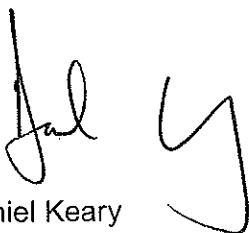


Modification of Minister's Approval

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

I, the Director of Infrastructure Projects, Major Projects Assessment Division of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 25 January 2010, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Daniel Keary
Director
Infrastructure Projects
As delegate for the Minister for Planning

Sydney 21 SEPTEMBER 2010

File No: 9039738 and 10/02610

SCHEDULE 1

- Project Approval:** granted by the Minister for Planning on 27 February 2007 (06_0029).
- For the following:** Construction and operation of an open cycle gas-fired power station (stage 1).
- Concept Approval:** The project is the first stage of the approved concept plan for the Bamarang Gas Turbine Power Facility (06_0029).
- Major Project:** The project is part of the Bamarang Gas Power Facility, which is declared a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is development of a kind described in clause 24 of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005*.
- Modification:** Delta Electricity has sought a modification to the Bamarang Gas-fired Power Station Concept Approval and Stage 1 Project Approval (MP 06_0029 MOD 1) to pursue the option of developing a 330 kilovolt transmission line between the approved Bamarang Gas Power Facility site and the existing TransGrid 330 kilovolt transmission network approximately five kilometres to the west, to connect the electricity generated at the power station to the grid. This proposed 330 kilovolt transmission line is an alternative to the already approved 132 kilovolt transmission line located between the Bamarang Gas Power Facility site and the existing Integral Energy electricity grid to the east of the site. Only one transmission line option will be selected and constructed by Delta Electricity.

SCHEDULE 2

The Approval is modified by:

1. Replacing the description of land to which the Project Approval applies in Schedule 1 with the following:

Land: Bamarang Gas Turbine Power Station Site – Lot 1 DP127482, 681 Yalwal Road, Bamarang, Shoalhaven local government area.

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.

2. Replacing the definition of Stage 1 to which the Project Approval applies in Schedule 2 with the following:

Stage 1: Open cycle gas turbine facility project, including gas supply and electricity transmission infrastructure (132kV Yalwal Road transmission line Option and the 330kV Option C transmission line as described in the documents referred to in condition 1.1 a) to k) of this Approval).

3. Replacing existing condition 1.1 with the following:

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 Concept and Stage 1 Project Approvals (MP06_0029 MOD 1);
- g) *Delta Electricity, Bamarang Gas Fired Power Station, Modification for a 330kV Network Connection – Environmental Assessment*, prepared by Sinclair Knight Merz and dated July 2009;
- h) *Bamarang 330kV Network Connection – Submissions Report*, prepared by Sinclair Knight Merz and dated November 2009;
- i) 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;
- j) *Bamarang 330kV Network Connection – Response to Department of Planning*, prepared by Sinclair Knight Merz and dated April 2010;
- k) 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;
- l) the concept approval granted on 27 February 2007 and as modified on 1 June 2010 with respect to the Bamarang Gas Power Facility (06_0029); and
- m) the conditions of this approval.

4. Replacing existing condition 1.2 with new condition 1.2:

- 1.2 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1k) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1k) inclusive, and any other document listed from 1.1a) to 1.1k) inclusive, the most recent document shall prevail to the extent of the inconsistency.

5. Inserting the following new conditions 1.6A, 1.6B and 1.6C respectively immediately after existing condition 1.6:

- 1.6A Should Trans-Grid commence the construction of the Tomerong 132/330kV substation prior to the commencement of construction of the 330kV Option C transmission line, the Proponent shall not construct the 330kV Option C transmission line and shall utilise the 132kV connection option for the project.
- 1.6B Prior to the submission of the Construction Environmental Management Plan required under condition 5.1 of this approval, the Proponent shall submit to the Director-General, a report evaluating the status of Trans-Grid's proposed Tomerong 132/330kV substation transmission line connection as referred to in condition 1.1 g) to k) of this approval, to ascertain whether the construction and operation of Delta Electricity's 330kV Option C transmission line connection is required for the project. The conclusions of this report must be agreed to by the Director-General, prior to the submission of the Construction Environmental Management Plan for the project.
- 1.6C The Proponent shall construct and operate only one of the two transmission line connection options, as described in the documents referred to in condition 1.1a) to k) of this approval (132kV transmission line connection option or the 330kV Option C transmission line connection option).

6. Inserting the following new conditions 1.8A and 1.8B and 1.8C immediately after existing condition 1.8:

330kV transmission line option

- 1.8A Should the 330kV transmission line option be selected for construction and operation, the Proponent shall submit a alignment sheet for the 330kV transmission line, identifying the final route and demonstrating the avoidance and/or minimisation of all adverse environmental impacts, in particular impacts associated with biodiversity. The alignment sheet must be submitted as part of the Construction Environmental Management Plan required under this Approval.
- 1.8B The Proponent shall consult with all landowners affected by the final 60-metres wide easement of the 330kV transmission line option (should it be determined for construction), during the preparation of the route alignment sheets required under condition 1.8A of this Approval.
- 1.8C The Proponent shall liaise with the Land and Property Management Authority and negotiate measures to be applied during construction and operation of the 330kV transmission line (should it be determined to be constructed) so as to minimise the potential for any impact to the environment on Crown lands.

7. Inserting the following new condition 2.13 A immediately after existing condition 2.13:

Watercourse Crossings

- 2.13A During the detailed design stage of the 330kV transmission line (should it be determined to be constructed), the Proponent shall consult with the NSW Office of Water and the Southern Rivers Catchment Management Authority in determining the design of any watercourse crossing methodologies and site specific mitigation measures. The Proponent must design the watercourse crossings in accordance with the relevant guidelines and in consultation with the NSW Office of Water and the Southern Rivers Catchment Management Authority.

8. Replacing existing condition 2.24 with new condition 2.24:

Aviation Hazards

- 2.24 Prior to the commissioning of the project, the Proponent shall consult with the DoD, the Civil Aviation Safety Authority and Air Services Australia, including seeking any necessary approval(s) from these agencies, with respect to the management of aviation hazards (particularly the operations at HMAS Albatross). Consultation with the DoD, Civil Aviation Safety Authority and Air Services Australia shall include, but not necessarily be limited to resolution of the following issues to the satisfaction of these agencies:
- a) updates to and notations on flight plans, maps and other relevant documentation to identify the project as a potential aviation hazard;
 - b) on-going consultation and notification requirements between the Proponent, the DoD, Civil Aviation Safety Authority and Air Services Australia, where relevant, particularly in relation to the hours, modes and durations of commissioning and operational phases of the project; and
 - c) such other matters as the parties may consider relevant.

9. Replacing existing condition 2.31 with new condition 2.31:

- 2.31 Except for works undertaken for the 330kV transmission line option (construction, operation and maintenance), the Proponent shall provide a compensatory habitat package consisting of no fewer than two hectares of compensatory habitat for each hectare of vegetation removed as part of the project or as otherwise agreed to by the Department of Environment, Climate Change and Water. Specifications for the compensatory habitat, including location, composition, quality and management of the habitat, shall be determined in consultation with the Department of Environment, Climate Change and Water and subject to the approval of the Director-General. As a general guide, the value of lost habitat due to the project should be satisfactorily offset such that it maintains or improves biodiversity values in the local area. Funding or works associated with the compensatory habitat package shall be completed to the satisfaction of the Director-General prior to the relevant vegetation clearing.

10. Insert the following new conditions 2.31A and 2.31B respectively immediately after existing condition 2.31:

- 2.31A Should the 330kV transmission line option be selected for construction and operation, the Proponent must prior to its construction:
- a) undertake detailed flora and fauna field surveys (in accordance with the *Draft Guidelines for Threatened Species Assessment*, DEC 2005) along the proposed 330kV transmission line easement, to comprehensively quantify impacts on threatened species, Endangered Ecological Communities and their habitat;
 - b) make allowances (as far as possible) on finer route selection and pole/tower locations/selections to minimise impacts on sensitive species and ecological communities identified by the field surveys;
 - c) map, survey and where possible retain key habitats (e.g. hollow-bearing trees, Endangered Ecological Communities) along the proposed easement; and
 - d) avoid clearing in riparian areas and waterways to minimise impacts.

The Proponent must address condition 2.31A a) to d) and present the respective findings (including final mitigation measures) together with the route alignment sheet required under condition 1.8A of this approval, in the Construction Environmental Management Plan for the Project, which is required under condition 5.1 of this Approval.

- 2.31B Should the 330kV transmission line option be selected for construction, the Proponent shall develop and submit for the approval of the Director-General, a **Biodiversity Offset Package** (the Package), specifically for the 330kV transmission line option. The Package shall be developed in consultation with the Department of Environment, Climate Change and Water to offset the biodiversity values of the 330kV transmission line option in perpetuity, consistent with the principles of improving and maintaining biodiversity values. The Package shall:
- a) identify the objectives and outcomes to be met by the final Biodiversity Offset Package;
 - b) provide details of available compensatory habitat in the region to offset the loss of Scribbly Gum – Red Bloodwood Heathy Forest, Spotted Gum – Red Bloodwood Forest, Blackbutt – Peppermint Forest, Wet Heath, Escarpment Heathy Woodland, Red Bloodwood – Apple Banksia/Paperbark Forest, Endangered Ecological Community Rainforest and Endangered Ecological Community Blue Gum/Bangalay Riparian Forest, and habitat for threatened fauna species as a result of the project;
 - c) describe the decision-making framework used in selecting the compensatory habitat options;
 - d) include an offset for direct and indirect impacts of the proposal which maintains or improves biodiversity values;
 - e) describe the size and quality of the habitat/vegetation communities identified in point d) of this condition;
 - f) detail the final suite of biodiversity offset measures selected in accordance with the Package. In determining these measures, the Proponent must consider, but is not necessarily limited to, purchase of land, development of agreements with identified land management authorities (e.g. DECCW, local council etc.) for long term management and funding of offsets and mitigation measures, and installation of identified mitigation measures; and
 - g) include a program (timeline) to achieve the implementation of the final suite of measures.

Unless otherwise agreed by the Director-General, the Biodiversity Offset Package shall be submitted to the Director-General for approval prior to the commencement of any construction works associated with the transmission line. Construction works shall not commence until written approval from the Director-General has been received by the Proponent.

11. Inserting the following new condition 2.35 immediately after existing condition 2.34:

Indigenous Heritage Impacts

- 2.35 The Proponent shall avoid the open site B-OS1 and isolated finds B-IF1 and B-IF2 during the detailed design, construction and maintenance of the 330kV transmission line.

12. Inserting the following new condition 3.5A immediately after existing condition 3.5:

Ecological Monitoring

- 3.5A Prior to the commencement of construction of the project, the Proponent shall develop and implement a **Monitoring Program** (the Program) to target the effectiveness of the mitigation measures identified in Condition 2.31B(f) for the threatened species impacted by the 330kV transmission line route. The program shall include the monitoring of the threatened species listed in Table 2-1 and 2-3 in Appendix B of the document referred to in condition 1.1g) of this Approval. The Program shall be developed in consultation with the Department of Environment, Climate Change and Water and suitably qualified ecologist(s) and shall include but not necessarily be limited to:
- a) the monitoring of threatened species in and adjacent to the 330kV transmission line (and its associated infrastructure) footprint. The methodology shall be determined in consultation with the Department of Environment, Climate Change and Water;
 - b) monitoring required under condition 3.5A a) of this Approval, is to be undertaken during construction (for construction-related impacts) and until such time as the effectiveness of mitigation measures can be demonstrated to have been achieved over a minimum of three successive monitoring periods, or as otherwise agreed by the Director-General;
 - c) provision for the analysis of the data to identify changes to habitat usage and if this can be attributed to the project;
 - d) details of measures that would be implemented in the event of changes to habitat usage patterns directly attributable to the construction and/or maintenance of the transmission line; and
 - e) provision for annual reporting of monitoring results to the Director-General and the Department of Environment, Climate Change and Water, or as otherwise agreed by those agencies.

The Program shall be submitted for the approval of the Director-General prior to the commencement of construction of the project.

13. Inserting the following new condition 5.2 c) immediately after existing condition 5.2 b):

- 5.2 c) an Indigenous Heritage Management Plan to detail the measures to be implemented in relation to the avoidance and management of Aboriginal heritage objects and sites during the construction of the 330kV transmission line (should the 330kV transmission line be the selected transmission line option). The Plan shall address (but not necessarily be limited to) section 4.4.8 of the 330kV Transmission Line Environmental Assessment.
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