in the Byron Shire Council

*Community-Based Heritage Study, 2008*). The assessment shall identify the measures for managing and mitigating any impacts, consistent with best environmental practice.

### **3. COMPLIANCE MONITORING AND TRACKING**

- 3.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this concept plan approval and all related project approvals. The Program shall be submitted to the Director-General for approval no later than one month prior to the commencement of construction of the Project. The Program shall relate to both the construction and operation of the Project and shall include, but not necessarily be limited to:
- a) provisions for the periodic review and reporting to the Director-General of the compliance status of the Project against the requirements of this concept plan approval and all related project approvals;
  - b) a program for independent environmental auditing in accordance with *AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
  - c) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance;
  - d) mechanisms for recording environmental incidents and actions taken in response to those incidents;
  - e) provisions for reporting environmental incidents to the Director-General during construction and operation of the Project;
  - f) provisions for the preparation and submission to the Director-General of an Annual Environmental Management Report that reviews the performance of the project against any Operational Environmental Management Plans required under all related project approvals, for the operational life of the project; and
  - g) provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this concept plan approval and all related project approvals as relevant to their respective activities.

Nothing in this approval restricts the Proponent from developing either a single compliance tracking program for each stage of the Project or a consolidated compliance tracking program addressing both Stages 1 and 2.

### **4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT**

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

#### **Provision of Electronic Information**

- 4.2 Prior to the commencement of construction of the Project, the Proponent shall establish and maintain a dedicated website or dedicated pages within its existing website for the provision of electronic information associated with the Project, subject to confidentiality. 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 statutory context of the Project;
  - b) information on the Project, each of its component Stages and the current implementation status of each Stage;
  - c) the documents referred to under condition 1.1 of this approval;
  - d) a copy of this approval, all related project approvals, and any future modification to the approvals;
  - e) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the Project;
  - f) a copy of all monitoring programs and environmental management plans required under this concept plan approval and all related project approvals; and
  - g) details of the outcomes of reviews and audits of the Project undertaken in accordance with the Compliance Tracking Program referred to under condition 3.1.

## Community Consultation

- 4.3 The Proponent shall prepare and implement a **Community Information Plan** which sets out the community communications and consultation processes to be undertaken during construction. The Plan shall include, but not be limited to:
- a) identification of stakeholders to be consulted;
  - b) procedures and mechanisms for the regular dissemination of information to community stakeholders on construction progress and matters associated with environmental management;
  - c) procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Proponent in relation to the environmental management and delivery of the Project; and
  - d) procedures and mechanisms through which the Proponent can respond to any enquires or feedback from community stakeholders.

Environmental management issues that shall be addressed through the Community Information Plan include, but are not necessarily limited to: traffic management (including potential disruptions to traffic or access); risks and hazards; acoustic amenity; and visual amenity.

The Proponent shall maintain and implement the Plan throughout the construction of the Project. The Plan shall be implemented prior to the commencement of any construction work.

## Complaints Procedure

- 4.4 Prior to the commencement of construction of the Project, the Proponent shall ensure that the following are available for community complaints for the life of the Project (including both construction and operation):
- a) a telephone number on which complaints about construction and operational activities may be registered (that is, not a message recording service);
  - b) a postal address to which written complaints may be sent; and
  - c) an email address to which electronic complaints may be transmitted.

The telephone number, postal address and email address shall be published in a newspaper(s) circulating in the local area(s) prior to the commencement of the Project and at six-monthly intervals thereafter until such time that construction is complete. The telephone number, postal address and email address shall also be displayed on signs placed at appropriate locations along the transmission route and at substations, in a position that is clearly visible to the public. The above details shall also be provided on the website required by condition 4.2 of this concept plan approval.

- 4.5 The Proponent shall record details of all complaints received through the means listed under condition 4.4 of this concept plan approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time of the complaint;
  - b) the means by which the complaint was made (telephone, mail or email);
  - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - d) the nature of the complaint;
  - e) the time taken to respond to the complaint;
  - f) any investigations and action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
  - g) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

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



The Complaints Register for the Project may be incorporated into an existing complaints handling system managed by the Proponent if it is demonstrated to meet the requirements of condition 4.5.

## **5. ENVIRONMENTAL REPORTING**

### **Incident Reporting**

- 5.1 Within 24 hours of any incident with significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Director-General outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional mitigation or preventive measures. The report must be submitted to the Director-General no later than 14 days after the incident, or as otherwise agreed by the Director-General.

The Proponent shall maintain a register of accidents and incidents. The register shall be made available for inspection at any time by the Director-General.

- 5.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, reported in accordance with condition 5.1 of this concept plan approval, within such period as the Director-General may require.
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