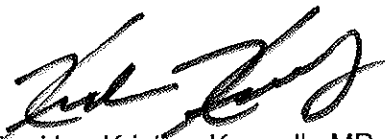


Concept Plan Approval

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) pursuant to section 75O of the *Environmental Planning and Assessment Act 1979*, to grant concept plan approval for the proposal 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 Marulan Power Station 1 Project, the Marulan Power Station 2 Project, and the Combined Infrastructure Project referred to in Schedule 2, require no further environmental assessment; and
- c) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the Water Supply Pipeline Project, referred to in Schedule 2, under Part 3A of the *Environmental Planning and Assessment Act 1979*.



The Hon Kristina Keneally MP
Minister for Planning

Sydney

24 Oct.

2009

File No: S08/00661

SCHEDULE 1

Application No:	07_0174
Proponent:	Delta Electricity and EnergyAustralia
Approval Authority:	Minister for Planning
Land:	Land required for the development of the proposal.
Proposal:	The Marulan Gas Fired Power Stations comprising the development of two gas-fired power stations approximately 12 kilometres north of Marulan and associated infrastructure including an access road, a transmission line, a gas pipeline and option for a water supply pipeline (if required).
Major Project:	The proposal was declared a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is development of a kind described in clause 24 of Schedule 1 of <i>State Environmental Planning Policy (Major Development) 2005</i> .
Concept Plan Authorisation:	On 12 March 2008, the Minister for Planning authorised the submission of a concept plan for the proposal.
Critical Infrastructure:	The proposal is classified as critical infrastructure within the meaning of section 75C of the <i>Environmental Planning and Assessment Act</i> as it meets the definition of development for

the purposes of a facility for the generation of electricity that has a capacity to generate at least 250 megawatts and is the subject of an application lodged pursuant to Section 75E or 75M of the Act prior to 1 January 2013, pursuant to the Minister's critical infrastructure declaration dated 26 February 2008.

KEY TO CONDITIONS

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Concept Plan	The Marulan Gas Fired Power Stations proposal described in Schedule 1 subject to the modifications in Schedule 2.
Conditions of Approval	The Minister's conditions of approval for the concept plan.
Council	Upper Lachlan, Goulburn Mulwaree and/ or Wingecarribee Councils as relevant.
DECCW	Department of Environment, and Climate Change and Water incorporating the former Departments of Environment and Climate Change and Water and Energy.
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
Director-General's approval, agreement or satisfaction	A written approval from the Director-General (or delegate).
DII	Department of Industry and Investment incorporating the former Department of Primary Industries.
Minister, the	Minister for Planning
RTA	NSW Roads and Traffic Authority.
Site	<p>Comprising:</p> <ul style="list-style-type: none"> • "Power Station Site" – comprising land within the confines of the area outlined in pink in Appendix A to this approval (including the power station facilities, construction lay-down area, transmission line, gas pipeline and access road) as well as the transmission line connection to the adjacent TransGrid switchyard and the access road connection to the adjacent existing access track off Canyonleigh Road and the upgrade of this existing track, as required; • "Gas Pipeline Corridor" – comprising land within the confines of the area outlined in blue as generally identified in Appendix B; and • "Water Supply Pipeline Corridor" – the route corridors as generally identified in Appendix C.
Project Approval	Approval granted for a project in accordance with section 75J of the <i>Environmental Planning and Assessment Act 1979</i>
Project	<p>Comprising:</p> <ul style="list-style-type: none"> • the Marulan Power Station 1 Project: construction and operation of a 350 megawatt open cycle gas-fired power station for peak electricity generation within the Power Station Site; • the Marulan Power Station 2 Project: construction and operation of either a 250-350 megawatt open cycle gas-fired power station for peak electricity generation (Stage 1) or a 400-450 megawatt combined cycle gas-fired power station for intermediate/ base load electricity generation (Stage 2) or the construction and operation of the Stage 1 plant with later conversion to the Stage 2 plant within the Power Station Site; • the Common Infrastructure Project: bulk earth works and vegetation clearing for the power station facilities (including the construction lay-down area) and the construction and operation of a single access road and transmission line at the Power Station Site and the construction and operation of a single gas supply pipeline from the existing Moomba to Sydney gas pipeline to the power station facilities along one of the routes identified in solid red and dotted red alignments, dotted purple and dotted orange alignments within the

	<p>Gas Pipeline Corridor and Power Station Site as generally identified in Appendix B; and</p> <ul style="list-style-type: none"> the Water Supply Pipeline Project – construction and operation of a single water supply pipeline between the power station facilities and a water supply source, within the Power Station Site and along one of the routes identified in the Water Supply Pipeline Corridor.
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1. ADMINISTRATIVE CONDITIONS

Terms of Concept Approval

- 1.1 The Proponent shall carry out the concept plan and all related projects generally in accordance with the:
 - a) Major Project Application 07_0174;
 - b) *Marulan Gas Turbine Facilities Environmental Assessment Joint Concept Plan Application*, dated August 2008 and prepared by URS Pty Ltd;
 - c) *Marulan Gas Turbine Facilities Submissions Report and Preferred Project Report*, dated May 2009, and prepared by URS Pty Ltd; and
 - d) the conditions of approval.
- 1.2 In the event of an inconsistency between:
 - a) the conditions of approval and any document listed in condition 1.1a) to 1.1c) inclusive, the conditions of approval shall prevail to the extent of the inconsistency; and
 - b) any documents listed in 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 of Planning's assessment of:
 - a) any reports, plans or correspondence that are submitted in accordance with this concept plan approval or any related project approvals; and
 - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Limits of Approval

- 1.5 Pursuant to section 75O(4) of the *Environmental Planning and Assessment Act 1979* this concept plan is modified to exclude the western section of the gas pipeline corridor showed in yellow hatching in Appendix B.

Note: the western section of the gas pipeline corridor referred to under condition 1.5 has been excluded from the concept plan on the basis of the potential for significant ecological impacts in comparison to the eastern section of the corridor.

- 1.6 To avoid any doubt, this concept plan approval does not permit the construction or operation of any projects associated with the Marulan Gas Fired Power Stations. Construction cannot commence on any projects associated with this concept plan unless a separate project approval has been granted in relation to that project.
- 1.7 The Proponent may with the Director-General's agreement elect to meet the conditions of approval of multiple projects associated with this concept plan in a single consolidated manner (including through a consolidated plan or other document). In this case, the Proponent shall clearly demonstrate how the requirements of each relevant project approval as well as the requirements of this concept plan approval have been addressed in the consolidated plan or document.

2. PROJECT APPLICATIONS AND SPECIFIC REQUIREMENTS

- 2.1 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the following environmental assessment requirements apply with respect to the Water Supply Pipeline project:
 - a) a detailed project description, including the design and location of ancillary infrastructure;
 - b) a demonstration that the project 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 under condition 1.1 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 project (as relevant);
- d) detailed description of the project including construction, operation, maintenance, decommissioning and staging. Where road and/ or waterway crossings are proposed, a detailed description must be provided of the proposed construction methodology at these locations;
- e) assessment of the following key issues considering cumulative impacts from the approved concept plan and in consultation with (but not necessarily limited to) DECCW, DII (Fisheries), Sydney Catchment Authority, Hawkesbury Nepean Catchment Management Authority, RTA and relevant Councils:
 - a **Landuse Assessment** clearly identifying the final 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 assessed considering potential land use conflicts with existing and future land users, infrastructure and land of high agricultural and /or conservation value. The Environmental Assessment must clearly demonstrate that all reasonable and feasible attempt has been made to locate the pipeline along already approved or existing disturbed infrastructure corridors/ easements;
 - a **Flora and Fauna Impact Assessment** prepared in accordance with the *Draft Guidelines for Threatened Species Assessment* (DEC, July 2005). 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, as well as on aquatic and riparian values associated with waterway crossings. Sufficient details must be provided to demonstrate the availability of viable and achievable options to offset the impacts of the project; and
 - a **Heritage Impact Assessment** prepared in accordance with the *Guidelines for Aboriginal Cultural Impact Assessment and Community Consultation* (DEC, July 2005) considering both archaeological and cultural values and demonstrating effective consultation with indigenous stakeholders during the assessment and in developing mitigation options (including the final recommended measures); and
 - a **Soil and Water Impact Assessment** considering construction works in the immediate vicinity of or which would involve the direct disturbance of waterways.

3. SPECIFIC ENVIRONMENTAL CONDITIONS

Cumulative Impacts

- 3.1 Prior to the commencement of construction of any projects associated with this concept plan (which have been granted project approval) (or as otherwise agreed to by the Director-General), the Proponent shall prepare and submit for the Director-General's approval a **Cumulative Impact Protocol** which details the measures to be implemented to identify, manage and monitor the cumulative impacts associated with the concept plan during construction and operation, particularly in relation to air quality and noise control during the operation of the power stations. The Protocol shall include:
- a) an environmental risk assessment identifying likely cumulative impacts during construction and operation;
 - b) coordinated monitoring procedures to be implemented during construction and operation to determine cumulative performance of relevant projects associated with the concept plan specifically focusing on those issues identified to be of high risk in condition 3.1a), including provisions for sharing monitoring results in relation to complaints, environmental incidents or formal compliance reviews;
 - c) coordinated management procedures to be implemented during construction and operation where cumulative impacts are identified specifically focusing on those issues identified to be of high risk in condition 3.1a);
 - d) coordinated community consultation and notification procedures to be implemented during construction and operation specifically focusing on those issues identified to be of high risk in condition 3.1a);
 - e) coordinated procedures for identifying, investigating and reporting on complaints and/or incidents related to cumulative impacts, including agreed timing for response and responsibilities;

- f) procedures for periodic review of the Protocol; and
- g) such other matters as the parties may agree.

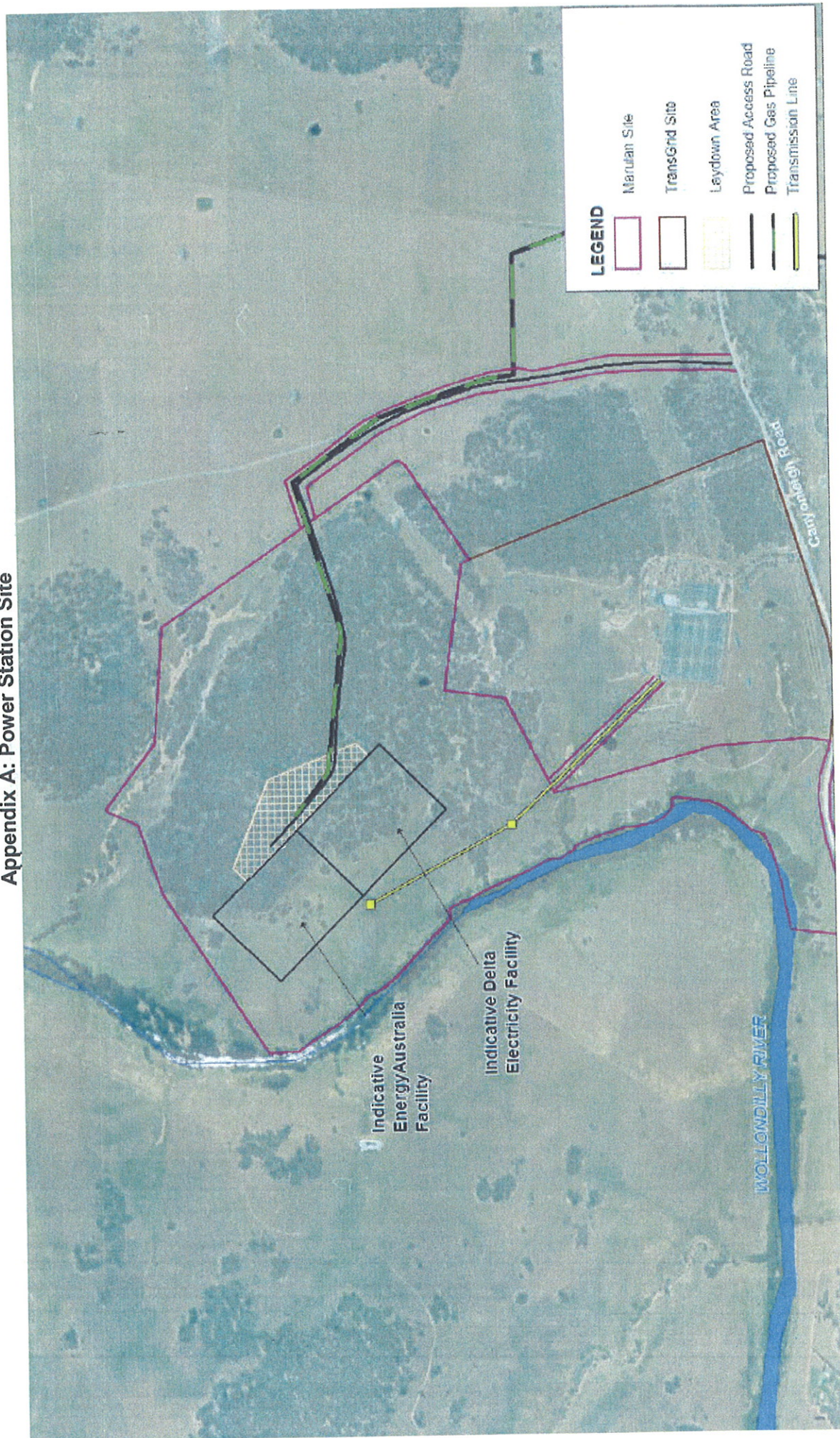
Detailed Design

- 3.2 The Proponent shall ensure that the gas supply pipeline is designed and developed within the Gas Pipeline Corridor in a manner that minimises impacts to the following as far as reasonable and feasible:
- a) extent of native vegetation clearing with specific consideration to any threatened species and their habitat, and communities listed under both State and Commonwealth legislation; significant habitat features; and minimisation of fragmentation impacts;
 - b) disturbance of waterways including any associated riparian and/ or aquatic habitat;
 - c) land considered to be of high indigenous heritage value; and
 - d) landuse impacts to private property in consultation with relevant landowners.

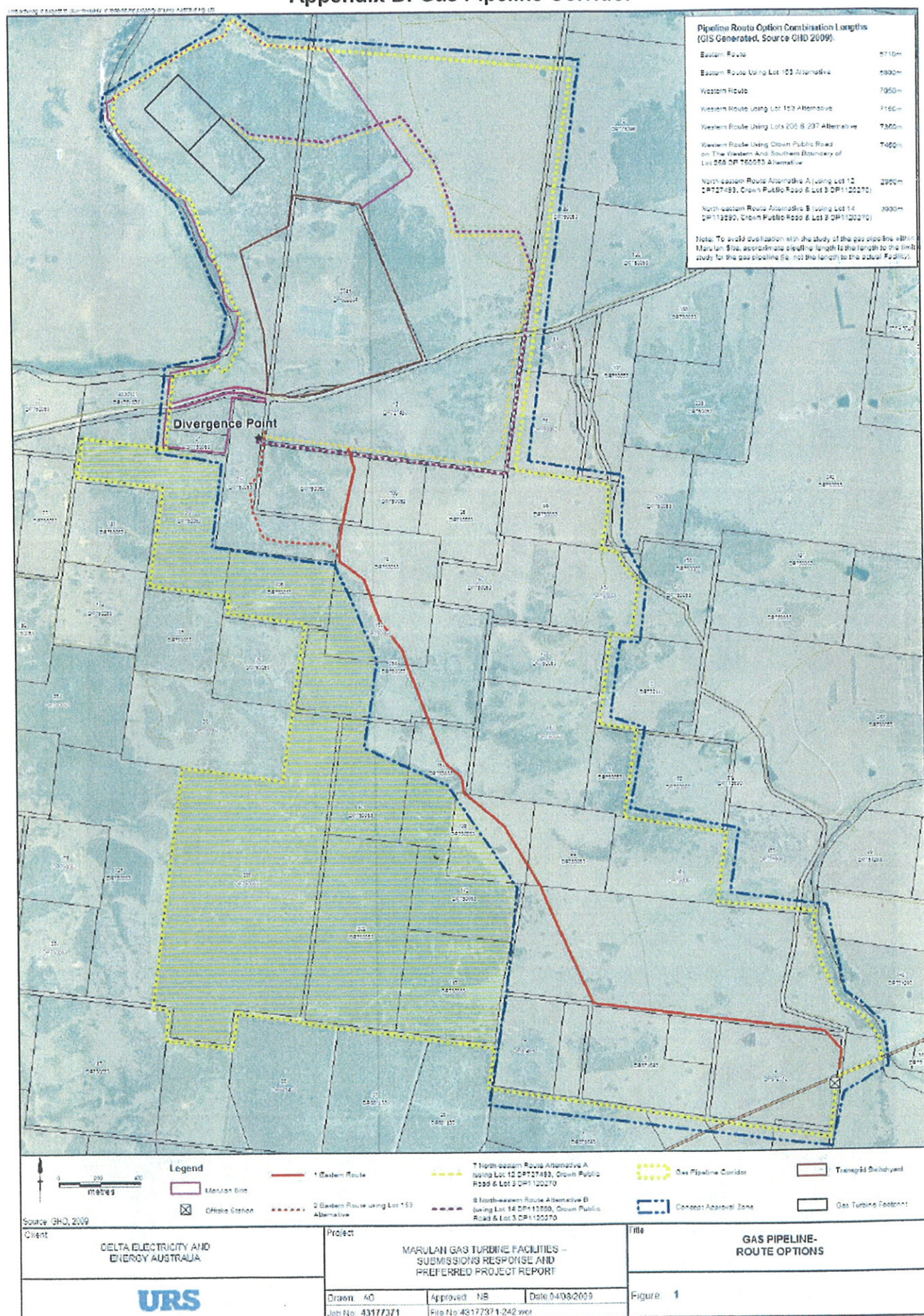
Biodiversity Offsets

- 3.3 Prior to the commencement of construction of any projects associated with this concept plan, the Proponent shall prepare a **Biodiversity Offset Management Strategy** in consultation with the DECCW and to the satisfaction of the Director-General detailing responsibilities and measures for the ongoing management, maintenance and monitoring of offset and rehabilitation measures required to be implemented under any project approvals associated with this concept plan to ensure that the biodiversity impacts of these projects are offset consistent with a net neutral or beneficial biodiversity outcome. The Strategy shall specifically identify the mechanisms for securing the biodiversity values of the offset measures in perpetuity and identify a monitoring regime, performance criteria and what contingency measures shall be undertaken should monitoring against performance criteria indicate that the offset/ rehabilitation measures have not achieved performance outcomes.

Appendix A: Power Station Site



Appendix B: Gas Pipeline Corridor



Appendix C: Water Supply Pipeline Corridor

